

[English]

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989."

*The motion was adopted.*

[Translation]

SHRI SURENDRA PAL PATHAK : Sir, I introduce the Bill.

15.38 hrs.

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

[English]

MR. DEPUTY-SPEAKER : Now, the House will take up Item No. 13 - Further consideration of the following motion moved by Dr. P. Vallal Peruman on the 9th December, 1994, namely :

"That the Bill to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in higher category of posts in Government Services, be taken into consideration."

Shri Ramashraya Prasad Singh ... not here.

Shri Gopi Nath Gajapathi.

SHRI GOPI NATH GAJAPATHI (Berhampur) : Mr. Deputy-Speaker, Sir, as can be clearly seen from the existing conditions, there is reservation for Scheduled Castes and Scheduled Tribes in Government Services in lower and middle level posts only. There has been a great demand from several quarters for reservation of posts and appointments for them in senior posts as well. In order to protect their interests and to boost their morale, our esteemed colleague Dr. Vallal Peruman has brought forward a proposal that 15 per cent and 7.5 per cent of the total number of posts at senior levels should be reserved for Scheduled Castes and Scheduled Tribes respectively in Government Services. At present, however, reservation of posts for Scheduled Castes and Scheduled Tribes is based on their population which was recorded decades back. He logically argues that there should be proportionate increase in percentage of posts reserved for them according to the proportion of their population to the total population as recorded in every census.

Of course, during recent years, there has been a perceptible change in the politico-administrative culture that, at least, some top bureaucrats, ambitious as they are, becoming a part of the power structure with personal loyalty to the political leadership and overlooking a dozen or more senior officers in making important appointments, has become common even as honest officers with traditional bureaucratic commitment are neglected and relegated to the background.

Now, the proposal to please certain sections of the society notwithstanding the fact that this kind of favouritism is bound to seriously affect the morale of the Services.

Owing to the Mandal formula and a big support it has received from various political parties, for the first time, a 27 per cent reservation is going to be made in the Civil Services from the current year in favour of the Backward Classes apart from the usual reservations to the Scheduled Castes and the Scheduled Tribes. The stamp of approval by the Supreme Court to the proposal has made it binding. The total number of vacancies that arise in all these Services put together does not exceed 600 for the entire country and it would have been better if the higher Civil Services, at least, were left out of the reservation arena. It would look odd that some persons obtaining lower ranks be selected in preference to the others, who are much higher rank-wise, especially, when all of them write a common examination. But political compulsions have weighed heavily with the Government and in any case it is too late now to reverse the process. The effect of the reservation policy is to bring into the Services, persons with diverse social and cultural preferences, thereby introducing a certain heterogeneity which may make for greater responsiveness though it also creates tensions.

The Kothari Committee on Recruitment Policy and Selection Methods went on record that a considerable number of administrators and others who met the Committee, expressed the view that the upper age limit should not exceed 24 years. A higher age limit would be welcome only to the extent to which it gives an opportunity to the late blossomers and others, who wish to pursue higher academic studies or obtain specialisation in a subject of their choice to enter service careers.

Public administration has become a speciality calling for high skills enhancing the concessions will only compromise merit and encourage mediocrity. It is also true that tribal tendencies such as caste favouritism regional and long-standing affiliations openly advocated and practised by interested politicians have also infected the Services. An experienced administrator and

statesmen like Shri C. Subramaniam has even stated that in specialised fields like science and technology as well as medicine, merit alone should be the consideration and the principles of reservation should not be applied.

Even though there is no taker for this view, however sound it is at this point of time, when reservations are taken for granted at least in the field of administration where decision making plays a significant role, only the best men and women should be recruited solely on the basis of quality and competitive competence. During February, 1995 in a significant judgement on the reservation issue, a Five Judge Constitution Bench of the Supreme Court held that the prescribed percentage of reservation for backward classes cannot be varied or changed by the Government simply because some of the members of the backward classes had already been appointed or promoted against the general category seats. In a 15 page judgement, the Supreme Court Bench headed by Mr. Justice Kuldip Singh held that no general category candidate could be appointed against a slot in the roster reserved for the backward classes.

MR. DEPUTY-SPEAKER : Gajapati, a small request. Originally it was awarded two hours. Subsequently on 9.12.94, one hour was extended. Once again on 31.3.95, it was extended by another two hours. So far it has taken five hours. We have already spent four hours and thirty five minutes and we are left with only 25 minutes more. Today the reply is very much needed.

