

17.20 hrs.

DISCUSSION UNDER RULE 193

Discussions Re. Decisions on Mandal Commission Report And

Measures for promotion of employ- ment for youth in addition to reserva- tions for socially and educationally backward classes—Contd.

[English]

MR. DEPUTY SPEAKER: The House will now take up further discussion under Rule 193 on the statement made by the Prime Minister in the House on 7th August, 1990 regarding decisions on the Mandal Commission Report, raised by Shri Harish Rawat on 4th September, 1990. Shri Ram Naik will now speak.

[Translation]

SHRI RAM NAIK (Bombay North): Mr. Deputy Speaker, Sir, as a sequel to statement made by the hon. Prime Minister on the Mandal Commission on 7th August, there were public agitations and agitations by the youth and students in many parts of the country. Thereafter, the hon. Prime Minister made his second statement on 27th August. I would like to express my own views as well as the views of the Bharatiya Janata Party before you with regard to both the statements of the Prime Minister.

Mr. Deputy Speaker, Sir, we are having a discussion on this subject under Rule 193. When a proposal from the Business Advisory Committee came up, I had said that there could only be a discussion under Rule 193 and no decision could be taken on it. Had there been a discussion on a motion under Rule 184 a decision could be taken by the House and it would have come before all of us. Had it been so, it would have been better. It appears to me that only a discussion could be held today on this issue.

I would like to congratulate the hon. Prime Minister and the National Front Government on the point of reservation. The new Government took a decision to extend certain facilities which were not available to neo-Buddists earlier. Before taking a decision in this regard, different parties and Members having divergent views were consulted in the matter. It was indeed a commendable step to take such a decision in the interest of these people who had remained neglected for years. I admit that a general consensus has emerged in this regard. Though I am a person not of a high stature, who has been elected from a far off place like Maharashtra but I felt that a good decision has been taken in this regard.

I would like to make a few submissions about the stand of the Bharatiya Janata Party on Mandal Commission. First of all I would like to make it clear that the social and economic injustice has been done to the people who have been considered as backward castes, for thousands of years. They were not getting their due place in the society. It required a change. It was very necessary to raise the social and economic status of these poor people besides the removal of untouchability. The Bharatiya Janata Party believes that it is in that context that we should look at the Mandal Commission report. Implementation of the report should be taken up by taking all of us into confidence.

There is a need to work for the upliftment of the oppressed people. There should be no politics in it. This work should be done by rising above party considerations. We should view the Mandal Commission Report in this perspective. If we bring in party politics in it, we cannot work for the upliftment of the backward classes. We have to see as to what approach we should adopt to achieve that end and whether it should be a way of struggle or that of harmony.

[Sh. Ram Naik]

However I am of the view that we can do that by adopting an approach of harmony to bring the backward classes in the mainstream. We should view the problem of Mandal Commission in this perspective.

Yesterday, Shri Harish Rawat made a forceful speech on behalf of the Congress(I). He said that there had been some mention about the Mandal Commission in his party's manifesto. While hearing his speech yesterday, it appeared to me that I had also read his party's manifesto. However I had a faint memory in this regard and was doubtful that any such mention had ever been made in the Congress(I) manifesto. Today I went through their manifesto. If they have the actual copy of the manifesto, I would like to tell them that the Congress(I) did not make any mention of the Mandal Commission in its election manifesto. There is no ambiguity in it. I feel that it is not proper to make such a wrong statement in the House.

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH). I would like to give the Hon'ble Member an information. You came to know of it only after going through the manifesto, but the President of the Congress(I), Shri Rajiv Gandhi told me himself that there was no mention of Mandal Commission in his party's manifesto.

SHRI RAM NAIK: Mr. Deputy Speaker, Sir, it becomes clear from the about statement that the President of the Congress(I) has gone through his party's manifesto and it is clear that there was no such mention in it. I would, therefore, like to congratulate Shri Rajiv Gandhi for this.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): There is no

rule in their Constitution which requires that they should read their manifesto. (Interruptions)

[DR. THAMBI DURAI in the Chair]
 16.27 hrs.

