

National Commission for Minorities Act, 1992.

[English]

MR. SPEAKER: The question is: "That leave be granted to introduce a Bill to amend the National Commission for Minorities Act, 1992."

The motion was adopted.

SHRI SITARAM KESRI: I introduce the Bill.

[English]

MR. SPEAKER: We will take up tomorrow all the items which are listed today including Matters under rule 377.

Tomorrow would be a day of all the Members. Now, the House shall take up Bills for consideration and passing. First, we take up Delhi Rent Bill.

Shri Girdhari Lal Bhargava to speake now.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): First of all take up Constitution Amendment Bill.

SHRI CHANDRA JEET YADAV (Azamgarh): Alright, take it up first.

SHRI VIDYA CHARAN SHUKLA: Speeches have already been made, the Hon'ble Minister Shri Thungon will reply.

SHRI SITA RAM KESRI: I am sitting with you and you are telling him that I am not here.

MR. SPEAKER: You are placing all the Bills erroneously before the House. You are putting me in embarrassing position. Even then the House is making adjustment and you are still complaining

SHRI SITARAM KESRI: I have no complaint.

[English]

MR. SPEAKER: Shall we dispose it of quickly? I think we can dispose it of and then we can go the next item.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : I shall speak

tomorrow. The hon'ble Minister is also not present.

[English]

MR. SPEAKER: If you insist, we will have it tomorrow. Now, we take up the next item.

[Translation]

Shri Sitaram may please speak.

12.43 hrs.

CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL

(Amendment of article 16)

[Translation]

The MINISTER OF WELFARE (SHRI SITARAM KESRI): Sir, I beg to move that Constitution (Eighty-sixth Amendment) Bill relating to the reservation in promotion to Scheduled Castes and Scheduled Tribes be taken into consideration by the House. The Supreme Court in its judgement dated 16-11-1992 in a case Indira Sahni and others v/s Union of India and others in addition to new posts also stated that there would be no reservation in promotions. It has also been stated therein that it would not affect the reservation in promotion upto next five years from the date of this order.

The Supreme Court held the reservation of 27 percent for OBCs as valid. The Government has issued order accordingly. The orders regarding 27 percent reservation for OBCs is being enforced in Central Government services and in all other concerned recruiting agencies are also complying with the order. The judgement of Supreme Court has put a question mark on the reservation in promotion to Scheduled Castes and Scheduled Tribes. All the political parties have expressed their concern over it. Various organisations of Scheduled Castes and Scheduled Tribes outside the House and other people have also expressed their concern over it.

Mr. Speaker, Sir, in this connection, I had assured the house that the Government is determined to protect the interests of Scheduled Castes and Scheduled Tribes I had also said that if necessary, we shall bring Constitution Amendment Bill. I had convened a meeting of leaders of all the political parties to consider the points arisen out of Supreme court's judgement in the case of Indira Sahni. Since State Assembly elections were to take place in certain states, it was decided to provide age concession of three years and three additional chances for the candidates of OBCs so that

they may fill up their forms for civil services examination in time. I would also like to say that concessions in prescribed standards for direct recruitment have already been given to the candidates of backward classes on the lines of these available to Scheduled Castes and Scheduled Tribes. Keeping in view the code of conduct of elections, consideration of other matters was postponed till the next meeting. I convened a meeting of respected leaders of all the political parties on 28.4.1995 and again on 4.5.1995. I am happy to note that there was unanimity on the issue of reservation in promotion for Scheduled Castes and Scheduled Tribes. Keeping in view all this I am moving this 68th Constitution (Amendment) Bill for consideration by the House. I hope that this Constitution (Amendment) Bill will be passed unanimously.

[English]

I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

MR. SPEAKER: Shri Rupchand Murmu to speak.

[Translation]

SHRI NITISH KUMAR: (Barh): Mr Speaker, Sir, the amendments which have been moved late, may also be admitted.

[English]

MR. SPEAKER: Even if the amendments are given late and if they can be admitted, they would be admitted.

[Translation]

*SHRI RUPCHAND MURMU (Jhargram): Hon'ble Speaker, Sir, on behalf of my party, I support the important Bill moved by the welfare Minister Shri Sitaram Kesri. I hope that this Bill will be passed unanimously. I do not think that there is any Political Party in India who do not support or want the causes for the welfare and development of the SCs/STs

and the oppressed deprived sections of our society. If there is any Party devoid of any consideration for the SCs and STs. I urge upon all the political parties to be united and work against that party who is not in favour of improving the lot of oppressed sections.

Sir, there are many loopholes in the reservation for the SCs and STs whether in their appointment or in their promotion. As a result of these loopholes, the SCs/STs people have been deprived of many opportunities and facilities. I have seen that the employers usually resort to a dubious way for the appointment of any reserved post for the SCs/STs. They insert advertisement for the sake of advertisement without any sincere effort and after the interview, they defer the appointment for a long time. In this process, they convert the reserved post into general category by claiming non-availability of suitable SC/ST candidate. This happens because of the loopholes in law. In this regard my submission to the Government is that such loopholes should immediately be plugged off and the lacunae rectified. Anybody indulging into converting the reserved posts to general posts should also be punished. The Government must take steps so that the quota meant for the SCs/STs must be fulfilled by the SCs/STs only. Timely fulfillment of SCs/STs quota is also not held. The Government has failed in the timely fulfillment of reserved quota. They have also failed in the case of promotion. Firstly, they claim that there is lack of candidate and if any candidate is found, the next excuse will be there is no suitable candidate. There are various reasons for this thing. One of the main reasons is the authorities have their own candidates and money matter is also involved. So, they want to have their own candidate or they want big bribe. Due to these reasons, the quota for the SCs/STs is never fulfilled. The Government also does not have any time to look into this type of irregularity. So, my suggestion to the Government is that there should be proper training for the candidates so as to make them suitable for the job. Either there should be proper training of special education for the candidates so that they become suitable for the job they apply for. As regards backlog. I would like to say that there should be special appointment within a time limit and this has to be done without delay.

Moreover, Sir, if our aim is overall development of the SCs/STs, then more reservation in appointments or promotion is not going to help to achieve that aim. For the overall development of the SCs STs, We need land reform. We have been speaking about land reform repeatedly. I am proud to say that the West Bengal Government has successfully implemented land reform. That is why the SCs STs in our

State are being ameliorated. There has been considerable upliftment in their lives. Surplus land from the big farmers and Zamindars should be provided to these people so that they can till their own land. They should also be provided irrigation facilities, bank loan etc so that they can cultivate without difficulty. If any suggestion is given to the Centre for implementation of land reform, their reply is that it is a matter of the State. But if the Centre have the honest and sincere political will they can ask the States to implement the land reform act so that the oppressed sections of our society are uplifted. But, it is doubtful if the Government has this honest and sincere will in their mind. If they are really sincere for the improvement and overall development of the weaker section of our society, they should ask the State Governments to follow land reform honestly. They can atleast ask the state Governments ruled by the Congress to implement the land reform because they can say that the state Government rules by other Political parties other than Congress won't listen to their direction. But a few State Still are being ruled by the Congress. They can direct them to implement the land reform. Congress is still ruling in some states but of course the time has come when there is going to an end of their rule. They have brought the country to such a situation that there is going to be an end of their misrule. But I have already said and I repeat again that it is doubtful if the Government has any sincere and honest will to implement the land reform for the overall development of the poor.