SHRI GOPI NATH GAJAPATHI : Sir, I will take just one more minute. The Scheduled Castes and the Scheduled Tribes are really the weakest of the weak sections. The Orissa Chief Minister, Hon'ble Shri J.B. Patnaik, has recently made a landmark declaration for implementation of enhancing the reservation quota for OBCs to 27 per cent. The Orissa Government deserves to be complimented for this significant humanitarian steps taken by them in favour of the deprived lot. In the ultimate analysis the subject of reservation literally becomes a combat between logic *versus* emotions. Let us concede that logic is a good policy. But the question arises: is it the best policy?

In conclusion, I am of the personal opinion that there should be a national conference comprising of the Central Government, Chief Ministers of all the States and all Heads of Opposition parties to thrash out this sentimental issue in threadbare detail, for arriving at a general consensus in establishing a social order based on equality and thereby eradicate the imbalances existing in our present day society.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer) : Mr. Deputy Speaker, Sir, I support the Bill presented by Dr. Peruman on 9th December, 1994 in the House, providing for reservation of posts in Government service for Scheduled Castes and Scheduled Tribes. I would like to submit, through you, that the provision for reservation had been made in our constitution to bring about social parity by uplifting the neglected classes of society. Today, when we look at it after 45 years of independence, we feel that the reservation has become a political issue. It has become a politics of vote bank. The main idea behind making a provision for reservation was to uplift those few classes of the society who were neglected due to a practice of untouchability prevalent then. They used to be called Dalits and treated inhumanely. That is why, in order to bring about social parity, to do away with the stigma of casteism and discrimination and to initiate a social restructuring, a provision of reservation had been made in the Constitution. Sir, despite implementation of the provision of 15 per cent reservation for Scheduled Castes and 7.5 per cent reservation for Scheduled Tribes in our Constitution for the last 45 years, the situation has come to such a pass that every caste wants to be included in the list of SCs/STs.

Sir, at the time of implementing the Constitution, several experts, and sociologists had selected those castes only after studying their historical, religious and other backgrounds. But now, in the name of politics and vote-bank, every other caste wants to be included in the list of Scheduled Castes. It is true that according to the 1991 census, there has been an increase in the percentage of Scheduled Castes and Scheduled Tribes population. Therefore, there should be a proportionate increase in reservation. As per the decision of the Supreme Court, the reservation cannot exceed 50 per cent. The reservation for backward classes, SCs and STs is 27 per cent, 15 per cent and 7.5 per cent respectively. Then, what will become of the reservation made for the ex-servicemen and the handicapped people?

[English]

MR. DEPUTY-SPEAKER : Prof. Rasa Singh Rawat, you wanted only two-and-a-half minutes. You should understand this. Now you conclude.

PROF. RASA SINGH RAWAT : Sir, I am concluding.

[Translation]

I am concluding in a minute. Sir, I would like to say, through you, that initially, the provision of reservation had been made in the Constitution for a period of 10

years only. That is why, today, after almost 50 years of independence, it is needed to be reviewed to find out whether there has been an increase in the social harmony. This issue should not be considered a vote-bank plank. A feeling of harmony, affection and equality should develop in society. I feel that they should get reservation at higher posts so that they could participate in power and get a respectable place in society.  
..(Interruptions)\*

[English]

MR. DEPUTY-SPEAKER : It will not go on record. Now I call Shri Dwarka Nath Das.

SHRI DWARAKA NATH DAS (Karimganj) : Mr Deputy-Speaker, Sir, I support this very important Bill introduced by the hon. Member, Dr. P. Vallal Peruman, of this House.

Sir, after 47 years of Independence, the literacy amongst the males of SCs and STs combined is not more than 25 per cent and that of females of SCs and STs combined is not more than 15 per cent. This low rate of literacy is because of their out of the way habitation, lack of infrastructure and poverty. The question of reservation in service till date is 15.5 per cent for Scheduled Castes and 7 per cent only for Scheduled Tribe.

As per the census of 1991, at present the Scheduled Caste population in this country is about 16.48 per cent and Scheduled Tribe population is 7.50 per cent. The total population of them is 25 per cent. So in my opinion, the reservation for Scheduled Castes should be, at present, 16.5 per cent and for Scheduled Tribes, it must be 8.5 per cent. Sir, in the Central and State Government service, there are heavy backlogs. As for example, in NEF Railways, in the 'D' category, there are not less than 900 backlog vacancies for Scheduled Castes and Scheduled Tribes. In the 'C' category, there are 160 backlog vacancies for SC and ST.