SHRI M. J. AKBAR (Kishanganj): Have you read your Constitution, your manifesto? Have you read the BJP's manifesto?

MR. CHAIRMAN: We have already discussed with most of our leaders about this. We have to take the Mandal Commission Report very seriously. If we are going to divert and dilute the issue, I think we cannot create any impact. Therefore, I request the hon. Members to cooperate with the Chair. Mr. Ram Naik, please carry on.

(Interruptions)

SHRI MURLI DEORA (Bombay South): Don't worry about our manifesto.

[Translation]

SHRI RAM NAIK: The question is that why the Congress Government did not take any decision on the report of Mandal Commission. They are answerable to the country. You should tell that why you have not taken decision on Mandal Commission's report. I agree that this is very important matter and your silence shows that you never wanted to support Mandal Commission and implement its report....(Interruptions)...

I will explain my view point. One hon. Member from Bombay Shri Murli Deora was saying that I should explain my view point. I would also like to explain my party's stand because we also prepared our manifesto and it was prepared after much consideration and consultations. Therefore, I would like to clarify to this house

my party's view as expressed in the manifesto of my party. I would like to read out a paragraph about the reservation policy:

[English]

I quote our reservation policy. It says:—

"In the opinion of the BJP, the question of reservation has to be viewed with an open mind free from all prejudices of any kind."

For this, BJP Commends:

- (1) Reservation should be continued for the Scheduled Castes and Scheduled Tribes as before;
- (2) Reservation should also be made for other backward classes broadly on the basis of Mandal Commission Report, with preference to be given to the poor among these very classes; and
- (3) As poverty is an important contributory factor for backwardness, reservation should be provided for members of the other castes on the basis of their economic conditions....."

[Translation]

so our views are clear in this matter which has been written in clear words....

SHRI PIYUS TIRAKY (Alipurduars): Christians and Muslims have not been given reservation on this basis only. Are there no rules? (*Interruptions*) When you have given reservation to the converted Buddhists then why not to these people. (*Interruptions*)

[English]

MR. CHAIRMAN: I request the hon. Members that they are going to get the opportunity to speak. Whoever has given the name, he is going to be called. There is no restriction about that especially on this subject. It is a very sensitive subject and also a very important subject. The nation expects more from us. Therefore, we are going to discuss this thoroughly. Therefore, when one Member is speaking, please do not disturb him. (*Interruptions*)

MR. CHAIRMAN: I will give you the opportunity to speak at that time and not now. I will call you afterwards.

(*Interruptions*)

SHRI PIYUS TIRAKY: Do you think that Christians are not Indians. (*Interruptions*)

MR. CHAIRMAN: Everybody in India is an Indian. There is no differentiation whether he is Hindu, Muslim or Christian. All are Indians. There is no dispute about that. I request the Members not to provoke the Member.

(*Interruptions*)

MR. CHAIRMAN: I request the hon. Members not to provoke others. If you provoke, definitely the issue will be diverted and then you cannot talk on the subject. Therefore, I humbly request you to restrict yourself. Please do not disturb a Member when he is speaking.

(*Interruptions*)

[Translation]

SHRI RAM NAIK: Hon. Chairman, Sir, the caste system is a curse on Hindu society. These evil practices were not the part of religion but later on these evil practices crept into the Hindu religion and untouchability took hold of the social system,

[Sh. Ram Naik]