Sir, the seprarist movement has been showing its ugly face everywhere in the country. They have taken advantage of the poverty of the poor and downtrodden, the SCs/STs. These people lack food, clothing, education and development. Some Political Parties have been taking advantage of their poverty and misguiding them. That is how separatist movement is turning into extremist movement. The poor, the havenots, the deprived people are being made to understand that they will improve their lot in the separatist movement. These people are being misguided and ultimately driven to extremist tactics. As a consequence, the best resource of the country, that is the inhabitants, the innocent people are being killed, tortured, massacred. So, if these deprived people are not uplifted, if the scheme for their overall development is not properly implemented, then the ugly head of separatist movement will rise and hamper the prosperity of our country. The Government must take some effective measures for the upliftment of these people.

Saying this and thanking the chair for giving me an opportunity to participate in the discussion of this important Bill, I conclude my speech.

12.50 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI RAM NAIK (Bombay North): On a point of information, I would just like to know that if the House is advised about the approximate time of voting, it will be possible to muster whoever is present here. Otherwise, this would go like that and the Members would not be present at the time of voting. If exact time is indicated, it will be convenient to the Members.

(Interruptions)

MR. DEPUTY-SPEAKER: I will come back with the necessary information in a short time. Within a short I will come back with the necessary information.

SHRI RAM NAIK : No. That should be indicated. Otherwise Government will come in difficulty, Sir.. *(Interruptions)*

AN HON. MEMBER: We must know exactly at what time voting will take place...*(Interruptions)*

MR. DEPUTY-SPEAKER: I will come back within five or ten minutes to the House with the information.

(Interruptions)

MR. DEPUTY-SPEAKER: I will announce at what time voting takes place. Within ten minutes I will tell you.

[Translation]

SHRI NITISH KUMAR:(Barh): We should know at what time voting would take place. *(Interruptions)*

SHRI SHARAD YADAV (Madhepura): Shri Shukla had told, it will be at 4 O' Clock. *(Interruptions)*

[English]

SHRI K.P. REDDAIAH YADAV (Machilipatnam): Sir, we have also given amendments, our names also should be called out.

MR. DEPUTY SPEAKER: We have not got the list from the Congress Party.

[Translation]

SHRI SHARAD YADAD: Kindly let us know the time of voting.

[English]

MR. DEPUTY-SPEAKER: Within ten minutes I will come back to the House as to at what time the voting is going to take place. You did not hear me. This is the third time I am repeating it. My voice was very mild perhaps.

[Translation]

SHRI KALKA DAS (Karolbagh) : Mr. Speaker, Sir, I would like to express my views on 86th amendment in the Constitution today. A pact was signed between Mahatma Gandhi and Dr. Ambedkar in Pune at the time of independence which is known as Poona Pact. Mahatma Gandhi made a promise to Dr. Ambedkar in the pact that after getting independence we shall provide special facilities to depressed classes viz S.C.S.T. for ten years and they will be at par with other categories of the society within this period. The Constitution was drafted and enforced in 1950. According to the Constitution, 15 percent reservation was made for Scheduled Castes and 7.5 percent for Scheduled Tribes. This is a different matter that this reservation was made to uplift the people belonging to these castes. But Congress party always tried to use the reservation issue to its own advantage. They have been propagating wrong notions. Reservation was made but posts reserved by the Government were not filled, there is a backlog even today. Even after 45 years of enforcement of the Constitution their reserved posts in the Government jobs have not been filled up. The reservation has been continuously extended after every 10 years and all the political parties have been giving full support to them. But the Congress party always been creating some misunderstanding or the other and used them a means of grabbing political power. They will blame one party or the other saying that they are against it. But the fact remains that no party has even put any obstacles in the way of reservations and every party has supported it and reservation has been extended after every 10 years.

There was a meeting of leaders of all the parties on 15th May in which it was decided to bring a constitution amendment Bill and pass it, unanimously. The Supreme Court had delivered a judgement in 1992 in connection with a case relating to OBC that there will be no reservation in promotion and it will end by 1997. This matter was discussed several times in the House between 1992 and 1995 but Government assured that it will be made in ninth Schedule of the Constitution, so that it may not remain in the purview of any court.

Shri Sitaram Kesri said this in the House in 1992 but now it is 1995. Now attention of the Government has gone to this matter and this Bill has been brought during these last days

because the Government has always been on the look out of an opportunity to get political advantage of this issue. They have all along been evading the issue on one pretext or the other. The Minister of Welfare has made statements after 15th May many a times, sometime he says one party is not agreeable and sometime some other. In reality, it is not a fact because all the political parties knowing its importance have agreed to support this Constitution Amendment Bill although it has been brought in the House in these last days. although Government is now in a hurry to get through but in our view consensus is necessary. Keeping the procedural tangle apart, all of us have expressed our readiness to support it.

Since this is a Constitution Amendment Bill and Rajya Sabha will not be in session tomorrow, and this bill has to be passed in both the House, and it should be passed in some States also, knowing fully well all this, the Bill has been brought on the last day in this House so that if some procedural objection is raised, they should be in a position to misuse it. They have not treated reservation for upliftment of the society but they have used it to retain political power. The hon'ble Minister, perhaps, is always trying to find out means to promote wrong notions among the backward, depressed people, who did not get justice and who are uneducated. They want to give this impression that only congress supports reservation in the country whereas had the Congress party fulfilled the promise which Mahatma Gandhi had made to Dr. Ambedkar that after 10 years of getting independence we shall bring the entire society on equal footing, the situation would have been different. But the Government has made this issue a vote catching device and did not implement reservation, as a result of which many reserved posts are falling vacant in Government services and there is backlog in every category.

According to the provision made in the Constitution there is a provision of 15 percent reservation for Scheduled Castes and 7.5 percent for Scheduled Tribe but the ground reality is that in 'A' Class post, only 9.3 percent posts of Scheduled Castes and only 3.06 percent posts of Scheduled Tribes have been filled and in Class 'B' posts, 12.17 percent posts of Scheduled Castes and 2.35 percent posts of Scheduled Tribes have been filled. Similarly in Class 'C' posts, the percentage of filled posts of Scheduled Castes and Scheduled Tribes is 15 and 5.43 respectively. You can imagine thereby that even after 45 years of independence what is the position of reservation of posts.