Moreover, in the Post-Graduate Institute of Medical Education and Research Institute in Chandigarh, the promotion for doctors belonging to SC and ST, is held up till today.

Sir, the States and the Union Territories are not following the norms of reservation for SC and ST. In my own State, Assam, there is no such thing like 15.5 per cent or 7 per cent reservation.

15.56 hrs.

(Shrimati Santosh Chowdhary in the Chair)

The Government follows its own rules. So the question of reservation does not arise in the case of State Governments and Union Territories.

\* Not recorded.

Madam, the hon. Supreme Court's judgment is that there may not be reservation in promotion. Of course, it is a general observation of the Supreme Court. But in that case, the Scheduled Caste and Scheduled Tribe people who are appointed or recruited under the provision of reservation would never see their happy days of promotion. So it needs an amendment in the Constitution.

Madam, the SC and ST people do not want that reservation should continue for an indefinite period. But for their upgradation at par with the strata of other advanced society, reservation must continue in all sorts of activities in a civilized society till they are entirely upgraded. Thank you.

[Translation]

SHRI KAMLA MISHRA MADHUKAR (Motihari) : Madam Chairman, we are having another discussion on the Bill which had been presented in the last Session of the Lok Sabha. I support this Bill. Several of our friends, especially those belonging to Bhartiya Janata Party do not seem to understand the importance of this Bill, because when a discussion is taken up here on reservation, they think that this discussion is a prelude to vote catching process. However, they had also endeavored to unite all the Hindus on the basis of utopian ideas. It was also a political plank which failed to bear fruit. I feel that reservation is a social revolution.

SHRI V.P. SINGH, who is no longer a Member of Lok Sabha had raised his voice, for the first time, against the suppression of these classes of people, under our caste-based society and customs. Later, it was implemented in Bihar and efforts were also made to implement it in Orissa and Tamilnadu. But several logics are being provided in an attempt to hinder such efforts. One such logic is that if a provision is made for reservations in higher posts then intelligence and merit will not get due recognition. Intelligence and merit do not belong to a particular caste. Several great men have made a name in India's history who were, though, not born in the families of high classes yet they played a vital role in building Indian culture, social upliftment as well as cultural and literary promotion.

16.00 hrs.

For example, I would like to name Shri Valmiki. Who is not aware of Valmiki? People not only in India but the world over, know about Valmiki-Ramayana. Valmiki-Ramayana is the only religious book which has been interpreted and presented in various ways. So, it is wrong to say that we should not go for reservation. Reservation has been considered essential to bring

about a change in society and speed up the pace of development. That is why, I support it and would like to submit that its scope should be widened.

Madam, it is said that the Supreme Court has given a decision in this regard. I do not intend to violate the decision of the Supreme Court but would like to say that the public of this country has elected their representatives to this Parliament and Parliament has created Supreme Court and other institutions. When this is the will of the people then how can these institutions go against the interests/wishes of the people. If the constitution needs to be amended to fulfill the wishes of the public, then the constitution should be amended to increase the percentage of reservation also.

The Chief Minister of Bihar has already announced that he would provide more than 60 percent reservation and it has been accepted by Lok Sabha. All these attempts are being made in order to hinder the process of reservation. That is why, I urge upon the Government to implement the principle of reservation with all sincerity and implement the alacrity in all posts, from the lowest rung to the highest one, in all departments and in the multinationals as well.

Madam, we feel that there are some Members of treasury benches who are not in favour of either implementing or increasing the present quota of reservation. But, opposition Members, barring the BJP, are very clear about it that it should be increased and it should be seriously implemented. That is why, I demand that there should be no hesitation about it and the whole House should work towards passing this Bill unanimously.

SHRI NAWAL KISHORE RAI (Sitamarhi) : Madam Chairman, I rise to support the Private Member's Bill moved by Dr. P. Vallal Peruman. I would like to say, through you, that at present, reservation for Scheduled Castes and Scheduled Tribes is fifteen percent and seven and a half percent respectively. I want that, first of all, the backlog should be immediately cleared in all the Departments. The Members of this House raise this issue time and again and the treasury benches keep on assuring that the backlog would be cleared.

