

# LOK SABHA DEBATES

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LOK SABHA

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*Wednesday, November 5, 1986/ Kartika 14,  
1908 (Saka)*  
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*The Lok Sabha met at Eleven of the  
Clock.*

[MR. SPEAKER *in the Chair*]

[English]

## INTRODUCTION OF MINISTERS

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Speaker, Sir, I have pleasure in introducing to you our new Minister of State in the Ministry of Home Affairs, Shri Chintamani Panigrahi.

Shri K. Natwar Singh is now a Minister of State in the Ministry of External Affairs.

Shri Sontosh Mohan Dev is now the Minister of State in the Ministry of Communications.

SHRI JAIPAL REDDY: They are all encyclopaedic experts. They can serve and deal with any subject.

[Translation]

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, both *Chinta* (anxiety) and *Santosh* (contentment) are now in the Council of Ministers,

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ORAL ANSWERS TO QUESTIONS

[English]

## Reservation Policy

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\*21. SHRI V. SOBHANADREESWARA  
RAO :

SHRI SODE RAMAIAH :

Will the Minister of WELFARE be pleased to state :

(a) whether attention of Government has been drawn to the recent agitations against the reservation policy of the Andhra Pradesh and Karnataka Governments ;

(b) whether it is a fact that the Chief Minister of Andhra Pradesh has written to the Union Government to take initiative for a national consensus on the reservation policy ; and

(c) if so, the details thereof and the reaction of the Union Government thereto ?

THE MINISTER OF STATE OF THE  
MINISTRY OF WELFARE (DR.  
RAJENDRA KUMARI BAJPAI) : (a)  
Yes, Sir.

(b) Yes, Sir.

(c) The Chief Minister, Andhra Pradesh had written on 21st September, 1986 to take initiative for convening a national conference. The Government of India is of the view that the status quo should be maintained until a consensus on the subject is evolved.

**SHRI V SOBHANADREESWARA RAO:** The makers of the Constitution have really indicated in Article 15 (4) as well as Article 16 (4) for making provision for reservation of posts in favour of any backward class of citizens who, 'in the opinion of the State, are not adequately represented in the services under the State. Till now, only for SCs and STs together 22.5 per cent of posts are reserved in the Central sector, public sector undertakings as well as in almost all the State Governments. But in Central services, as things stand today, there is no provision for reservation to other backward classes, which is against the intention of the makers of the Constitution. In this reply, the Government of India is of the view that the status quo should be maintained until a consensus on the subject is evolved. That means, no facility of reservation to backward classes would continue. There I seek information from the hon. Minister. Since there is provision for reservations upto a maximum of 50 per cent, will the Government accept the recommendations of the Mandal Commission, the report of which was submitted as far back as 1980? Will the Government come forward with a proposal to provide for 27 per cent reservations in Central Government posts as well as public sector undertakings to other socially and educationally backward classes?

**DR. RAJENDRA KUMARI BAJPAI :** Sir, as the hon. Member has referred to Article 16 (4) of the Constitution, I will only like to mention here that this Article clearly states about the Scheduled Castes and the Scheduled Tribes, but at the same time, nowhere it has been stated in the Constitution about the determination of Backward Classes on caste basis. What the Mandal Commission has tried to determine is first they have said that in all there are 52 per cent Backward Classes. Then somewhere they have said that as it is not possible and as in several judgements of the Courts they have said that reservation cannot go beyond 50 per cent, so it should be 27 per cent. In the census also we do not go according to the caste basis. There is no such thing that it is this caste or that caste. So, there is no scientific or solid basis or solid criteria by which we can say that it should be 27 per cent or 38 per cent or 30 per cent. So, this is all confusing. The only constitutional obligation on the

part of the Government of India is that from time to time we can appoint commissions and the States are also free to appoint commissions, and we can just evaluate the condition of the Backward Classes. And in doing so, from 1952-53 onwards, the Government of India appointed the Kaka Kalelkar Commission. Their findings were also discussed. Then this Mandal Commission was also appointed and its Report was placed in the Parliament. It was discussed in Parliament twice. There was no unanimity on all the points. So, the hon. Member must realise the reality of the situation.