One of our friend from the other side was telling that excuses are made in the case of reservation. Sometimes they say that suitable candidate is not available, if they get one, then they say, he is not able, he is not efficient. Until now,

after waiting for three years the posts of reserved category were filled by candidates of general category after publishing an advertisements but after 1989, rules have been changed that the posts reserved for Scheduled Castes and Scheduled Tribes would not be filled by the Candidates of general category, those will be kept vacant.

Then a suggestion was made for special drive. When Srimati Indira Gandhi was the Prime Minister of the country, she said that they will fill up all the reserved vacancies through a special drive. When Shri V.P. Singh was the Prime Minister, he also repeated the same thing, but what is the present position in regard to reservation. I have told you that even after the 45 years of independence, all the reserved posts have not been filled up.

Now see the case of banking services. In 'A' category only 10.24 percent posts have been filled by the Scheduled Castes candidates and in 'B' category only 14.8 percent posts have been filled up by Scheduled Castes and 2.56 percent by Scheduled Tribes Candidates. The rest is backlog. My submission is that the spirit with which we have provision for reservation in the Constitution we have not been able to implement the same in that spirit.

Mr. Deputy Speaker, Sir, the policy announced by them has not been implemented. The reason is malafide intention of the Congress party. They have made it a vote catching device. A reference was made to the Court with regard to an appointment. The court gave the verdict that there should be reservation in promotion also. On this basis when the case of OBC came up before the Supreme Court, they gave the verdict that there should be no reservation in promotion in the cases of Scheduled Castes and Scheduled Tribe also. Although OBC party was not present in the Court and neither they were heard but the Supreme Court said that reservation is alright in the cases of appointment but there should be no reservation in promotion.

Mr. Deputy Speaker, Sir, if provision of reservation is not made in the cases of promotion then no person belonging to Scheduled Castes would be able to become a big officer because he will never be promoted to higher posts. It is very fortunate that Congress Party even after its 45 years rule has not prepared the society of our country to accept a person of Scheduled Castes in higher position. They have gained both ways. They told the people of Scheduled Castes that provision has been made for your reservation in the posts and on the other hand they have been telling people belonging to higher castes that number of posts given to them is insignificant

Mr. Speaker, Sir, we do not want that reservation should be permanent feature. We also do not want that reservation in promotion should always be there, But we want that the people of these castes should get maximum benefit of reservation. I want to say that had there been no reservation, in appointments no person belonging to Scheduled Castes and Scheduled Tribes could have got a job nor could have got any promotion because he will be told that he is not qualified or he is not efficient. His C.R. would be spoiled In this manner they will not be promoted. Some people, perhaps may not like it because they think that they will be their bosses or they are being thrust upon them. In reality, it is not so. Injustice was being done to these classes from centuries. They were badly treated. They were deprived of even human rights. Therefore, until they become at par with others justice will not be done to them. In view of this it is necessary to make provision for reservation at the time of appointment as well as promotion stage.

Mr. Deputy Speaker, Sir, it is failure of the Government who has to say even after 45 years of independence that provision for in promotion should also be there. Even after 45 years of enforcement of the Constitution, that was given to us by Dr. Ambedkar in 1950, we have to say that the rights envisaged in the Constitution have not been given to the people of these castes and therefore reservation should be provided in appointment as well as at promotion stage. This Government has not been able to provide relief to them because congress party has made this issue a means of catching votes. Therefore, educational facilities have not been provided to them, they have not made any progress and could not become self reliant. The Government have just maintained their vote bank. Shri Atal Bihari Vajpayee also said the Government should streamline its methodology of working. This is very important. Then hon'ble Minister got up and said that you were against it. In our opinion, it should have come much earlier but the hon'ble Minister wanted to convey to the society that they are in favour of Scheduled Castes and we are against them. When the question of OBC was being discussed, the hon'ble Minister said that some people are against it and then our friend Shri Jena got up and asked as to who was against it, then he replied that he did not mean that. They are misleading the people. They are using this issue to stay in power. Had they wanted to the job earnestly, the problem would have been solved. We need not have reservation by now. We become independent 47 years ago. Such candidates are not prevailing in any country which became independent with us or after us.

90 percent people of our society are living below the poverty line facing starvation. These people treat reservation

[Sh. Kalka Das]

as lollipop, they may discontinue it or enforce it at their sweet will so that these people may realise that only congress party is their well-wisher; But now people of the community have understood that congress is responsible for their present condition. If Congress wanted they would have come at par with all of us today.

Mr. Deputy Speaker, Sir, I support this Amendment. This amendment must be carried out, this is my view and my party's view and also people's view.

SHRI ABDUL GHAFOOR (Gopalganj) : They have let down Mulayam Singh also.

SHRI KALKA DAS : Whosoever will have relations with them, he will meet the same fate. Scheduled Castes supported them and today their condition is that it is very difficult for them to make both ends meet. My submission is that this amendment is quite necessary. The Government had made promise in this regard much earlier. Sir, you may recollect that when Supreme Court gave a verdict that it should be done, at that time only Shri Ghulam Nabi Azad was available. When I talked to him, he replied that he is not aware and Shri Sitaram Kesri is not present here. When he comes, he will tell you. When Shri Sitaram Kesri is not present here. when he comes, he will tell you. When I talked to him, he replied, who say, this, it has not been done. I told him that I have gone through the judgement of Supreme Court, then he said, it might have been done. I do not know because mosque in Ayodhya was demolished. I asked him, what mosque has to do with it? He replied that when there is issue of mosque, we discuss mosque only. so it became clear that they are not serious. He came after 15-20 days and when I talked to him again, then he replied that it is alright but we should amend the Constitution. I placed a demand before him that Constitution should be amended and then it should be placed in the Ninth Schedule so that it may remain beyond the purview of the Court. He replied that he would consider it.

Sir, we are discussing the question of reservation in promotion and this reply has been given by the Minister. The judgement was delivered in 1992 and now it is 1995. This session commenced, two months ago. This Bill has been placed before the House on last day of the Session, this is not good. Its procedure will be discussed here, some Members would say as to why could it not be brought earlier, then their reply would be that others were against it. Their intention is malafide. 47 years is a long period and now people cannot be misled by them. Now these people say that this Government has been misguiding us and the result of such policies is that

this Government has been defeated in Gujarat from where they had never faced a defeat. They are losing battle everywhere in this country. People who used to vote for them, but they have done nothing for them. They have now understood that their intention is malafide, they just want to use them for votes. Now they are turning against them. Now they just exist as significant stars on the map of our country. In some of the states, they have lost the status of even opposition. The people, whom they used to misguide, have been awakened.

As stated by Shri Atal Bihari Vajpayee that they are doing it because of pressure is correct. They have been demoralised, they have lost their will power. They are in dilemma as to whether to accept it or not. Whether it should be done or not? Then Shri Atal Bihari Vajpayee had rightly said that you have to go but at least bring the Bill.

