

come back? Has the Government taken practical steps not to repeat the emergency excesses.

Mr. Speaker, Sir, yesterday night I visited that area and I was pained to me the gory sight. It could well be imagined what might be happening in other parts of the country when such incidents are taking place right here in the capital. Mithapur village located on the left side of Mathura Road and Badarpur village was provided with all the facilities provided in slums by the DDA, but on 28th February the Haryana Government razed it through bulldozers after illegally entering Delhi. Now they are living in the open and till date two children have died. All the four B. J. P. MPs from Delhi have framed a charter of 3 demands i.e. firstly, the demolition work should be immediately stopped and secondly, all people should be rehabilitated and thirdly, compensation should be paid to the next of kin of those killed. All of us—the four BJP MPs—are going to Mithapur to stage 'dhama'. Till the demands are accepted we will not allow smooth functioning.. (*Interruptions*)

SHRI TARA CNAND KHANDELWAL (Chandni Chowk): Mr. Speaker, Sir, atrocities on the people cannot be tolerated... (*Interruptions*)

MR. SPEAKER: Shri Virendra, please sit down. I am asking you to sit down..

(*Interruptions*)

12.31 hrs.

RE. SUPREME COURT'S JUDGEMENT ON MANDAL COMMISSION REPORT

MR. SPEAKER: In the light of the special importance of the Mandal Commission report I am allowing some hon. Members to speak. After this other subjects too can be taken up. Shri Ram Vilas Paswan.

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, I am grateful to you for the opportunity given by you to speak. I will just

dwell on 2-3 points. Sir, as you are well aware that it was our Government which was able to implement Mandal Commission report after 40 years on 7th August, 1990 and due to this it had to resign. Judgement of the Supreme Court delivered on 16th Nov. in this regard quite categorically states that 27 per cent reservation in jobs will be made for the backward classes. Further the judgement says that the creamy layer i.e. the advance backward classes among the backward classes need be identified but the 27 per cent reservation will go only to the backward classes. The Expert Committee set up to go into this aspect has submitted its report 3-4 days back which has been accepted by the Government. Mr. Speaker, Sir, through you I would like to submit that accepted by the government Mr. Speaker, Sir, through you, I would like to submit that acceptance by the Government of the Expert Committee's report shows the intentions of the Government. Because the Government has also accepted the recommendation that the children of the farmer having land on lease with more than 65 per cent land with irrigation facilities, will be denied the benefit of reservation. Even the children of class-II employees will be denied the benefit of reservation. All these have been covered under the economic ceiling. What I want to say is that in this manner even one per cent youths of the backward classes will not be able to enter the Government jobs. Sir, through you, I would like to know from the Government as to how this 27 per cent reservation quota is going to be filled in such conditions are imposed. The Government should, therefore, reject the Expert Committee Report. The Government need convene a meeting of the leaders of the Scheduled Castes, backward classes and minorities and in the meeting should announce reservation of 27 per cent seats for the backward classes. Only after this quota of 27 per cent is filled up, the Government need think about the economic criteria. The hasty acceptance of the report of the Expert Committee by the Government clearly shows its anti Mandal Commission stand from the very beginning. The Government wants to keep the youth of backward classes deprived of the benefits of reservation even

after forty years of independence when the Supreme Court has given its verdict in favour of it. I have given a notice for discussion on it under Rule 193.

MR. SPEAKER: Paswanji, I have told you that

[English]

I will find time for you.

[Translation]

SHRI RAM VILAS PASWAN: Therefore, I would like Shri Vidyacharan Shukla ji to assure us on behalf of the Government that the report of the expert committee which the Government has accepted, will not be implected and a meeting will be convenced again to hold talks on this issue
(Interruptions)

MR. SPEAKER: I will give time to all the hon. Members. One Member each from every political party will get time. Please express your views within two or three minutes. I will give time if you want time to have a discussion on it.

(Interruptions)

SHRI RAJVEER SINGH (Aonla): Mr. Speaker, Sir, this matter just does not concern him alone, rather it is related to the entire nation.

(Interruptions)

SHRI DIGVIJAY SINGH (Rajgarh): Mr. Speaker, Sir, the Mandal Commission and reservation for weaker sections is concerned with the sentiments of people, and in this regard I would like to urge upon the Government to review whatever decision they have taken. They should discuss the issue with the Members of all political parties and try to arrive at a consensus.