MR. CHAIRMAN : Nawal Kishore Ji, please listen to me for a minute. Since there is shortage of time please conclude your speech within a minute.

SHRI NAWAL KISHORE RAI : Alright, Madam, I would conclude within a minute.

First of all, arrangements should be made to clear the backlog. This Bill has been moved by Dr. P. Vallal Peruman to especially provide reservation in higher posts. Our welfare Minister and Minister of State for

Personnel, Public Grievances and Pension are present here. I would like to know from the Central Government, through you, whether the present reservation quota of 22 1/2 per cent has been filled in all the Ministries and Departments of the Union Government. Whether the prescribed ratio has been observed in appointing people belonging to Scheduled Castes and Scheduled Tribes to the posts of Secretaries in all Departments?

Have the people belonging to Scheduled Castes/Scheduled Tribes been appointed as M.D. or to other higher posts in all Public Sector Undertakings in the country? So far as I know, only two percent of the people belonging to Scheduled Castes/Scheduled Tribes have been appointed as Secretaries of the Departments in all Government Departments and to higher posts in Public Sector Undertakings. I express concern over it and would like to ask the Welfare Minister and Minister of State for Personnel, Public Grievances and Pension, through you, as to what percentages of the people belonging to Scheduled Castes/Scheduled Tribes have been appointed to the posts of Secretary in all Government Departments and to other higher posts in Public Sector Undertakings?

This question has been raised time and again by the Members of all the parties including the treasury benches and the opposition, that there has been an increase in the population of Scheduled Castes and Scheduled Tribes. All the parties are demanding that the present limit of 22 1/2 per cent reservation for Scheduled Castes/Scheduled Tribes should be increased upto 25 per cent. I would like to know, through you, whether the Government propose to increase this limit from 22 1/2 per cent to 25 per cent? In the end, I would like to say something about the multinationals which are being invited in the country. Efforts are being made to entrust all our works to the private sector. I would seek an assurance from the Government that it would bring a legislation to amend the Constitution so as to ensure reservation for the Scheduled Castes/Tribes and backward classes in the private sector as well. Further, what step the Government is contemplating to implement the quota of reservation in higher posts in Government services?

In the end I would conclude my speech by requesting all the Members to cooperate in getting this Bill passed.

MR. CHAIRMAN : Girija Ji, since there is shortage of time, so, please conclude your speech in a minute.

SHRIMATI GIRIJA DEVI (Maharajganj) : Madam Chairman, I might not be able to stick to the one-minute time-limit but I would try to put forth my views in the least possible time. Five year back, when Janata Party

Government was in power, they had first of all, thought about increasing the reservation limit but at that time other people had politicised it. Today, those very people who have brought this Bill are strongly supporting it. They had at that time, raised a great nation-wide hue and cry and did their level-best to malign the image of the Government in power. We had raised the reservation issue only in the name of humanity and that was step in right direction. Now it has become the compulsion of everyone to support it.

Today, in this Private Member's Bill, which has been presented here, I have only seen 'Safai Karamchari Bill'. The reservation for women is also being talked about. We have provided reservations for several classes of people. We passed a Bill to provide 80 per cent reservation in Tamil Nadu. When we retrospect, we realise that by giving 50 per cent reservation we had not done anything wrong. And the process of presentation of such Bills starts right therefrom. The politicians have only worked against our dream of having a good humanity, building a good society and a good country. Today they realize their mistakes. They may change its name or pseudomorph it in some way but our decision has been welcomed everywhere

I admit that there has been a backlog in filling up this quota since 1947. The main reason behind it is that only one party has been in power for most of the period and it did not provide reservation to these classes of people. They used Gandhi's name but never talked about 'Antyodaya' i.e. as to how will the person at lowest stratum of society be able to grace the highest posts. For this, we should not have thought of creating posts but building a conducive atmosphere to enable the educated pass-outs to be eligible enough to be appointed to these posts, but it has not been done so far. However, our party, which had first intended to provide 50 per cent reservation to these people, formulated an inexpensive educational policy and decided to clear the backlog. We are also thinking along the lines to provide reservation in Public as well as Private Sector Undertakings and educational institutions. We cannot take it granted that quality and quantity cannot be equated, slum-dwellers are born without brains and they have no thinking power. Further, we should not think that by providing reservation to them, how can we protect them.