Whereas Christianity is free from all these evil practices. The practice of untouchability..... *(Interruptions)*... This caste system and practice of untouchability are only in Hindu religion. Therefore, this provision was made to put an end to evil practices of Hindu religion and to uplift the downtrodden and oppressed people. The reservation for scheduled caste and scheduled tribes will have to continue in view of upliftment of these people. Number of Castes mentioned in the report of Mandal Commission can be reduced or increased but broadly speaking these people need reservation for their upliftment. I am saying broadly because this has also been added that the reservation should be on the economic basis. I would like to give an example in this regard there is a caste called 'Sonar' in Maharashtra. It may be called Soni in other places also. They are goldsmiths and their income in Bombay city would be lakhs of rupees but they earn only four hundred or five hundred rupees in villages. Therefore, if we provide reservation on caste basis and on economic basis the goldsmiths of Bombay will try to snatch all the benefits. Hence, this benefit should be extended to the poor people and to the economically weaker classes. Therefore, we demand that such a contribution should also be imposed in case of these OBCs. There are many castes besides those Mandal Commission which are economically very weaker and these people should not be left out because they also need the opportunities for upliftment. Reservation should be made for these people also. The Bhartiya Janata Party included these points in their manifesto. Therefore, these facts should also be considered while discussing the Mandal Commission Report.

Mr. Chairman, the only reason behind all these disturbances is that Prime Minister Shri V. P. Singh did

not consult any party before taking this decision. He has been consulting the various political parties on important matters before taking any decision on them. This is a good practice. He has been consulting not only supporting parties like Bhartiya Janata Party or Communist parties but also Congress party. So in this way a path of consensus was evolved which helped in taking important and good decisions. But in this case why did he not consult any party and nothing was done to arrive at a consensus. I have failed to understand that. He should tell the house as to why did he do so. In this way it seems that he wanted to suggest a new thing and wanted to make a new system but we feel that—

[English]

the remedy has become worse than the disease.

[Translation]

He wanted to implement the recommendations of the Commission but while doing so he has created differences in the minds of people.

[English]

We have lost a golden opportunity. A golden opportunity has been frittered away by acting in haste for which the country is paying very heavily for the last one month.

[Translation]

What happened in the last one month. Disturbances took place at many places. Had the people been taken into confidence it would not have happened. I am proud that no such agitations have been launched in Maharashtra over this issue. This is all because there was consensus among the political parties in Maharashtra and they had held discussions on this issue many times.

FINANCE MINISTER (PROF. MADHU DANDAVATE): Do not say like this. Otherwise there also it will start.

PROF. RAM GANESH KAPSE (Thane): Consensus is very necessary. That is why it is being said.

SHRI RAM NAIK: If there would have been consensus it would have not happened. We feel sorry for not being consulted. We are supporting them and will continue to do so but they have ignored us.

(Interruptions)

You all know about an eminent American writer Dale Carnegie who has written a Book, 'How to win Friends', but I feel that in this case Prime Minister has done such a work which shows that 'How to lose friends'. This is not proper. Taking all these facts into consideration, the paths of arriving at consensus should be adopted. I request the Prime Minister that the Prasar Bharti Bill was also passed after mutual consultations and consensus. Though, nearly 400 amendments were moved but it was passed because all parties were taken into confidence. (Interruptions)

That bill was passed unanimously in this house. But what happened in Rajya Sabha, as we need not to go into that (Interruptions): The countrymen will say that Congress is a party which agrees to a point in the Lok Sabha and opposes the same in the Rajya Sabha... (Interruptions). It is something very important and the government can do it on the basis of a consensus.

On 27th August, you had said that 5 to 10 per cent reservation would be provided on the basis of economic considerations. I feel that the government is required to be very clear about their declarations to that effect. In fact the Government has made that announcement under the pressure of the youth. They have put it through their agitation. It is only because of it that the Government proposes to provide 5 to 10 per cent reservation. But what is the reason and reasoning

behind this. This should be made clear to the House. The Government should examine it properly. That will make certain things very clear. This provision of 5 to 10 per cent reservation on the basis of economic consideration is to be made for the people other than S.C. and S.T. and O.B.C. because the so-called upper castes have not been covered by the Mandal Commission. It is on and above the constitutional provisions. This needs clarification. All these things have been creating confusion in the minds of the people. Casteism is a stigma on Hinduism and all of have been making concerted efforts to wipe it out. Hindu religion is plagued by a number of evil practices such as the caste system or the practice of untouchability which cannot be found in any other religion of the world-belt Islam or Christianity. All are considered equal by them. However it remains to be decided whether such a demand of reservation by the people of other religions is justified or not... (Interruptions). The remaining fifty per cent people i.e. the so-called upper castes of Hindu society who do not believe in the equality of all will have to live like Muslims and Christians. Honourable Prime Minister has said it so outside that one tends to think that they do not propose to provide reservation on economic grounds, in respect of other communities. Whereas the Government is talking of granting reservations to Christians and Muslims having no system of caste in their society. This is what the people think. If the Government chooses to do so, it will pave the way for further distintegration of the country. They should not take such steps. We request the Government....