Mr. Speaker, Sir, I have an objection to "Shri Paswan's submission on that the representatives of Scheduled Castes and Scheduled Tribes and backward classes should be

invited in the meeting. I would like to submit to you that though I come from upper class I have always championed the reservation for backward classes and the Congress Party has always worked for the welfare of backward classes. So far as the verdict of Supreme Court is concerned, I do agree that the Supreme Court has not yet taken into consideration the reservation on economic basis, but so far as this question of creamy layer is concerned, for which it has issued directives to the Government to define the 'creamy layer'. Afterall, what will be the basis to find out the creamy layer?

SHRI SHARAD YADAV: Will the farmers be covered by it ?

SHRI DIGVIJAY SINGH: Please listen. My submission is that whether farmers are covered by this emotional issue or not, but the Government should invite the leaders of all political parties including the representatives of upper classes and backward classes and review the matter.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, on the last day of the four months' time limit given by the Supreme Court, the hon. Minister has made a statement in hurry and that the report of experts committee has been placed on the Table of the House. It means that the hon. Members were unaware of what the report was. That report must have been first brought to the notice of the country and the Parliament so that people could have discussed its contents, evaluate the positive and negative points of it and decided whether the recommendations were in accordance with the verdict of Supreme Court or not. But this was not done. The Government may have two types of intentions behind it. Just as Shri Sharad Yadav and Shri Ram Vilas Paswan have mentioned. I would not like to repeat what they have submitted as to how the experts' committee considered the economic aspect to be of equal importance in their report. If you please permit me, I may quote each and every line of it.

MR. SPEAKER: You may do so afterwards and not just now.

SHRI NITISH KUMAR: I drop it at the moment and would take up them during the discussion. However, the expert's committee had stated-

[English]

"Economic advancement leads to social advancement."

[Translation]

It is totally against the verdict of the Supreme Court. The Supreme Court had stated that it would accept social advancement alone and not the economic advancement.

The other ill intention behind it and the important thing is that all have been removed from it including the farmers who are below the ceiling of 65 per cent irrigated land. Mr. Speaker Sir, there is a big fraud in it that M.Ps, MLAs.....

[English]

MR. SPEAKER: Let us discuss it in detail later on.

[Translation]

I will give you chance for that.

SHRI NITISH KUMAR: I will make one point and then conclude. The report excludes all the persons of the status of M.Ps. M.L. A. and even Governor. Mostly those who are in politics raise this issue. They have given a message to the society that the politicians have ensured guarantee of reservation for their own children and have excluded all the remaining people. I feel that the expert's committee report has been brought in between with the purpose of dividing the people. I want that the report of the Experts Committee should not to be accepted. Let there be thorough discussion on it and only then a decision on should be taken.

SHRI SANTOSH KUMAR GANGWAR
(Paralit): Mr. Speaker Sir it appears that

intention of the Government is not clear from the very beginning. I would like to clarify that this issue is not confined to particular party nor is it confined to weaker sections, rather the feelings of the people of the entire country are associated with it. It would really be very difficult. If a proper decision is not taken in time. The decision which the Central Government has taken and the points it has raised are likely to create discord and an atmosphere of confrontation in the country again.

After the Supreme Court verdict was announced the Central Government should have adopted a clear policy with regard to reservation and if it was to take any decision regarding creamy layer, it should have taken it afterwards in consultation with all.

Mr. Speaker, Sir, being a farmer, I know that it is just impossible to maintain the family even if 60 per cent of the land, left after ceiling, is irrigated land. The Government should certainly have made clear to the country that its aim was not this. In the election manifesto of the Bhartiya Janata Party for the ninth Lok Sabha elections, it has been clearly mentioned that there should be reservation for these people. We never followed a dual policy. We did advocate the reservation facility for economically backward sections of the society but we never tracked of complicating the issue. Government's intention on this issue is not clear.

My submission is that this matter may continue to be reviewed, however, reservation facility should be provided in jobs with immediate effect and when there is 27 per cent reservation, then only the creamy layer or any other issue may be taken up for consideration. A decision should be taken in this regard invariably. Advertisements for jobs are being published in newspapers these days but there is no indication of reserved posts in them.

MR. SPEAKER: You will get an opportunity make your point in detail.