With these words, I thank you and congratulate Dr. Peruman ji that now because of his good intentions and right approach, there will be reservation in higher posts also. Further, reservation will be provided to people belonging to Scheduled Castes/Scheduled Tribes and backward classes in higher posts also in proportion to

their population. Only then we will be able to build an equal and 'egalitarian society. However, it will not be like Andhra Pradesh where untouchability still prevails. When ever Congress has been in power there, untouchables have been prevented from entering temples. We dream of an impartial Government, an egalitarian society and a united country. However we can nurture the feelings of unity and integrity in the country only by providing reservation to the most backward classes.

In the end, I heartily support this Bill.

SHRI NAWAL KISHORE RAI : We are discussing the topic of reservation here but seeing the presence of ruling party and opposition parties Members here, we can very well gauge their interest in it. The hon. Ministers of Congress Party are present here but, the number of Members of their party is very less.

MR. CHAIRMAN : It does not matter, we are sitting here. I would like to inform the House that Shri Ramashray Prasad Singh ji was speaking on this Bill last time. Since he was not present earlier, I am giving him a minute's time as a special case. Shri Ramashray Prasad ji, Though the scheduled time is over, yet you may speak for a minute.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Madam Chairman, I had gone out for a while and when my name was called I was not present. I thank you for allowing me to speak for a minute. I have already spoken on this Bill and would still like to put forth some other points. The reservation issue is now gaining momentum. This issue is not being raised for the first time today. However, the reservation quota prescribed for various classes of people is yet to be filled. I had given a suggestion earlier also that wherever a new Post Office is opened in rural areas, a 'Postman' is also recruited but not a single person belonging to SCs/STs is recruited to this post. Leave aside the higher posts, they can at least be appointed to lower posts. In such circumstances, how do they talk about giving reservation to them in higher posts? Actually, people in power do not have the will power to extend this facility to them. If they had the will-power, they could have recruited Scheduled Castes and Scheduled Tribe youth to such posts. I doubt the intention of the Government. That is why, they are dilly dallying this issue. Even now, the vacancies in class III and IV posts are lying vacant. Even today the children of people belonging to SCs/STs are working as labourers in fields. They feel inconvenient to do this work. They are drifting towards terrorism for want of employment. The terrorism sponsoring leaders misguide them and thus, wean them away. As a result thereof, the terrorism is on the rise

throughout Bihar. The degree of terrorism varies from place to place. The Government should do something about it.

The Government lack the feeling of nationalism. It is useless to talk of morality with them. As and when a feeling of nationalism will be created in the country, morality will develop on its own. Further, when morality will surface then there will be no problem in filling these vacancies. I conclude by saying that the Government must fill up the reserved vacancies.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : Madam Chairperson, I have heard the views expressed by the hon. Members with great interest and attention. The Government is fully alive to the need for protecting the interests of the Scheduled Castes and the Scheduled Tribes and shares the concern expressed by the Members. The debate has gone on for almost four-and-a-half hours. Several Members have expressed their views and as far as the Bill itself is concerned, the Bill moved by Dr. Peruman seeks to provide reservation of posts for the Scheduled Castes and the Scheduled Tribes in higher categories of posts in Government services. The Bill seeks to provide reservation for the Scheduled Castes and the Scheduled Tribes in higher categories of posts at the rate of 15 per cent and 7-1/2 per cent respectively of the total number of posts. It also seeks to provide that upon the completion of each census the percentage of posts reserved for the scheduled Castes and the Scheduled Tribes shall vary according to the proportion of their population to the total population as recorded in that census.

Madam, I do realise that these are important aspects of the entire reservation question and Government have been carrying on dialogue with all the political parties from time to time through the Ministry of Welfare. Even as recently as on 28th April and 4th May, we have had detailed discussions with leaders of political parties. Various views on the very issues which are being discussed here have been expressed by the political parties. Some of them have asked that this question should become part of our election manifestoes to the coming election so that the people express their views. Others have asked that the State Governments should also be consulted before any changes are made. Most parties have been demanding a Constitution amendment to overcome the 50% limit which has come into operation after the 'Indira Sawhni' case in view of the

fact that 27% reservation for backward classes has also been introduced after the acceptance of the Mandal Commission recommendations.

Therefore, we are today faced with a situation in which we have a Supreme Court directive, we have different demands from the political parties and the aspirations of the weaker sections of our community to have their representation in Government become not just a reserved category but visible and at positions of decision-making.