PROF. MADHU DANDAVATE: Backward classes among Muslims have been covered.

SHRI RAM NAIK: I know it. I am not saying anything about the communities which have been covered

[Sh. Ram Naik]

by the Mandal Commission and we have no objection to that. Society has started feeling the extent of reservation. There should be a discussion on this point whether the extent of reservation should be more than 50% or not. However, the Government proposes to proceed on a different ground. The total coverage will go upto 80 to 90 per cent. It will create a resentment among the people which will be harmful for the country. So I request the Hon'ble Prime Minister that he should not grant reservation to Christians, Muslims and Parsis on the ground of religion and this should not be granted to those who do not believe in those religions. *(Interruptions)*

SHRI PIYUS TIRAKY: If there is something wrong with Hindu religion, please rectify it.

SHRI RAM NAIK: We have to unite this country and while doing so we find that some chief ministers including that of Orissa i.e. Mr. Patnaik said that they were not going to implement this provision. The Prime Minister also had gone to Ahmedabad very recently where he said that it depended solely on the individual states whether to implement it or not. However, we all belong to this country so the Government should lay down and implement a uniform policy of reservation in the entire country. Two different sets of policy i.e. one at the central level and the other one at the state level will not do the job of uniting the people. Uniting the people is the need of the hour. So we should attempt at making a uniform policy for the entire country. A policy on this subject can be framed on the basis of general consensus. The whole society is eager about the same and I feel there is a greater need of exchange of ideas to achieve that end.

Now the situation is similar to that of Abhimanyu when he was caught up in a mess and could not come out

of the array (Chakravyuh). We believe that Mr. Prime Minister has also been caught up in a similar predicament. But we want to assure him that all the people of this country will rise to support him in case he takes a decision on the basis of a consensus. Entire country will accept it with all its bitterness. Therefore there is a need of consensus.

Two days ago the government had convened a meeting of the leaders of all political parties for such a consensus. But nothing could be decided in that meeting. So I would like to make a submission that if there was no decision in the first meeting, he might have organised a meeting for the second, third, fourth time or even ten times but he should not have given up his efforts. It is the duty of everybody to arrive at a decision in this regard. Besides this, consent of all political parties is also important but the government should also discuss it with the agitating youth. We had come to know that the Government was ready to discuss it with the students but unfortunately there has been no discussion with them. Therefore, the agreement of all the political parties is necessary. Similarly a discussion with the youth and agitators is also necessary. So the government should come forward to explain to all the youth organisations of the country and to arrive at a decision on that basis which will be in the interest of the country. Moreover, we are always with him. With these words I conclude and thank you for the time given to me for making my point.

[English]

SHRI JANARDHANA POOJARY (Mangalore): Mr Chairman, Sir, as the atmosphere outside today is surcharged with emotions, it is very difficult to examine the issues before this House with any detachment, but sometimes you have to face the unpleasant things also.

Yesterday, I heard with rapt attention the speech of hon. Member, Shri Hukumdeo Narayan Yadav, and he called upon this side to put somebody from the backward classes to argue the case of the Congress Party on this issue. While admitting that he was from an affluent backward class, he narrated the difficulties that he had to face.