SHRI SANTOSH KUMAR GANGWAR: That is all right, but I want to say something with regard to the report of the experts' committee which is said to have taken decision on the basis of majority, whereas the fact is that only four of 9 members have recommended for this. It is certainly a conspiracy to divide the society. As Shri Nitish Kumar has pointed out here. I have also been receiving a number of telephone calls complaining that the politicians were concerned only about their own side and have neglected the weaker sections of the society. I may give a number of examples. of people who may be prosperous from economic point of view but their social status is not well. I would like the hon. Minister to direct the administration to take an immediate decision with regard to reservation facility and seek the views of the people of every section of society on the issue of creamy layer in order to take an appropriate decision on it.

SHRI VIJAY KUMAR YADAV (Nalanda): Mr. Speaker, Sir, our party, i. e. the communist party of India has welcomed the verdict of the Supreme Court. But the matter of regret is the when the committee was preparing its report, the Congress Party has tried to exert influence for the inclusion of its own views on the reservation issue in the report through backdoor. According to the decision of the Supreme Court, the economic criterion was obviously rejected. The report of the Committee deals with the economic criterion only. The soul of Mandal Commission goes against the soul of decision given by the Supreme Court. So, I would like to suggest that the Government should immediately make the announcement. The Government has approved the report of the Committee, but the Members are not aware of it and no discussion was held on it. So, according to the decision of the Supreme Court, the recommendations of the Mandal Commission should be implemented immediately. So far as the 'creamy layer' is concerned, a way out should be found by discussing it with the people.

[English]

SHRI A. CHARLES (Trivandrum): I can

very well understand the embarrassment of the Leaders of the Janata Dal Party and some of the Opposition Parties. Sir, it is very said that when the Government has taken a decision to finally implement the recommendations of the Mandal Commission, a wrong message is being attempted to be communicated to the whole nation that the backward communities are not benefited. I belong to a backward community and I had been a Member of the Kerala Public Service Commission. I have got twenty years of experience in the functioning of the public Service Commission. I speak with authority that there is no problem to implement the decision of the Government to ensure that really the deserving backward classes are given the benefit of the Mandal Commission. One thing I want to ask them and that is, whose interest are they representing. Do they really want to protect the interest of the really backward classes? (*Interruptions*)

SHRI A. CHARLES: Sir, with authority, I can say that in Kerala....

(*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: Why have you be flour M.Ps. M.L.As.? (*Interruptions*)

[*English*]

MR. SPEAKER: Mr. Nitish Kumar, you are taking his time. Let him speak what he wants to speak. You are not expected to immediately reply. Please sit down.

SHRI A. CHARLES: In Kerala, for the last 25 years, the Government are implementing the reservation for the backward community.

(*Interruptions*)

MR. SPEAKER: Very good. I have to clinch the issue. There are other Members who want to speak. I will give you time.

SHRI A. CHARLES: On this issue, I can give hundreds of instances where only the children of First Class Officers are getting

the reservation while, the really backward people who deserve reservation, are totally neglected. We want to protect the interests of the really backward people. Nobody can take the monopoly of reservation. I want a detailed discussion and I would request you, Mr. Speaker, to allow a discussion on this.

[Translation]

SHRI DATTATREYA BANDARU(Secundrabad): Mr. Speaker, Sir, I welcome the provision of 27 per cent reservation for the backward classes as recommended by the Mandal Commission. There is too much poverty in the villages of our country. I also belong to a backward community and come from a poor family. This 27 per cent reservation for the backward classes has been given now, but they are still struggling for their livelihood in the Villages. People with political and I.A.S. background only are getting the benefit of reservation. The theory of creamy layer introduced by the Government is not justified.

The backward classes should actually get the benefit of reservation made for them. I am deadly against those people who are snatching the due rights of the deserving people of backward classes...(Interruptions)

MR. SPEAKER: Sorry I thought that you wanted to speak on some other point.

Mr. A. Charia be very brief. You have a very wonderful capacity of saying many things in a short time.

SHRI BASUDEB ACHARIA(Bankura): We all welcome the judgment of the Supreme Court. After the judgment of the Supreme Court, an Expert Committee had set up and that Expert Committee has submitted its report. Now, that Report is laid on the Table of the House.

MR.SPEAKER: All these facts are known to us. Please come to the point.

SHRI BASUDEB ACHARIA: It is surprising and we consider it to be a denigra-

tion of the House that the Report is laid on the Table of the House immediately after it has been accepted by the Government.

MR. SPEAKER: Please understand that after the reports of the experts are given and if they are laid on the Table of the House, the Government is expected to say something on those reports. You do not know this procedure.