Therefore, there is need for us to work out a consensus and a common acceptable limit for reservation which we believe through consultation and by taking into confidence the State Governments and the different political parties could be worked out.

The hon. lady Member very vehemently spoke about her party's role and literally said that the Congress has done nothing. I would like to say, Madam, that all this implementation over these years has been done by the Congress Government. We have been as committed as anybody else. (Interruptions) I do not think that this is a party issue or a political issue. I believe that when it comes to the question of giving their due share as guaranteed by the Constitution and the founding fathers of the Constitution, there should be no political or other differences. I think all of us are committed to it. The question is: How do we do it without creating conflict and without creating problems within the administration itself?

Madam, I would like to say that in view of the fact that there was a backlog in filling up of these vacancies over the years, since 1989 we have taken steps to have Special Recruitment Drives. We have had four upto now and I am glad to announce that the next Special Recruitment Drive for filling up the backlog has already been announced by the Government. The Ministries, Departments, Public Sector Undertakings and Insurance Corporations have been asked on 21.4.1995 to identify the backlog of vacancies reserved for the Scheduled Castes and the Scheduled Tribes, as they stand on 1.4.1995 and the Special Recruitment Drive is being launched from June. But I would like to tell those who have been saying that we have not taken any action as far as the backlog is concerned, that in 1989 58,554 vacancies were identified and through the Special Recruitment Drive the number of appointments that were offered was 50,475. In the meantime, when new vacancies arose, the backlog was 46,559 in 1990-91 and through the Special Recruitment Drive, again we offered 21,114 posts to the Scheduled

Castes and the Scheduled Tribes. In 1991-92, in the next Special Recruitment Drive, out of 35,236 vacancies, 18,231 appointments were offered. Again in 1993-94, another Special Recruitment Drive was launched in which out of 30,000 vacancies, 12,346 appointments were made.

Madam, an hon. Member raised the question of recruitment of posts versus vacancies. This issue, today, is *sub judice*, because a Special Leave Petition is pending in the Supreme Court on whether the backlog should cover posts or whether it should be treated as vacancies. The question is to be decided by the Supreme Court. But at the moment, it is *sub judice*. I have listened to all the points of view expressed in the House. But the Government cannot say anything now, since the matter is pending in the Supreme Court at the moment. But the hon. Members are aware that discussions have taken place very recently with the leaders of political parties through the Ministry of Welfare. All the points of view have been noted and we are working on a comprehensive response to all the points which have been raised.

Madam, I would like to say that in accordance with the judgement, as I said earlier, in the Indra Sawhni case, 50 per cent limit has come in. But a Constitution Amendment has been suggested by various political parties and we are in the process of studying this proposal.

Lastly, Madam, I would like to point out one thing. Since this Government came to power, I am glad to say that the first Establishment Officer of the Government of India who is a Scheduled Caste was appointed by this Government. We have a Scheduled Tribe woman as the Chairman of the Union Public Service Commission today and therefore, I would like to say that we have made it a point to see that the Scheduled Caste and the Scheduled Tribe people are coming in important positions of decision making.

SHRI DWARAKA NATH DAS : Madam, in the higher services, the Scheduled Castes and the Scheduled Tribes are in microscopic minority. You may give only one instance like the one which you have given just now.

SHRIMATI MARGARET ALVA : Madam, let me point out that it is not correct to say...*(Interruptions)*

SHRI A. CHARLES (Trivandrum) : Madam, I am from Kerala. Kerala has implemented the reservation for the last 30 years. Shri K. Karunakaran, former Chief Minister of Kerala, brought forward a legislation wherein reservation was given in all categories. About 40 per cent Heads of Departments including

High Court Judges and IG Police, are Scheduled Castes. That is the model. Do not claim that you are alone giving the reservation.

PROF. PREM DHUMAL (Hamirpur) : Madam, I am on a point of order. I want to ask that when a Minister is replying, can a Member of Parliament from the Treasury Benches reply to a Member directly? ...*(Interruptions)*

SHRIMATI MARGARET ALVA : Madam, I just want to say one thing. The reservation of 15 per cent and seven and a half per cent already exists in higher services of Group A and B posts in direct recruitment. The Bill proposes that this should be brought in the services. I would like to say that it already exists. Even where promotion is concerned - in promotion by seniority - reservation already exists in all the categories. Our Government has also implemented recently 27 per cent reservation which perhaps has now been created because of backward classes and Scheduled Castes and Scheduled Tribes reservation together. As I said, it has a limit and we will see how this problem can be overcome through consultation and consensus among all the political parties.