The Government has not covered the backlog so far. Sometimes they say that they will do it through a special drive and sometime they say something else. But even now we cannot rely on the Government. The atrocities are increasing but they can do nothing except ordering an inquiry. Privatisation is being encouraged in accordance with the new policy enforced in the country. The reservation was being enforced in Government undertakings but now many new companies are coming up. Nothing can be said about them whether they would reserve the vacancies for scheduled castes and scheduled tribes or not. We had placed this issue before the Prime Minister in 1992. He replied that privatisation is being done but we shall do something to see that reservation for Scheduled Castes and Scheduled Tribes may remain there. But that question mark still exists and this question mark will remain even after exit of this Government.

I support this Bill and want to request the hon'ble Minister of Welfare that early steps should be taken to enforce reservation for the Scheduled Castes and Scheduled Tribes despite privatisation taking place and he should let the House know his views in this regard.

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY): Mr. Deputy Speaker, Sir, When hon'ble Speaker called my name, I was in the Business Advisory Committee of Rajya Sabha. If you allow me, I may introduce the Bill just now.

[English]

SHRI RAM NAIK (Bombay North) : Sir, I had raised an issue and I would like the Minister clarify it. I had suggested that if this Bill is to be discussed, Bill No. 41 which is shown

on the List of Business for tomorrow should also be introduced and then both Bills can be discussed together. Otherwise, we would not have an opportunity to give amendments. I had suggested that when he comes for introducing the Bill, he should also consider introducing Bill No. 41 today itself so that we can give amendments.

SHRI G. VENKAT SWAMY : No, no.

SHRI RAM NAIK : Don't you want to discuss the Bill today?

SHRI G. VENKAT SWAMY : I want the Bill to be discussed today.

SHRI RAM NAIK : And what about the next Bill?

SHRI G. VENKAT SWAMY : Maybe tomorrow. I do not know.

SHRI RAM NAIK : Sir, he does not know. The Bills are of identical nature.

SHRI G. VENKAT SWAMY : What is identical in them. This is about nationalisation and..(Interruptions)...

[Translation]

SHRI RAM NAIK : It is the question of 194 Textile Mills. This matter is very important not only for Bombay but for the sake of Textile Workers of the entire country and that is a comprehensive Bill, should it not be discussed?

SHRI G. VENKAT SWAMY : Let me introduce the Bill.

SHRI RAM NAIK : I am asking..(Interruptions)

DR. R. MALLU (Nagar Kurnool) : Let him introduce first.

[English]

SHRI LAL K. ADVANI : Sir, my colleague has raised a very relevant point. I wish the Minister goes back and sees the next Bill. My colleague's point is that the Bills are interlinked and if we are to discuss them and if we are to give any amendments to them, we must have both of them, we must have both of them with us. So, the Minister can introduce both of them today. After all there has been a delay in introducing this one. The Minister was not present when the hon. Speaker called his name. Therefore, it would be proper for the Minister to respond to my colleague's request and come

to the House only when he has gone through the other Bill and has come to a conclusion. Either he should come and explain why the two have to be introduced separately or he should come and explain why the two have to be introduced separately or he should introduce both of them together, what is the difficulty in it?

MR. DEPUTY-SPEAKER : Okay. The Minister can go through both the Bills and then come back to the House.

SHRI G. VENKATASWAMY : I will discuss it with the Parliamentary Affairs Minister and come back, Sir.

MR. DEPUTY-SPEAKER : Right. Now, I just wish to inform the House, as the House is very anxious to know, that division would take place around 4 pm.

13.22 hrs.

CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL

AMENDMENT OF ARTICLE 16- contd.

[English]

DR. R. MALLU (Nagar Kurnool) : Respected Deputy-Speaker, Sir, I rise to support the Bill. First of all I would like to convey my heartfelt thanks to the hon. Prime Minister and the Minister of Welfare for bringing this Bill in this session.

As you know, Sir, this is a very important Bill which is going to bring a large number of backward people on par with other sections of the society. If one takes a look at the condition, before independence, of Scheduled Castes and Scheduled Tribes people and their condition after Independence, one can easily find out the difference. When there was no reservation in Government Services, almost all posts starting from Secretary, Collector, Tehsildar, Revenue Inspector, Gumasta, sweeper etc., were occupied by the privileged people and the people who enjoyed importance traditionally. Fortunately, after achieving independence to our country, the fathers of our Constitution, Dr. Rajendra Prasad Ji, Dr. Ambedkar, Jawahar Lal Nehru and other great leaders had thought that the Scheduled Castes and Scheduled Tribes people who had been suffering for centuries also had to be taken into consideration so that they too could come into all fields to take their little share in administration and in politics. That is the reason why the very idea of reservation which is fixed is not being implemented.

[Sh. R. Mallu]

Just now, my hon. colleague, Shri Kalka Das gave the statistics also. The reservation order is also not being properly implemented in all the Departments. The higher posts which are reserved for Scheduled Castes and Scheduled Tribes are being kept vacant. But the lower posts *viz.*, of UDCs, LDCs, Sweepers and Attendants which are also reserved for Scheduled Castes and Scheduled Tribes are only being filled up. But the posts of executives, where there is a proper justification for accommodating the weaker sections, are kept vacant.

As you all know, Government after Government, have passed a number of resolutions. They have also sent a number of G.Os to different Departments for implementing the reservation order 100 per cent, but, unfortunately, even today, there are a large number of backlogs in different Grades *viz.*, from Grade A to the lowest Grade. I do not want to blame any political party at this juncture for this. It is because, this particular Bill is confined only to the reservation for Scheduled Castes and Scheduled Tribes in promotions is being supported by all the Parties, including the BJP, the Janata Dal, the CPI, the CPI(M) and the Congress(I). So, I also convey my thanks to all the Parties for having a consensus on the issue of reservation in promotions for Scheduled Castes and Scheduled Tribes also.

This Bill has come up before the House because of the judgement delivered by the Supreme Court in November, 1992. As you all know, it was also discussed yesterday in this House. This judgement will likely to be implemented from 1997. But, unfortunately, as soon as the judgement came, most of the Heads of departments have immediately started implementing it. Even when this issue came before the House, the hon. Minister for Welfare took it up immediately clarified this issue. I am once again thank the hon. Minister of welfare for this. The hon. Minister of welfare with the help of hon. Minister of Personnel had sent Circulars to all the Departments, asking them not to implement the Supreme Court judgement till 1997. Unfortunately, contrary to that Circular, Contrary to that order, contrary to the directions given by the Minister of Welfare and Minister of Personnel, most of the Departments have started implementing it. I am a Member of the Parliamentary Committee for the Welfare of Scheduled Castes and Scheduled Tribes. I have gone to a number of Departments where I have found that they were not being implemented. The simple reason is that if the G.O. or the Circular is in favour of the other castes, they will immediately take advantage of it and implement it. If the G.O. or the Circular or the direction is in favour of the weaker sections, the officers sitting at the helm of affairs will see to it that it is not implemented. From the lowest officer, they will put hundreds of queries. They will even venture to write to Chief Ministers, the Minister of Personnel, and the Minister of

Welfare asking hundreds of clarifications. I am not going to blame any individual in this case. This is a traditionally accepted system which is prevailing in this country since many centuries. So, all these things are to be taken into consideration before this Bill is passed unanimously.