**SHRI V. SOBHANADREESWARA RAO :** Mr. Speaker, Sir, primarily the Mandal Commission was appointed to identify the socially and educationally backward classes. It has done its exercise and submitted its findings to the Government. It is for the Government to accept or refuse them or to take some other suitable steps. The other thing which I would like to know from the hon. Minister is that from her reply it is obviously seen that the Government of India does not want to take on initiative. At present in some States there is reservation for Backward Classes but in some States absolutely there is no reservation for them, and this is quite a discrimination amongst the weaker sections. Apart from Scheduled Castes and Scheduled Tribes, there are really depressed and oppressed backward communities which are economically very very poor and socially and educationally backward. In these circumstances, will the Government take the initiative and call for a conference of Chief Ministers and prominent persons in social life and evolve a consensus on this matter? Already 38 years have passed. Will the Government at least now take an initiative and convene such a conference at the earliest to do justice to the backward classes?

**DR. RAJENDRA KUMARI BAJPAI :** Sir, first we must understand the backward classes and the meaning of caste. If we are thinking of backward classes in terms of economically backward or socially backward or educationally backward our 20-Point programme is meant for that. We are trying to bring up people above poverty line and if in some State there are 48 per

cent people below poverty line, it covers all sections of people. That includes socially and educationally backward also. Nowhere in the Constitution and in our Central List, there is such a list as backward castes or backward classes but we take it that those who are educationally and economically backward, we must try to improve their condition and for that all our programmes are aimed at that...*(Interruptions)*.

**SHRI V. SOBHANADREESWARA RAO :** Sir, she has not answered my question. My question is : Will the Centre call for a national conference ? She has not replied to that.

**DR. RAJENDRA KUMARI BAJPAI :** To bring about a consensus, we can adopt so many methods. It is not necessary only to have a conference. Parliament also can have some consensus or we can arrange outside Seminar or we can arrange outside debate. So, a Conference also can be arranged for consensus. But we have to find out the truth.

*(Interruptions)*

**MR. SPEAKER :** I am getting the answer for you.

**DR. V. VENKATESH :** This is an insult. Not only that. The people of this country are suffering because of the wrong policy of the Government.

*(Interruptions)*

**MR. SPEAKER :** Please, Dr. Venkatesh, don't do it like that. It does not behave you well. You have got to abide by the rules. I can only allow four or five Supplementaries. That I will do. Two I have already allowed.

*(Interruptions)*

*[Translation]*

**SHRI SHYAM LAL YADAV :** I would like to know from the hon. Minister whether he is aware of the fact that under the Constitution of India, the President is empowered to appoint a Commission to

look into the condition of backward classes and under this provision, as he has himself said, Commissions were appointed twice ? There is a separate provision in the Constitution for socially and educationally backward classes and for the economically poor, i.e. people living below the poverty line, there is a separate programme. The hon. Minister cannot say that there are no socially and educationally backward people in a country like India. In our country, some people get respect and some people get disrespect merely on the basis of their caste. I have personally experienced this in my life. Therefore, mere words will serve no purpose. You may or may not practise caste system inside Parliament, but caste system does exist even today and you get benefits out of it. Those who belong to higher castes or those who say that they are born in a higher caste do take advantage of this system. Does she not know that thousands of people have recently courted arrest in Delhi on the question of reservation ? All parties are unanimous that reservation should be allowed in jobs to the educationally and socially backward classes. If you see the posts of District Magistrate and S.S.P. in all districts of a big State like Uttar Pradesh, you will hardly find any incumbent belonging to backward classes.

Keeping these things in view, it is not proper not to appoint persons belonging to backward classes in Government jobs. When Government are paying its employees maximum pay and allowances and they are earning through corruption also then all should be given equal opportunity to make they while the sun shines ! I would like to know why the hon. Minister does not pay attention to it ?

**DR. RAJENDRA KUMARI BAJPAI :** Mr. Speaker, Sir, we are again back to square one. If we talk of backwardness—economic or educational—it is understandable and Government are doing its best to elevate these people and it applies to all. Our new Education Policy will also take care of these who are educationally backward. Our 20-Point Programme is also designed to take care of this aspect. Therefore, it is not correct to say that we just leave some sections out.

Even if you talk of caste, it is not that  
.....(Interruptions) .....

MR. SPEAKER : Why don't you let others listen ? I cannot allow 400 or 500 Members to speak at a time.

[English]

I have to go according to the whole House. I have to cater to this House.

[Translation]

DR. RAJENDRA KUMARI BAJPAI : The annual income of Rs. 6400/- that has been fixed as a norm to decide whether a family is living below the poverty line is not for a particular caste. It applies to all who are backward and poor. All Government programmes are equally applicable to them.