Madam, with these words, I would like to appeal to the hon. Member, Dr Peruman to please withdraw the Bill because this is something on which a national consensus is being built up. We are committed to do what most of the Members in this House and in our party are asking for. We are committed to the cause of uplift of the weaker sections, particularly the Scheduled Castes and Scheduled Tribes new together with the reservation for backward classes and I would again appeal to him to withdraw the Bill and allow the Government to work out which it is working on...*(Interruption)*

SHRI HARI KISHORE SINGH (Sheohar) : Madam, can I ask one question? The hon. Minister has mentioned that the Government is considering the Constitutional amendments suggested by various political parties and various segments of population in this country regarding raising the limit of reservation particularly for providing the reservation to women and to economically backward people. How long will it take? How long will the Government take to finalise its opinion in this regard?

SHRIMATI MARGARET ALVA : Madam, the hon. Member is aware that two meetings have taken place - one on 28th April and another on 4th May - and some of the parties in the meeting - some of them, not all - have asked that the State Governments should also be brought into the picture and consulted. Therefore, we will have to, at least, formally consult the Chief Ministers

about these amendments on some of the changes which are proposed so that a national consensus can be built up. I cannot say that it will be arrived at in one week or 10 days or whatever it is. My senior colleague, Shri Sita Ram Kesriji, has been in touch with the political parties and I can assure the House that as early as possible, at the soonest possible date, we will come to the House.

SHRI HARI KISHORE SINGH : How soon is the soonest?

SHRIMATI MARGARET ALVA : Please do not embarrass me because I am certainly not in a position to speak. I am a very junior Minister to give any date limit or deadline. But I can only say that the Government is committed to keep the commitments which we have made and I assure you that it will be as early as possible.

SHRI HARI KISHORE SINGH : I have no intention to embarrass you. Madam, the Minister is quite competent and I compliment her for her knowledge and advocacy. But this has been on the national agenda since the Mandal Commission report was accepted by the previous Government - the National Front Government - and after the Supreme Court Judgement, it should be under the consideration of the Government. I have no grudge if the Government and the hon. Minister claims the credit for implementing the Mandal Commission Report.

Although it was lying for ten long years, it was the National Front Government which took the courage to implement it. Therefore, the Minister cannot take shelter by saying that it is being discussed and their senior Minister is having meetings with the Opposition leaders. This is no answer....(Interruptions)

SHRI P.C. CHACKO (Trichur) : Madam, the whole thing is being twisted.

MR. CHAIRMAN : Mr. Chacko, please sit down.

SHRIMATI MARGARET ALVA : It was implemented by the Congress Government, that much I can say. The actual formula as adopted by the Supreme Court was implemented only by the Congress Government.

SHRI HARI KISHORE SINGH : When was the Supreme Court Judgment delivered?...(Interruptions)

MR. CHAIRMAN : Why are you just wasting the time?

SHRI P.C. CHACKO : Madam, unnecessarily a political element is being brought in at the last minute. This reservation is not anybody's gift. This has been implemented by the Congress Government successfully for many years and there is JD contribution in it. The matter is such, after introduction, the JD itself...(Interruptions)

SHRI HARI KISHORE SINGH : Is it not a fact that it was gathering dust for ten years after the submission of the Report? (Interruptions)

SHRI A. CHARLES : V.P. Singh was number two in the Government. You ask him as to why he did not do it. It was all because of V.P. Singh. V.P. Singh was in the Cabinet...(Interruptions)

SHRI HARI KISHORE SINGH : The Mandal Commission Report was submitted in 1980 itself...(Interruptions)

SHRIMATI MARGARET ALVA : Madam, any Government can make pronouncements. But it requires a sober, experienced Government to implement certain judgements and to see that it becomes a reality; and that is what we have done.

[Translation]

SHRI NAWAL KISHORE RAI : Madam Chairmen, I want only one clarification as to what is the percentage of SCs/STs at Secretary level in the Ministries of the Central Government. Further, what is their percentage among the Officers appointed as Heads of Public Sector Undertakings. If the prescribed reservation quota of 15 percent and 7½ per cent has not been observed, then what step the Government propose to take in this regard?

[English]

SHRIMATI MARGARET ALVA : To give the exact figures and percentages, I will need some more time.