I want to tell one more thing. Shri Kalka Das said that it is the Congress Party which is responsible for delaying this. I want to tell him and it was told a number of items in this House that in 1978-79, when the Janata Party Government was at the Centre - during those days, we were students and we were anxiously waiting for the Government to pass the Bill extending the reservation facility for ten more years - nothing was done. The reservation facility for Scheduled Castes and Scheduled Tribes was to expire in 1980. All the Members from the congress Party were demanding extension of reservation facility for Scheduled Castes and Scheduled Tribes for ten more years. So, it was not the Congress Party which was at the Centre at that time but it was the Janata Party which was at the Centre which did not pass the Bill for extension of reservation facility for Scheduled Castes and Scheduled Tribes. Shrimati Indira Gandhi, who became the Prime Minister in 1980, came prepared for it. The first and the foremost thing which she did was that introduced the Bill for extending reservation for Scheduled Castes and Scheduled Tribes for ten more years. So, she had extended the reservation for Scheduled Castes and Scheduled Tribes for ten more years. So, it was the Congress Party which had done it.

I do not give the total credit to the Congress Party. Since my friend Shri Kalkaji raised this point, I just wanted to cite this example. Not only this, Sir, after including this reservation policy in the Constitution, when the implementation has come, Indiraji or Nehruji or any other Prime Minister who has come, they all have been thinking in doing their best to take these people with the mainstream of the society. That is why they have started putting lot of social welfare hostels for Scheduled Caste and Scheduled tribe boys. They have started giving scholarship to take them into Government service. They have started ST Finance Corporation, BC finance Corporation and Minority Finance Corporation and whatever is possible they have been bringing through this Parliament. But as you know, in the field, the officers who are there to implement the system, the system is in their hands and it takes time to implement this. I am happy at least now we are still trying to undo the system which was there previously. In India there are two things. One is written Constitution and the other is unwritten Constitution. In this country untouchability is a crime. But it is not being properly implemented in the villages. When we go to villages, towns, cities and everywhere, still it is there in the hidden form. But in the unwritten constitution it has to be observed because of the old traditioned people. They think that if they do not

observe untouchability, God may punish them or some cultural differences and all traditional beliefs coming from centuries and ages together, they are just thinking that observing untouchability is part of their life and I do not want to blame any caste or individual in this issue. It is all because of the Century-old system that is prevailing in the country. since we are being the democratic country we are trying to undo it, we are trying to change it in the democratic system. As you know, India is a great democratic country and in this democratic country, participatory democracy is one of the best thing which we have introduced in our Constitution. That is why, under this participatory democracy, these Scheduled Caste and Scheduled Tribes given chance in IAS and IPS. The Scheduled Tribe people are given chance to get elected as Members of Parliament, Assembly Members etc. They are given change in Executive field, they are given chance in political field and they are given chance in judicial field. They are given all these chances only for the simple reason that this country belongs to each and every one. Everybody fought for the Independence everybody has to get his due share. In a situation where if anybody tries to obstruct it, if somebody tries to keep the whole system like this the fathers of the Constitution had realised and had started giving this reservation. They have given protection under Constitution. That is why this participatory democracy has come into force. I wanted to tell a small example of a family. In a family 10 or 5 or 6 brothers are there. If all of them are not equal in intelligentia, one may be studying in M.A., one may be studying in 10th class or one may not be studying at all, but all these people are eligible to get share in the parents' property. This is the concept. If you go down to the fundamental concept on which we stand, the family is the fundamental thing in any country, particularly family history is great in India because this democracy, the very democracy is living in India because of the fundamental democratic type of living in India. It is not because of the Constitution, it is not because somebody is dictating and it is not because somebody is interested. It is because of our way of life and way of living. Our system itself is democratically based system. Our religion, our culture, our tradition, though it has got some drawbacks like untouchability and all, but I love and we are loving because of the traditions we have got, the democratic traditions. Under these circumstances, as a parent, this Parliament is parent because it has representatives from all sections of India. is doing its best by passing this 86th Amendment by giving reservation in promotions. Some of the people when it comes to promotions, are quick enough to tell that efficiency is getting affected. Sir, when we come to the efficiency....

MR. DEPUTY-SPEAKER : Dr. Mallu, there are so many people to speak.

DR. R. MALLU : Sir, this is one of the important Bills in

which I wanted to express my views. Since a long time this has got accumulated in our mind and we could not express. I think this is the occasion and this is the Bill on which we can really speak.

Sir, I was telling you about efficiency. I just want to bring, with all respect to the Chair, to the notice of this House, that efficiency is a relative term. Efficiency varies from person to person, from time to time and from system to system.

In 1947, the efficiency was totally down as compared to the efficiency of now. Now you have a lot of efficiency because of the scientific and other developments, like computers, etc. taking place. If you think that at that time the people were not able to rule the country and they could not run the country, it is wrong because that all depends upon the time and place and that was the system when they were ruling.

Efficiency is a relative term. As you know these people, whom we are talking about, that is the SC and ST people, were not having any facility to read newspapers, magazines, hear radio, watch television, etc. in their houses. All those facilities were not available to the children of SC/ST people and in the villages. Now, you are suddenly asking them to compete with the people who are having all these facilities, who are having the opportunity to read newspapers, going through magazines, hear radio, watch television and are getting advice from their elders and family members. So this is not a fair comparison between the Scheduled Caste/Scheduled Tribe people and the other people.

Under this background also the SC/ST people face a lot of difficulties while seeking admissions to various colleges, like engineering, medical etc. They are being taken in the colleges on the basis of minimum requirement. They are given some relaxation in age and in marks, etc. but they are taken after fulfilling minimum qualifications which are required to seek admission in the colleges before they enter into a service. After entering into service, there is no reservation in promotions.

I have the personal experience. Lot of posts are vacant for want of eligible candidates. Suppose 'A', 'B' and 'C' posts are there and if a candidate, who is having five years' service, is there in post 'B' for promotion to post 'A' and it needs ten years to reach to that post then in the case of SC/ST if you give some relaxation in age and in qualification also then these people can come to the posts which are vacant.

In recent past, the Government had issued a notification saying that those posts which are reserved for SC/ST people are to be carried forward so that the candidates who are qualified can be taken in. But unfortunately, what is happening is, since 10-15 years these posts are coming forward but the eligible candidates are not coming in.

MR. DEPUTY-SPEAKER : Dr. Mallu, everyday we are experiencing that those who speak in the beginning get lot of time and in the end the other hon. Members get only two or three minutes time. They are very much agitated. To our surprise, the other day an hon. Member came to my Chamber and literally wept. He shed tears because he could not get a chance to speak. So much an injustice should not be done to our colleagues in this House. All are equal as you have rightly said. So kindly, stick to the time.