SHRI BASUDEB ACHARIA: But how without any discussion them?

MR. SPEAKER: If there as anything objectionable, they would have objected to it.

SHRI BASUDEB ACHARIA: How without any discussion, it has been accepted by the Government? I demand that the implementation of the Report should be kept in abeyance.

Until the Report is discussed here, until a consensus is arrived at on that Report, the recommendations of that Report should not be implemented. This should be discussed here in this House. The Government should call a meeting of all the leaders of all the political parties and discuss this issue.

[Translation]

SHRI SURYA NARAYAN YADAV(Saharsa): Mr. Speaker, Sir from the very beginning it has been the intention of the Government to evade this issue. In the verdict given by the Supreme Court after prolonged discussions, there is no mention of fixing economic criterion. The report of the Committee clearly states the economic criterion. Sir, there is much resentment in the backward classes and the Common people due to this. When Shri Sharad yadav was speaking. I was attentively listening to him I fully agree with his views. everyone is anxiously waiting for the decision which will be taken here. The report of the Committee should be withheld for the present and a unanimous decision should be taken by conducting an all party meeting. The recommendations should be implemented follow-

ing a decision is taken. The economic criteria should be removed at all cost.

[English]

SHRI P.G. NARAYANAN (Gobichettipalayam): This is a very emotional issue. We are all for the implementation of the Mandal Commission Report. If the Report of the Expert Committee is going against the interest of the backward classes, it has to be rejected. Otherwise, we have to take it that the Government is going against the interest of the backward classes.

So far as we are concerned, the creamy layer criterion is creating a lot of confusion; it has to be dropped. In fact, we want more percentage for the backward classes...

MR. SPEAKER: You what other Members have said is acceptable to you; that you are endorsing it; you need not repeat it. You have made your point regarding the percentage. You have made it very clear.

SHRI P.G. NARAYANAN: I endorse what other hon. Members have said about it.

[Translation]

SHRI TARIT BARAN TOPDAR(Barrackpore): Mr. Speaker, Sir, the Supreme Court has observed that the Government wants to get the work done through Judiciary which should have been done by the Government itself.

[English]

This is serious observation by the court; and now they have set up an Expert Committee, which will be more expert than the Mandal himself and the Supreme Court.

I like that the Supreme Court orders should be adhered to taking the Parliament

into confidence and having a threadbare discussion in the House.

13.00 hrs.

[Translation]

SHRI MOHAN SINGH(Ferozepur): Mr. Speaker, Sir, the backward class, which is the majority class of this country has been the victim of great injustice for a long. Every party, which has come to the power, has taken the help of these backward classes, but after coming to the power, they have totally neglected these classes.

The report of the Mandal Commission was not implemented for long. The Supreme Court gave a decision to implement the Commission's recommendations and an Expert Committee was set up after that. The people of this country are not aware of the committee and therefore, they want that the recommendations of the Mandal Commission should be implemented as it is. No change should be made in it, so that the backward classes can get justice...(Interruptions)

MR. SPEAKER: Please take your seat. Please do not disturb me, when I am helping you on your point....(Interruptions)

MR. SPEAKER: Please be quiet and let me say something.

You have raised your point in a very good manner. This House and the Government respect your sentiments and there is no doubt that the other people will also have regard for your feelings. The hon. Minister is also present here, but I am not directing him to say anything. You told me that a discussion should be held on this matter. I will allot time for this discussion. This matter is such an important matter as requires a time for the discussion on it.

(Interruptions)

[English]

MR. SPEAKER: Mr. Acharia, why do not you keep quiet? Why do not you seal your lips?

[Translation]

I would like to request the hon. Minister that the hon. Members of this House have expressed their sentiments very minutely. So, he should call a meeting with them. If they have some misapprehensions, you should discuss it with them, before coming to the House.

[English]

It will help you. If you want, I can invite the Minister and you also in my Chamber and discuss. But you please first go to the Minister's chamber and have a cup of tea there and then come to my chamber, if you do not feel like and if you are not satisfied.

[Translation]

After this, I will not allow any other discussion on this issue today. Today is Friday, and I am allowing one or two Members to express their views. Shahabuddin ji, I will take up your subject on Monday. I am allowing one or two Members now and then I am going to allow the papers to be laid on the Table of the House.