[Translation]

MR. CHAIRMAN : You will get the exact figures you way sit down now.

DR. P. VALLAL PERUMAN (Chidambaram) : Madam Chairperson, I am very much thankful to all the hon. Members of different political parties who participated in the debate on the Bill brought forward by me to safeguard the interests of the Scheduled Castes and the Scheduled Tribes. Our hon. Minister, Shrimati Margaret Alva gave a very good reply in regard to this Bill and also talked about the functioning of the Congress Government. Though this judgement on Mandal Commission Report was given on 16.11.1992, the Government has not bothered about bringing any Constitutional (Amendment) Bill, despite what has been told in different fora and the replies given by the hon. Ministers, Shri Sitaram Keeri and Shri K.V. Thangka Balu, both in Lok Sabha and Rajya Sabha also. Still, they had not yet concluded this task. Yesterday also, they called all political parties for a meeting. Is there any political party against the interests of the Scheduled



Castes and the Scheduled Tribes? All political parties are concentrating on the votes of the Scheduled Castes and the Scheduled Tribes, but even then they want consensus of all the political parties.

The spirit of the Bill which I have moved should be safeguarded when a Constitution (Amendment) Bill is brought by the Government. The Ministry of Welfare is actually diluting the issue of the Scheduled Castes by comparing it with the Backward classes.

They are always talking about Backward classes and Mandal Commission recommendations. Actually, the judgement on Mandal Commission recommendations has encroached upon our constitutional right. So, I request the hon. Ministers of the Department of Welfare and the Department of Personnel to take up the issue as a concrete one and fix up a time-limit to bring forward the Bill.

[Translation]

PROF RASA SINGH RAWAT : The hon. Member has made a remark about the Supreme Court that the Supreme Court has encroached upon our Constitutional right. This is not right.

MR CHAIRMAN : Please sit down

[English]

DR P VALLAL PERUMAN : I want to know from the hon Minister if they are ready to give a concrete and time-bound idea to safeguard the spirit of the Bill - both regarding reservation in promotion and also increase in the percentage of reservation according to the latest population. If they are giving an assurance, I can consider withdrawal of my Bill.

MR. CHAIRMAN : Are you withdrawing the Bill?

DR P. VALLAL PERUMAN : I want an assurance from the Minister.

MR. CHAIRMAN : I think you have not answered his question.

SHRIMATI MARGARET ALVA : Madam, I have said this earlier that the process of consultation is on all these issues.

DR. P. VALLAL PERUMAN : Madam, the process of consultation is going on from 1992 onwards.

SHRIMATI MARGARET ALVA : Madam, I would like to state that a Constitution Amendment would require certainly a consensus among political parties because this is something which has to be passed by both the Houses of Parliament. Therefore, we are trying to work out a mutually acceptable solution. I am sure, my friends the BJP will agree that that they have a point of view.

There have been Members of the CPI and CPM in the two meetings, who have expressed their point of view. The other smaller parties want some other changes brought in. Some parties are asking for reservation for Scheduled Castes Christian converts to be included. Others are demanding that in this Amendment some other things should be included. Each party has expressed its views. The minutes are with me. I am not going into the details. I will circulate the minutes. Various points of view have been expressed. For me to say today that we will come out by so and so date immediately with this point of view is very difficult. All I can assure the Members is that the Government and I think the whole of Parliament is committed to ensuring that the rights of Scheduled Castes and the Scheduled Tribes for reservation as guaranteed by the Constitution and as demanded by the present changed situation would be protected both by Parliament and through a Constitution Amendment as and when a consensus is worked out. I am confident that it will be done very soon because all the political parties are committed to the same cause.

DR. P. VALLAL PERUMAN : Madam, I am thankful to you. I withdraw the Bill.

I beg to move for leave to withdraw the Bill to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in higher category of posts in Government Services.

MR. CHAIRMAN : The question is :

"That leave be granted to withdraw the Bill to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in higher category of posts in Government Services."

*The motion was adopted.*

DR. P. VALLAL PERUMAN : I withdraw the Bill.

16.40 hrs.

## INDIAN PENAL CODE (AMENDMENT) BILL\*\*

(Amendment of Section 354)

[English]

MR. CHAIRMAN : The House shall now take up Item No. 14. Shri C.P. Mudala Giriappa. He is not present.

We go to the next item, Item No. 15 Shrimati Saroj Dubey.

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