DR. R. MALLU : I will finish within two or three minutes.

So, Sir this efficiency point which the other people are taking against the reservation for SC/ST people is not because these people are really worried about efficiency. It is because the other people are enjoying these posts which are available in the Government, all these years.

Now as reservation is given to Scheduled Castes and Scheduled Tribes, they are also being elevated to the posts of Secretary, Cabinet Secretary and all other important posts. That is the reason why those who are enjoying since centuries are afraid of these people coming to these posts. That is why they are bringing the name of efficiency and not because they are really worried about efficiency.

MR. DEPUTY-SPEAKER : It is outdated slogan, now nobody claims that. Efficiency is there in everybody.

DR. R. MALLU : They are all talking about efficiency, I just wanted to convey this to you. Having given the chance these people are doing very well from lower level to the higher level.

It is proved at all levels. That is why, the reservation in promotions is a must in this type of democratic Government. This is a participatory democracy, where everybody, according to their population and according to their population and according to their efficiency, has to be given his due share. If this is not fairly implemented in future, I think, the weaker sections, who have now realised their right of getting their due share in the administration, in politics and in all other fields, are not going to keep silent, it is not good for the democracy and it will not be possible for whichever party heading the Government to run the Government. My final request is ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Now I call Shri Nitish Kumar to speak.

...*(Interruptions)*

SHRI K.P. REDDAIAH YADAV : What about me, Sir?

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Reddaiah Yadav, you will definitely have a chance to speak.

SHRI K.P. REDDAIAH YADAV : Sir, in the end you will give only half a minute ...*(Interruptions)*

MR. DEPUTY-SPEAKER : After Shri Nitish Kumar, I will call your name.

DR. R. MALLU : My final request to the Government is that after passing this Bill, the Government should give instructions and directions to the concerned officers for proper implementation of this reservation policy to see that everybody in this country feel that this country belongs to them and they are also a part in the administration, in politics and everywhere. This reservation policy will only save from any type of revolution or extremism. All these problems will be solved by proper implementation of the reservation policy for the Scheduled Castes and the Scheduled Tribes as well as for the OBCs.

I would like to add only one sentence, Sir. The reservation policy even in the Panchayati Raj system, which was framed by this Parliament, had brought a second independence for the rural people.

MR. DEPUTY-SPEAKER : Before I call Shri Nitish Kumar to speak, I would like to make one request to the hon. Members. Let us try to accommodate our brother hon. Members, who are sitting by our side because at 4 o' Clock, it comes to an end. At 4 o' Clock, voting on this Bill is going to take place. Before that, the hon. Minister will have to reply to the discussion. My request to you all is that unnecessarily the Chair is forced to ring the bell. You should not presume that ringing the bell is an encouragement. You should not misconstrue that ringing the bell is an encouragement.

...*(Interruptions)*

SHRI RAM KRIPAL YADAV (Patna) : What about the Janta Dal?

[Translation]

MR. DEPUTY SPEAKER : I shall come Samta to Janta Dal.

[English]

Now, I call Shri Nitish Kumar to speak.

[Translation]

SHRI NITISH KUMAR (Barh) : Mr. Deputy Speaker, Sir,

the issue relating to the 86th Constitution (Amendment) Bill moved by the Government in the House has been discussed here several times. The Supreme Court delivered a judgement in 1992, since then this issue has been raised many times in the House because of adverse Comments in respect of reservation in promotion by the Supreme Court. It was being demanded that Government should amend the Constitution to continue the reservation in promotions. The Government has taken a lot of time to do the needful. It was discussed yesterday also in the form of a question and again in Zero Hour. This matter was discussed at length at the introduction stage of this Bill also and the Government had been giving its justification time and again. The Government told that the matter has been discussed with leaders of all the political parties and it was that in all three meetings were held and there was consensus on this point and therefore they have brought this Bill. There has been consensus in the House on many occasions and had the Government desired, they could have brought this Bill earlier also. The issue could have been discussed with leaders of all the parties earlier also but the time selected by the Government caused various misgivings.

In the meetings referred to by the Government, in addition to the provision of reservation in promotion to the people belonging to Scheduled Castes and Scheduled Tribes, which is still in force, it was also discussed that reservation in promotion should be provided to other backward classes also. Almost all the parties expressed their views in favour of this proposal. Some people might differ and this matter could have been discussed further and a comprehensive Bill covering both the points should have been introduced. When the Bill was going to be introduced in the House, at that time also the matter was discussed but the Government did not disclose some facts in the meeting. The reservation for OBCs is already in vogue in certain States. The Government did not reveal this fact in the meeting. Therefore, it appeared as if we are demanding something new. The reservation for O.B.Cs is already in vogue in Uttar Pradesh, Haryana, Punjab and Tamil Nadu. The provision of reservation is for backward classes. The Scheduled Castes and Scheduled Tribes are also a part of backward classes. The Government should think about the people who are socially and educationally backward. The provision of reservation for Scheduled Castes and Scheduled Tribes was made much earlier but everybody knows that it was a long drawn battle for other backward classes. It is a well known fact. The Government, When Shri V.P. Singh was the Prime Minister, the Government implemented the recommendations of Mandal Commission and a lot of hue and cry was raised. All of us know this.

When we discuss these things in our party meetings we say that something which is achieved after a long drawn

battle should not be abandoned. In case provision of reservation in promotion is not made today then I am afraid, it may be postponed for indefinite period. We meet people of all political parties inside the House and outside also but none of them has ever said that they are against this proposal. They say that their party is not against it. I know that no party would be against it. Then why this aspect has not been brought before the House, where the problems lies who would like to violate the section meant to provide social justice ? Who can violate the consensus arrived at in regard to social struggle. I blame the Government for this State of affairs. Had the Government desired, they could have brought the Bill for both. It shows that they want to discriminate between the two. In case Government accepts our amendment on this subject, we shall withdraw all our other amendments. Let the Government agree to move this amendment on their own that in place of this Bill.

[English]

"Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes"

[Translation]

If you substitute it by "but any backward classes of citizens" which has been envisaged in the Constitution. If you substitute "Any backward classes of Citizens" for Scheduled Castes and Scheduled Tribes and if you move this amendment then justice will be done to all these forces who are for fighting for social justice, and the depressed people etc. We welcome the demand for SC and ST Forum, if they can ventilate their feeling in organised manner, that does not mean that people of OBCs cannot do so. If they come together and take a decision then it may be difficult for you to run the Government but we think that you will do justice to one and all. Your Ministry circulates papers from time to time, we go through them and find that justice is not being done with us. We, the people belonging to OBCs demand justice from you. Whatever a little bit you do is given in an Annexure.

[English]

The Annexure shows the actual levels of recruitment in percentage as on 1st January, 1994 for SC/STs and as per the Report of the Mandal Commission for OBC groups.

[Translation]

There is a provision of 15 percent for Scheduled Castes.