SHRI ASTBHUJA PRASAD SHUKLA(Khaliabad): Mr. Speaker, Sir, the main crop in my constituency is sugarcane. The single sugar mill with a capacity of 600 tonnes is privately owned and it has become very old and obsolete. It has not been able to crush sugar for the last two seasons. The employees have not received any pay for the last 10 months. The family members of two employees died, as they were not able to get medicines for them. They had been deprived of electricity and water. Their entire life has become a hell. There is a widespread resentment among the farmers. The feelings of frustrations is also prevailing among them, as they have not been

able to take their sugarcane to the mill for the last two seasons. There is much resentment among the employees also. For the last 10 days, they are giving dharna at Lucknow, but no one is paying any heed to them. I have repeatedly appealed to the Governor, his advisor and the Food Minister to listen to the employees and the farmers and to talk with the owners.

It is being said that the sugar mill will run, but the Government is going to take-over it. Is the Government going to sell it or going to run it through the present mill owner? It is March and no decision has been taken and no work has yet been started in that mill. I have talked with the Secretary, today morning. the BJP Government of Uttar Pradesh had constituted a Committee to solve this dispute..

MR. SPEAKER: Today is Friday and we have to rise early.

(Interruptions)

[Translation]

SHRI ASTBHUJA PRASAD SHUKLA: The Committee submitted its report in January but no decision has been taken on that report so far. I want to submit and demand that the House should be apprised of the action being taken by the Government with regard to Commissioning of the sugar mill of Khalilabad and work should be started there as soon as possible so that the crushing of sugarcane may be started in the next season. Prompt arrangements should be made to ensure the payment of salary to the mill employees-so that they can meet our their daily expenses. They should be given guarantee of livelihood and the hon. Minister of Food should make a statement in this regard.

MR. SPEAKER: Papers to be Laid.
(Interruptions)

MR. SPEAKER: I warn you. You should now go back to your seat. This is not correct.

(Interruptions)

MR. SPEAKER: I am warning you. You cannot hold the House to ransom like this. Please sit down now. You cannot turn the House into this kind of thing.

(Interruptions)

13.06 hrs.

At this stage, Shri Virendra Singh and some other hon. Members left the House.

PAPERS LAID ON THE TABLE

Notification under Tea Act, 1953

[English]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (Shri P.A. Sangma): On behalf of Shri Pranab Mukherjee; I beg to lay on the Table a copy of the Tea (Amendment) Rules, 1993 (Hindi and English versions) published in Notification No. G.S.R. 932(E) in Gazette of India dated the 16th December, 1992 under sub-section (3) of section 49 of the Tea Act, 1953. [Pleased in library. SEE No LT. 3628/93]

Ordinance under Article 2B(2) (a) of the constitution in relation to the State of Himachal Pradesh.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): I beg to lay on the Table a copy each of the following Ordinances (Hindi and English versions) under article 213 (2) (a) of the Constitution read with clause (c) (iv) of the proclamation dated the 15th December, 1993 issued by the President in relation to the State of Himachal Pradesh:-

(i) The Himachal Pradesh Industrial establishments (National and Festival Holidays and Casual and Sick Leave) (Amendment) Ordinance, 1992 (No. 3. of 1992) promulgated by the Governor of Himachal Pradesh on the 15th September, 1992.

[placed on library see no. Lt. -3629/93]

(ii) The Himachal Pradesh Shops and Commercial Establishments (Amendment) Ordinance, 1993 (No. 4 of 1992) Promulgated by the Governor of Himachal Pradesh on the 15th September, 1992.

[Placed in Library. Sec. No. Lt.- 3630/93]

Notification under Mayor part Act, 1963 etc.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED): On behalf of Shri Jagdish Tytler: I beg to lay on the Table-

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of Section 124 of the Major Ports Act, 1963:-

(i) G.S.R. 429(E) published in Gazette of India dated the 21st April, 1992 approving the Vishakhapatnam port Trust Employees (Leave) Regulations, 1992.

(ii) G.S.R. 754(E) published in Gazette of India dated the 4th September, 1992 approving the Calcutta Port Trust Employees (other than Haldia Dock Complex) (Recruitment, Seniority and Promotion) Eighth Amendment Regulations, 1992.

(iii) G.S.R. 760 (E) Published in Gazette of India dated the 8th September, 1992 approving the Kandla port Trust (Recruitment of Heads of Department) Amendment Regulations, 1992.

(iv) G.S.R. 891(E) Published in Gazette of India dated the 24th November, 1992 approving the Kandla port Employees (Grant of Advance for Building Houses) Amendment Regulations, 1992.