Sir, I was born in a most backward class of Karnataka and my parents belonged to the poorest family. When I went to school, I went with trousers only, not even with a shirt. I continued my education with scholarship. I am narrating all the difficulties which I faced because Shri Hukumdeo Narayan Yadav yesterday mentioned that they had suffered the poverty, seen the poverty, and let somebody from the Congress Party, who has also seen the poverty speak and that is why I am speaking. I am telling you my background and how I came up in life. With great difficulties and even without food, I continued my education and when I was studying law in the New Law College, Bombay, I went without food for two days and I took only two bananas. That was my plight. When I became an advocate and started my practice, some people from the upper castes told me that practising of law was not meant for persons belonging to backward classes and that I had to give it up. In spite of that, I practised and I had a roaring practice when I entered politics: I had seven juniors in my chamber.

I had my earlier education in the municipal school and not in any public school. I was not in a position to pay any fees at all. This is my background.

After entering politics, in 1982 I was made the Deputy Minister of Finance. At that time, Indiraji was criticised for this by people, who said that as I belonged to a backward

class, I should not be there in the Finance Ministry.....(Interruptions).

MR CHAIRMAN: He is telling about his background; he wants to say what sufferings he had to undergo as he belongs to a backward class. If you are not prepared to listen to him, I do not know how you are going to listen to the public. Take it seriously. Only if you take it seriously, implementation would come. Please be serious. You should not go on commenting and make it a *tamasha*.

SHRI KALKA DAS (Karol Bagh): But he is telling his own story. It may look like a story but when he spoke yesterday, we never interfered; in fact when any hon. Member speaks I never interfere so please have at least that courtesy.

SHRI JANARDHANA POOJARY: When I was made the Deputy Minister in the Ministry of Finance by late Indiraji, upper class people in my district criticised me by saying that this man will not remain in the Ministry for more than six months. That was the criticism which I had to face. When Rajivji came, I was promoted in the same Ministry and I worked with the Hon. Prime Minister since then he was holding the charge of the Finance Ministry. I continued in the Finance Ministry for six years and one month. Afterwards, when I was working in the Finance Ministry, I was made the President of the Pradesh Congress Committee. Afterwards, I was made the Working Committee Member in the Congress Party.

I know the commitments of hon. Members particularly of Mr. Yadav and Mr. Paswan for the backward classes. We are not against reservation. Indian National Congress made it very clear that we are not against reservation. But let us analyse as to what do you want. (Interruptions)

MR. CHAIRMAN: You please listen to him.

SHRI JANARDHANA POOJARY: Before entering the politics, I practiced law and I came up in the life and I became the Minister. Yadavji, Paswanji or even Shiv Shankarji today are in a position to educate their children. Tomorrow, suppose there is some interview and there are five candidates. These five candidates are those who do not have anything to eat; they have sisters at home to marry. At the same time there is a son of Poojary, a son of Yadavji, a son of Paswanji and a son of Shiv Shankarji in the interview. Now, who will get the appointment? Whether Poojary's son will get it or Yadav's Paswan's or Shiv Shankar's son will get the appointment? Or, whether the appointment will be given to one who is poorest among the poor; who do not have food to eat and who do not have sufficient cloths to wear. I stand up and say, "Poojary should not get that benefit. Janardhan Poojary does not want it. The poorest among the poor should get it." And, that is what our leader Shri Rajiv Gandhi says.

What the backward classes want is the education. You give any number of appointments, it is not going to help them. Yesterday, Shri Hukum Dev Narayan Yadav also made one point and I fully agree with it and that is that the persons who are in the rural areas; persons belonging to the poor family are not getting sufficient opportunities to get education. Now, what is the responsibility of the Government. Whether it is this Government or that Government, it should provide education to the poor people. But what is happening in the village today?

17. 00 hrs.

Even if the Scheduled Castes, Scheduled Tribes and backward classes want to get education

where is the school facility? They do not have shelter. They do not have buildings. Even if they have buildings, there are no teachers.

[Translation]

SHRI KAMAL CHAUDHRY (Hoshiarpur): Earlier, they were a dumb lot and today they don't have a voice. This is what the Congress has done during the last few years...

[English]

You are the people who are exploiting the poor people. You have pushed them in the streets. This is the position.