[Sh. Nitish Kumar]

It is 10.25 percent in 'A' category, 12 percent in 'B' category 15.73 percent in 'C' category and 20.46 percent in 'D' category. The total average is 16.90 percent. The same is these case with Scheduled Tribes. It is 7.5 percent under representation. It is 2.9 percent in 'A' category, 2.18 percent in 'D' category. The total average comes to 5.48 percent. Similarly, reservation for OBCs is 27 percent. It is 4.69 percent in 'A' category, 10.63 percent in 'B' category, 24.4 percent both in 'C' and 'D' categories and the total average comes to 12.55 percent. Reservation for them is 27 percent and their representation in Central services is 12.55 percent. Should they not be given reservation in promotions? Do they have no right to demand this? Do they have no case? The Report of Mandal Commission has been implemented after so many years and after how much struggle you have been able to provide employment to one person uptil now? We have been demanding that all the people should be given a chance a per the reservation of posts through U.P.S.C. and the age limit should be relaxed. The people who have been fighting for a chance, they could not get. It was conceded later on. Why these people were not given a chance who have been struggling for implementation of recommendation of Mandal Commission and for age relaxation? We demanded that recommendation should be implemented with retrospective effect but you delayed the matter and justice delayed is justice denied. In spite of so much struggle, you could do it after one and a half year. If OBCs are left, will they get promotion? This facility has been provided in 4-6 States, it should be given at Central level also. This is our submission. We have given amendment to this effect. You either accept it or you may move it on your own and make this Bill more comprehensive. You bring constitution amendment Bill time and again and we support those. We are prepared to make any sacrifice. Even if you introduce a Bill separately, we shall support it. If you do not accept our amendment, even then we shall support it because we shall support as per our commitment. But you should do justice. Nobody will get a chance simply by discussing in Central hall or issuing statements to the press. Whenever you put up new and bold ideas in Rajya Sabha or Lok Sabha we support you by thumping the desks and boost your morale, but this will also not help you much. You should take some initiative or some risk. This matter was discussed in the cabinet meeting and as far as we know, you had yielded. You said that some people are against it. Kindly let us know who is against it. We should also know. Members of all the parties meet us and they say that their party is not against it. Please do not become victim of any conspiracy. A Comprehensive Bill on reservation should be introduced. When quota of admission was to be raised, you moved a motion to include it in the ninth Schedule. Today you have

brought this Bill, it is alright. All of us would support it. But you have to bring one comprehensive Bill. The Supreme court has fixed a limit of 50 percent in reservation. It appears from the judgement delivered by them that the question of OBCs was not under consideration of that court, even then they delivered a comprehensive judgement. They covered many issues. So you should also cover all the issues and bring a Comprehensive Bill in which the ceiling of 50 per cent should also go. Now privatisation is taking place, whether benefit of reservation will be above in the public sector. We have been discussing the question of providing reservation to minorities and to protect the interest of very backward classes of people and the question of providing reservation therein. Now you will bring a comprehensive Bill but you should have thorough discussions before you do so.

MR. DEPUTY SPEAKER : Sir, I once again request you that an amendment should be introduced by the Government for all the backward classes so that justice is done to all classes of people.

With these words, I conclude.

[English]

MR. DEPUTY-SPEAKER : Shri K.P. Reddaiah Yadav.

DR. MUMTAZ ANSARI (Kodarma) : Sir, what about my name?

MR. DEPUTY-SPEAKER : You know the system.

DR. MUMTAZ ANSARI : The system is here.

MR. DEPUTY-SPEAKER : Sir, do not lose your patience, Your list came just now after my asking for it. Now that the Opposition has spoken the next chance should go to the ruling party. Where have I committed a mistake?

(Interruptions)

MR. DEPUTY-SPEAKER : Doctor Sahib, your argument does not hold water.

SHRI K.P. REDDAIAH YADAV : In this Bill, not only one party, but a majority of the Congress Members of this House have moved amendments to this Clause to include other backward classes in the reservation for promotions.

In this context I want to bring to the notice of the House that supposing if there are 15 per cent Scheduled Caste people in this country, whose financial, economic, political

and educational standards are very low, and those backward classes constitute 10 to 15 per cent of the creamy layer, the economic, social and educational standards of the other 37 per cent are lower than the Scheduled Castes. That fact this House is forgetting. Some of the sections of the backward classes, artisans and others, are very poor and their condition is still worse than the Scheduled Caste people. The Members of this House are forgetting that also.

Therefore, in this context, I want to give the background to this. At the time of Independence, this nation faced a peculiar situation where a small percentage of the Indian population were socially and educationally advanced and a vast majority of people were described as backward classes who were socially and educationally backward. The criteria for determining as to whether a community was backward or not have been two-fold, namely, their relative backwardness in the social and educational fronts.

14.00 hrs.

Among the backward classes, Scheduled Castes and Scheduled Tribes had special disability owing to the cruel and inhuman system of untouchability practised against the Scheduled Castes for several centuries and the relative loss of touch with the mainstream of society forced on most of the Scheduled Tribes due to their living in isolation. Prior to Independence, all these categories were called as backward classes. This was inserted in the Constitution itself.

In order to ensure that SCs and STs who are part of backward classes but who have been forced upon with such peculiar social disability, are given appropriate remedies, the Government of India has enacted the PCR Act and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In most of the States, all the backward classes, namely, Scheduled Castes, Scheduled Tribes and OBCs, have been provided with necessary help and support by provision of facilities such as, reservation in Government services and educational institutions, etc., to ensure that they will be at par with the rest of the population, socially, educationally and economically.

While the Scheduled Castes and the Scheduled Tribes have been given reservation in Government services and educational institutions under the Government of India right from the 50's, OBCs who are also socially and educationally backward like the Scheduled Castes and the Scheduled Tribes, and who also constitute a part of the backward

classes as described by our Constitution, had felt deprived for a very long time insofar as opportunities in jobs and admissions in educational institutions under the Centre are concerned.

Therefore, when OBCs were given twenty-seven per cent reservation in Central Government services, we all welcomed it as a right step in the right direction. But we hoped that further concessions to them, which are their legitimate right and which will make them at par with other forward sections, would be announced and implemented by the Government at the earliest. It is in this spirit that the Government's move to provide age relaxation to OBC candidates appearing in UPSC examinations was welcomed by all Members present here. I would have personally congratulated Shri Sitaram Kesri Ji for having brought this age relaxation. He might have forgotten it.

The very fact that the Government found it necessary to provide age relaxation to OBCs, reiterates the fact that they need to have a lot of positive encouraging steps in their favour if we are to ensure that they become at par with others.

Article 16(4) which is the first ever amendment brought by this august House to ensure welfare and development of all backward classes, permits the State to make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

It is thus obvious that all the backward classes whom the State finds to be under-represented in services should be provided with reservation in services.