So far as the jobs are concerned, appointments are made openly on the basis of merit. As I said earlier, I do not have any list as to what criteria should be adopted at each level to give them reservation, as we have 15 per cent reservation for Harijans or Scheduled Castes and 7½ per cent for Adivasis or Scheduled Tribes at All India level. But there are no specific criteria in respect of backward classes on the basis of which it may be said that they are to be given 27 per cent reservation. There are contradictions in Mandal Commission's report itself. On the one hand, they say that whosoever reaches 22 and 11 points according to their formula comes under the category of backward class. Later on they reduced it to 27. Now the question arises that they themselves say 52 at one place and at another place they say 27. Thus, the Commission has itself created such a confusion ; how does then it become binding on the Government ? (Interruptions)

[English]

MR. SPEAKER : How can I allow all these people ?

SHRI C. MADHAV REDDI : You may allow half-an-hour discussion.

MR. SPEAKER : I have allowed it three times.

SHRI S. JAIPAL REDDY : The hon. Minister attacks the Mandal Commission report. She should be prepared for half-an-hour discussion also.

DR. V. VENKATESH : Sir, it is very very important.

[Translation]

SHRI D.P. YADAVA : Mr. Speaker, Sir, I feel that the hon. Minister has misled the House about this fact. Article 340 carries two words—socially and educationally backward classes. Therefore, it cannot be said that there is no provision in the Constitution of India for the socially and educationally backward classes. Pandit Jawaharlal Nehru and Dr. B.R. Ambedkar first at the time of framing the Constitution and then in 1951 when the Constitution was amended, had categorically stated that :

[English]

“Whether we call it a class or caste, the matter is the same. The persons who are socially and educationally backward have to be pushed ahead.”

[Translation]

Therefore, you cannot say as to what is the definition of 'backward'. You have yourself made a mention of Supreme Court and High Court. (Interruption.)

[English]

MR. SPEAKER : I do not want a discussion on it.

[Translation]

SHRI D.P. YADAVA : Several judgments delivered by the High Courts and the Supreme Court relate to reservation. The hon. Home Minister had given assurance in this House in August, 1983 that they would make provision for reservation—the percentage of reservation might be little lower or higher. It is really a matter of regret if the hon. Minister does not come prepared even after such an assurance. She should have

specific information on all points and should not try to mislead the House by saying a thing which is not a fact.

**DR. RAJENDRA KUMARI BAJPAI :** I am not prepared to accept it. I have come to the House fully prepared and whatever I have said has been said with full responsibility. I would also like to say that the recent incidents in Andhra Pradesh and Karnataka are eye-openers and all hon. Members should think over them before speaking.

[*English*]

**DR. V. VENKATESH :** Sir, I wanted to know the answer because more than 50% of the population in this country are fooled by this Government. I want a categorical answer.

**SHRI GIRDHARI LAL VYAS :** No.

**MR. SPEAKER :** You put the question.

**DR. V. VENKATESH :** Under the name of 20-point programme, they do it. That is why, I am asking the question whether they are going to accept the report of the Mandal Commission or not. I want a categorical answer.

**MR. SPEAKER :** It has been replied so many times.

(*Interruption.*)

[*Translation*]

**DR. RAJENDRA KUMARI BAJPAI :** Mr. Speaker, Sir, we are considering as to how we can reach a consensus.

[*English*]

We have to evolve some consensus on this issue. So, the question of rejecting or accepting the report does not arise.

**DR. V. VENKATESH :** Regarding reservation, how long do you want to prolong? (*Interruptions.*)

**MR. SPEAKER :** Shri Vishnu Modi—next question.

**AN HON. MEMBER :** We want half-an-hour discussion.

**MR. SPEAKER :** I have allowed enough on this—not once but thrice. A lot of discussion has already taken place.

Shri Ramashray Prasad Singh.

#### Attempt on the Life of VVIPs

\*23. **SHRI RAMASHRAY PRASAD SINGH :**

**SHRI VIJAY KUMAR YADAV :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether an attempt on the life of Prime Minister, President and other VVIPs was made at Rajghat on 2 October, 1986 ;

(b) whether a Committee has been appointed to enquire into the security lapses and suggest revamping of VVIP security ;

(c) if so, the outcome thereof ; and

(d) whether adequate measures have been taken since to tighten security arrangements for VVIPs ?

**THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) :** (a) An attempt on the life of the Prime Minister was made at Rajghat on 2nd October, 1986. The President and other VVIPs were also present at Rajghat.

(b) Yes, Sir.

(c) The Committee has submitted its Report on 31.10.86.

(d) Yes, Sir.

[*Translation.*]

**SHRI RAMASHRAY PRASAD SINGH :** Mr. Speaker, Sir, I would like to know from the hon. Minister.....