[Translation]

SHRI HARISH RAWAT (Almora): Mr. Deputy Speaker, yesterday, Mr. Hukumdeo Narayan Yadav delivered a speech here in the public platform style. We did not utter a word. We listened calmly and peacefully to his ideas about the reservation for backward classes. Why don't they want to listen to us? They should have patience to listen to us.

SHRI KALKA DAS: Mr. Deputy Speaker, Hukumdeo Narayan had delivered a speech regarding Mandal Commission. He is narrating the story as to how he became a minister. (Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): This is a very important matter. The people outside are also looking to us to ascertain what is the discussion that is taking place. This is a matter which should be discussed calmly and without any interruption. I request all sections of the House to give opportunity to speakers without interruption so that they can put forward their viewpoints.

MR. CHAIRMAN: I have already told the hon. Members that we are

going to give sufficient time to all the Members. We are not going to curtail the time for discussion. Whoever is interested to participate in this discussion, he is going to be allowed to participate. Let the Members speak without any interruption. If you have any points, that you can raise when your turn comes. That is all I can say.

SHRI INDRAJIT GUPTA (Midnapore): We do not have the patience to listen to other speakers. This is the whole trouble. Nobody can tolerate anybody else's comments. (*Interruptions*)

SHRI JANARDHANA POOJARY: You have seen the recommendations. The hon. Prime Minister might have read the recommendations of the Mandal Commission. Now, he has stated that Rajiv Gandhi is not for Mandal Commission.

SHRI VISWANATH PRATAP SINGH: What I had said is this. He said that Mandal Commission is not mentioned in the Manifesto. That is what he had said.

SHRI JANARDHANA POOJARY: Even I was not in favour of Mandal Commission. I had stated earlier that there are flaws in the Mandal Commission's Report. I had also stated that hundred more castes have been added in Karnataka. There are so many infirmities. Actually, the backward class people are not going to be helped. Now, let us see whether you are for Mandal Commission. Shri Yadav and Shri Paswan have got the commitment but I want to ask the Prime Minister whether he has got 100 per cent commitment. Let us analyse that aspect also. You have just come forward with this piece of paper to the Parliament. He had diluted the recommendations of the Mandal Commission. I may go to

the extent of saying that he had violated the basic principles of the Mandal Commission. So, on the contrary, the basic structure of the Mandal Commission has been ruptured. He has practically destroyed it. Why?

You are for the Mandal Commission that I accept it. Let us accept what the Mandal Commission had stated. What are the basic structures that you are going to provide? You give them admission in the educational institutions. You give them educational facilities. You give them economic strength also. Please see pages 57, 58 and 59 of the Mandal Commission's report. Have you done it according to that recommendation, Mr Prime Minister? If you are 100% committed to this, why have you failed to do that? So, you are not for that.

You committed a fraud. Who said this? I am not saying that you are a fraud. Your Deputy Prime Minister in an interview to 'Statesman' has said that your politics is a fraud; you are a fraud. Poojary has not said this.

What are you doing? You are not giving the maximum benefit to the weaker sections, and the down-trodden classes. You want to deprive them of this. What you have done is nothing but an eye-wash. You do not want them to come up in life. That is your intention. You say you are going tomorrow to the people. You will also face the people. Mr Hukumdeo Narayan Yadav said this. I ask the Janata Dal people, whether Poojary's son should get the benefits, whether Mr Paswan's son should get the benefits, or the poorest among the poor people should get them. Who should get them? I will ask the people to give the verdict. I will also say this to the backward classes. That will also be our commitment. Don't be under any illusion.

You come up with these recommendations in consonance with the provisions of the Constitution. You

[Sh. Janardhana Poojary]

say you have come up with it. What is it that you have done? It is not a new thing which you have done. We have moved an amendment. We had moved an amendment to the Constitution. We have provided for it in the Constitution. It is the Indian National Congress which has given the provision for the backward classes, not your party. And by virtue of that provision, you are bringing this today.

