

[*Translation*]

Implementation of Mandal Commission Report

*53. DR. BENGALI SINGH: Will the PRIME MINISTER be pleased to state:

(a) the names of States which have decided not to implement Mandal Commission Report and the names of those States which have implemented this Report so far;

(b) whether the State Governments which have decided to implement the Report have sent their proposals to the Union Government; and

(c) if so, the details thereof and action being taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI RAMJI LAL SUMAN): (a) The Government of India's decision as contained in its order of 13.8.90, providing 27% reservation for Socially & Educationally Backward Classes (SEBCs) is only for services of the Union of India and their Public Sector Undertakings and this decision does not apply to the services under the State Governments. This decision has been stayed by the Supreme Court and as such it is sub-judice.

However, some States have a long history of providing reservation to Other Backward Classes/Socially & Educationally Backward Classes. Such States are, Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, Maharashtra, Goa, Gujarat, Uttar Pradesh, Bihar, Haryana, Punjab, Himachal Pradesh and Assam. Madhya Pradesh had also provided for reservation but it has been stayed by the High Court.

(b) and (c). If any State Government decided to implement the recommendations

of the Mandal Commission, such a State is not required to send any proposal to the Union Government. As such, there is no question of any State Government sending any proposal to the Central Government.

[*English*]

Appeal In Syed Modi Murder Case

*54. DR. SUDHIR RAY:
SHRI BASUDEB ACHARIA:

Will the PRIME MINISTER be pleased to state:

(a) whether the Central Bureau of Investigation has sought permission of the Union Government to prefer an appeal against the judgement of the Sessions Court of Lucknow in Syed Modi Murder Case; and

(b) if so, the reaction of the Government thereto?

THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI KAMAL MORARKA): (a) and (b). The CBI had proposed filing of a revision petition against the judgement of the Sessions Court in Syed Modi murder case. After due consideration, the Government have agreed with the proposal for filing of the proposed revision.

New Formula for Implementation of Mandal Commission Report

*55. SHRI MADHAVRAO SCINDIA: Will the PRIME MINISTER be pleased to state:

(a) whether the Government have since considered the formulation which is popularly known as "the Rajiv Gandhi Formula" for implementing the Mandal Commission Report; and

(b) if so, the decision taken by the

Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI RAMJI LAL SUMAN): (a) and (b). The Government have not received any proposal called the "Rajiv Gandhi Formula" for implementation of the Mandal Commission Report. However, after contacting the office of the A.I.C.C. a Resolution passed by the Congress Working Committee at its meeting held on 26/30th August, 1990 has been informally obtained from the office of A.I.C.C., containing a formulation about reservation of jobs for backward Classes.

In view of the fact that the decision of the Government as contained in its order dated 13.8.90 has been stayed by the Supreme Court, matters relating to Government's decision are subjudice and now Government is awaiting the verdict of the Supreme Court. Since the matter is subjudice, the question of taking decision on the suggestions as contained in the said Resolution at this stage does not arise.

[*Translation*]

Implementation of Mandal Commission Recommendations

*56. PROF. YADU NATH PANDEY:
SHRI RAJENDRA
AGNIHOTRI:

Will the PRIME MINISTER be pleased to state:

(a) the present policy of the Union Government for implementing the Mandal Commission's recommendations with regard

to reservation;

(b) whether all the recommendations of the Mandal Commission are being implemented; and if not, the reasons therefor; and

(c) whether the Government are considering to provide reservation on economic basis to poor people of different castes for their educational, economic and social upliftment and if so, the steps proposed to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI RAMJI LAL SUMAN): (a) to (c). The decision taken by the previous Government on some of the recommendations made by the Mandal Commission concerning the reservation in services of Government of India is contained in the order of 13th August, 1990, a copy of which is attached as a statement.

The above decision of the Government have been challenged through several writ petitions in the Supreme Court which are being heard by a Constitution Bench of the Supreme Court.

The Supreme Court in its order dated 1st October, 1990, clarifying its earlier order, dated 21st September, 1990, has inter-alia, directed that no steps to implement the order of 13th August, 1990, excepting identification of castes to be benefited shall be taken. The Court had also directed earlier that the Government shall not, without leave of the Court extend the scope of the order of 13.8.90.

In the circumstances, Government would await the verdict of the Supreme Court in this regard.