From the statistics made available by the Welfare Ministry under Sitaram Kesri Ji, the figures of representation of backward classes in Central Government services are as follows. Whatever representation has been given to the backward classes, has been given only in Group-C and Group-D services, that is, the posts of Attendants and clerical posts only. In all-India services like IAS and IPS, their representation is hardly three to four per cent. Representation given to them as Attendants, Peons and Group-D employees might be another twelve to fourteen per cent. The Scheduled Castes have got fifteen per cent reservation, but they have achieved almost twelve per cent in Class-I services, that is, IAS and IPS, and in Group-C and Group-D posts, they have even exceeded their reservation quota. These are not my figures, these are the figures given by Sitaram Kesri Ji.

But the position with regard to STs is horrible. Though 7.5

[Sh. K. P. Reddaiah Yadav]

per cent posts are reserved for them, their share in the IAS and IPS is even below two per cent. So, they might be given some posts of Attendants and in other Group-D and Group-C services. It does not mean that by adding up all the posts, they should say that they have achieved so much percentage. It is quite wrong to do that.

It is thus obvious that OBCs who constitute around fifty-two percent of the population and who have been provided with twenty-seven per cent reservation, have the minimum representation in Government services among all backward classes. It is, therefore, obvious that when constitutionally an attempt is made to protect reservation in promotions, such an attempt should necessarily include OBCs also.

In this context, let me also remind this august House that the proposed Constitutional amendment intends to overcome the practical difficulties that arose out of Supreme Court's judgment in the Mandal case.

This difficulty has been created not only for the Central Government but also for the State Governments. Therefore, this constitutional amendment should resolve the problems of the Central as well as the State Governments.

In States like Uttar Pradesh, Himachal Pradesh, Punjab etc. they have already been enjoying this reservation facility in promotions. Therefore, they should not be deprived now of this facility in promotions. Therefore, they should not be deprived now of this facility and there should be a clause of reservation for backward classes also along with SCs and STs.

Sir, all backward classes need to be united in their struggle towards attaining social justice. If we bring a constitutional amendment wherein one group of backward classes are not being taken care of, such a step is bound to create social tension of the worst kind among the backward classes themselves. I would, therefore, warn and urge upon the Government of India to propose the following amendment in this Bill :

"In place of 'SCs and STs' we should have 'all backward classes namely SCs, STs and OBCs.'"

This is my submission. I request all the hon. Member of this House irrespective of the parties, to rise to the occasion and resist some pressure groups also. Just now Shri Nitish Kumar has told that it does not mean that the backward classes could not be united by using pressure tactics. If the

Government of India or any other party leaders are thinking on those lines, they are mistaken.

Normally, by and large, the backward classes people and their leaders are so sober that they cannot come forward and bring all pressure tactics. If once they decide to bring pressure tactics, I am sure that they can control the whole society. The Government is nothing before the force of the backward classes and Muslims. If Muslims and backward classes unite, these vested interests cannot grab and loot this country's wealth.

Therefore, I am urging the Government of India and all national leaders to bring this amendment that this benefits the OBCs also along with SCs and STs.

MR. DEPUTY-SPEAKER : Now is the turn of Dr. Mumtaz Ansari. But Shrimati Geeta Mukherjee made a request to speak now. If Dr. Mumtaz Ansari agrees, she will speak for five minutes.

DR. MUMTAZ ANSARI : Yes Sir.

SHRIMATI GEETA MUKHERJEE (PANSKURA) : Thank you, Sir, for the time given.

I rise to support the Bill. Because of paucity of time I shall be very brief though it is a subject which really requires a longer discussion. Firstly I would like to tell that I was a Member of the Scheduled Castes and Scheduled Tribes Committee under the chairmanship of Shri Anandi Charan Das a few years back. Let alone the question of reservation in promotion, even at that time there was so much backlog that in the entry point also there were many vacancies left unfilled. To this day, even at the lowest level, there is backlog of vacancies which are to be filled up by SC and ST candidates and it is a shame for our country. We must give our attention to this aspect first.

Secondly with regard to promotion, I want to raise a point. When this question of reservation in promotions was conceived, there was a provision for providing in-house training. May I ask the hon. Minister as to how many concerns are giving in-house training for these people? As far as I know, none is giving any such training practically. Why is the in-house training not given to these SC/ST officers who may be promoted? The in-house training will help all and particularly our SC/ST brothers. So, I insist that there must be a provision for training.

I want to particularly raise a point in addition to this promotion issue. I have a request to make to the Govern-

ment. But, sir, the members of the Treasury Benches are not listening and they are talking among themselves.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : Sir, I am listening.

SHRIMATI GEETA MUKHERJEE : I am sorry; I did not notice him.

MR. DEPUTY-SPEAKER : He is very much alert also.

SHRIMATI GEETA MUKHERJEE : Yes; he is alert, I did not notice him.

SHRI K.V. THANGKA BALU : You did not notice me, because I am a back bencher.

SHRIMATI GEETA MUKHERJEE : No; you are not a back bencher in any case.

SHRI R. ANBARASU (MADRAS CENTRAL) : He is alert and active also.

SHRIMATI GEETA MUKHERJEE : Sir, as far as the question of reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the other Backward Classes is concerned, I want to make a demand that 50 per cent of all these jobs have to be reserved for women in each of these categories. That is very much necessary, because we are 50 per cent of the population. This is my demand. I hope that the House would support this demand and would help in carrying forward our Indian women to a much better position than they are today.

With these words, I support this Bill.

MR. DEPUTY-SPEAKER : Now, the Minister of Textiles will introduce two Bills and after that, we will resume our discussion.

14:10 hrs.

SICK TEXTILE UNDERTAKING (NATIONALISATION)
AMENDMENT BILL

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY) : Sir, I beg to move for leave to introduce a Bill to amend the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986.

MR. DEPUTY-SPEAKER: The question is :

"That leave be granted to introduce a Bill to amend the sick textile Undertakings (Nationalisation) Act, 1974 and the swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986."

The motion was adopted.

SHRI G. VENKAT SWAMY: Sir, I introduce the Bill.

14.12 hrs

[English]

TEXTILE UNDERTAKINGS (NATIONALISATION) BILL

THE MINISTER OF TEXTILES (SHRI G. VENKAT SWAMY): Sir, I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the textile undertakings, and the right, title and interests of the owners in respect of the textile undertakings, specified in the First Schedule with a view to augmenting the production and distribution of different varieties of cloth and yarn so as to subserve the interests of the general public and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the textile undertakings, and the right, title and interests of the owners in respect of the textile undertakings, specified in the First Schedule with a view to augmenting the production and distribution of different varieties of cloth and yarn so as to subserve the interests of the general public and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI G. VENKAT SWAMY: Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER: Both these Bills will be taken up together for discussion.

14.13/2 hrs

[English]

CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL

(Amendment of article 16)

MR. DEPUTY-SPEAKER: Now, we resume the discussion on the Constitution (Eighty-sixth Amendment) Bill. Dr.