I can understand BJP, I can understand CPI. They stand for the weakest among the weak people. We do not forget it. (Interruptions) We have to look after Mr Sharad Yadav and Mr Paswan: we have been suppressed and oppressed, I mean the backward classes have been suppressed by some of the upper castes, not all the upper class people. Mahatma Gandhi was a Brahmin. (Interruptions)

He was an upper caste man (Interruptions)

MR. CHAIRMAN: Order please.

SHRI JANARDHANA POOJARY: It is my mistake. I am sorry I said it I did not know that. I am sorry; I withdraw that. (Interruptions)

MR. CHAIRMAN: He was already withdrawn that; why are you raising it?

[Translation]

SHRI HARISH RAWAT: It is enough to know that Mahatma Gandhi was the father of the nation.(Interruptions).....

SHRI KALKA DAS: You had nothing to do with Mahatma Gandhi.

[English]

SHRI JANARDHANA POOJARY: I am praising you people also. I am appreciating your stand.

SHRI P. R. KUMARAMANGALAM (Salem): You don't know anything except caste.

[English]

MR. CHAIRMAN: Mr Kalka Das, are you running the House? If so, what is the purpose for which we are sitting here? (Interruptions)

MR. CHAIRMAN: Sometimes while speaking a member may say something which is contrary to the fact due to slip of tongue. When he has already said sorry for that, why are you creating this noise? (Interruptions)

SHRI JANARDHANA POOJARY: Here are some people who belong to the upper class but they are taking up the cause of the weaker-sections; whether it is in the Communist Party or any other party there are people who belong to the upper class, but they are also taking up the cause of the weaker-sections. They want to help them. What is your intention? (Interruptions)

MR. CHAIRMAN: Now it is 5.10. At 5.30 we are going to have Half-an-Hour Discussion. So, you please be brief.

SHRI JANARDHANA POOJARY: We cannot say that all the national leaders belong to the upper class. Even Dr. Ambedkar did not belong to the Congress Party, but he was taken in the Cabinet and was made the Law Minister. (Interruptions) He was one of the greatest sons of this country. (Interruptions)

MR. CHAIRMAN: Order, order !
(Interruptions)

SHRI JANARDHANA POOJARY: They all worked for the upliftment of the people. (Interruptions)

Their experience was also utilised by the Indian National Congress. That was the spirit of the Indian National Congress. (*Interruptions*) There are so many provisions in the Constitution which have been there since long; these provisions are helping the weaker-sections of the society.

Now I come to the question of intention of the Prime Minister. What is the intention of the Prime Minister? A circular was issued for ex-servicemen in which they had mentioned that 10 per cent reservation for Class III employees and 3 per cent for ex-servicemen. Now your Prime Minister has already crossed 49.5 per cent. What about our percentage? Are we going to lose or gain? You know about it fully. You were aware of the fact that the Supreme Court would come with a judgment saying that the upper limit for reservation was 50 per cent. Knowing fully well of the fact you crossed the limit. That means you are not serious about it; you don't want to help them. You knew about it that it would be struck down by the Supreme Court. That means you could have an excuse by saying that you wanted to give but the Supreme Court had struck it down. So, you could not do anything about it. Are you going to amend the Constitution? What is your intention? So, my submission would be that here is an order which has created this chaos.

Mr. Paswan and Mr. Yadav had stated in the Parliament that the youths of the country would go to the streets and meet the challenge. That is why these disgruntled people, misguided youths are creating violence. Is it your case? That is used to happen often also. You are not only the Ministers of backward classes but also the Ministers for the entire country. You have to look after those youths also, young children belonging to the upper class. Other-

wise, I tell you that you will also be called as exploiters, as vested interests.

But at the same time, keep it in mind that you should not speak as exploiters. (*Interruptions*). History should not call you as vested interests. Keeping this in mind, you proceed. That is the responsibility you have got.

PROF. MADHU DANDAVATE: Mr. Chairman, I have one concrete suggestion to make. A very good discussion has already started and as you say, it is a very important discussion. At 5.30 P.M. we have an Half-an-Hour Discussion but on many occasions when an important discussion is there we have put off the Half-an-Hour discussion to some other day and continued the discussion. If the House so desires, we may postpone the Half-an-Hour discussion and continue the discussion on Mandal Commission's Report.

MR. CHAIRMAN: If all of you accept it, I have no objection.

SEVERAL HON. MEMBERS: Agreed.

MR. CHAIRMAN: We can have it tomorrow or on any other convenient day Mr. Ram Dhan.

[*Translation*]

SHRI RAM DHAN (Lalganj): Mr. Speaker, whenever, there was a wave of change in the world, it agitated our static selfish conservative and rotten society. On all the occasions of a revolution in the world the people with vested interest and the class of people with selfish motives felt that the earth under their feet was slipping away and the people who were divested of their powers ran amuck in the same way as the people are getting over agitated these days.

[Sh. Ram Dhan]

So much of hue and cry has been raised over the implementation of some of the recommendations of the Mandal Commission. I would like to know as to who are these persons. It is a particular section of our society who have held the reigns of power in this country with its land, sea and sky and today they are thinking that they are going to be deprived of their authority and it is agitating a section of society that has hitherto permeated political economical and social exploitation. So we have to think over it. Our friend Shri Poojary said about the congress, but we have also seen it as to what role Congress is playing in this House and the other House. When a Constitution Amendment Bill regarding a Commission on Schedule Castes and Scheduled Tribes was brought in they walked out of the House for the day. When the MPs from Scheduled Castes and Scheduled Tribes pressurised them the next day they withdrew their stance... (Interruptions)... This is on records of the House, why are they denying this? (Interruptions)

SHRI H. K. L. BHAGAT (East Delhi): I am on a point of order. (Interruptions)

PROF. P. J. KURIEN (Mavelikara): That is not correct. What he says is not correct. (Interruptions)

SHRI P. R. KUMARAMANGA-LAM (Salem): You know how untrue it is. Do you want me to prove it? (Interruptions) Without our cooperation you would not have brought it.

(Interruptions)

SHRI H. K. L. BHAGAT (East Delhi): Just one minute, Mr. Ram Dhan.

MR. CHAIRMAN: You may continue later, Mr. Ram Dhan.

SHRI H. K. L. BHAGAT: Mr. Chairman, I have the greatest respect for Ram Dhanji. Shri Ram Dhan is a straight man and normally he is expected to speak the straight truth. I like him. But he is giving wrong information. We had taken a conscious decision in our highest forum, the Political Affairs Committee of the Congress Parliamentary Party, and there we supported that Bill. That, we decided. (Interruptions)

I do not belong to the *Anusuchitjati*. But I supported it and everybody supported. It was our conscious decision to support it. What he is saying is totally wrong. (Interruptions)

SHRI RAM DHAN: Sir, I want to remind hon. Shri Bhagat that there is no point in negating the Parliamentary proceedings.... (Interruptions)

SHRI HARISH RAWAT: The Hon'ble Member can see the record of the proceedings. The ruling party has not been able to bring all their Members. Without our support the Bill could not have been passed. Why are you forgetting this? (Interruptions)

SHRI P. R. KUMARAMANGA-LAM: We have proved that the members of the ruling party were not serious on that day. That is why they didn't bring their members. (Interruptions)

[English]

PROF. P. J. KURIEN: All our Members spoke in favour of that Bill. Please see the record. On the first day you did not have the requisite majority. That is what had happened. (Interruptions)

[Translation]

SHRI RAM DHAN: There is a photo copy to show the number of your party members present on that

day....(*Interruptions*)... After coming to power, the National Front Government has taken concrete steps to bring about a positive change. Dr. Ambedkar, who was the architect of our constitution, was awarded the Bharat Ratna posthumously. His portrait was put up in the Central Hall of Parliament. Mr. Ram Naik has also stated that Neo-Buddhists have also been brought under the purview of reservation. Provision of reservation for SC/ST has been extended for another 10 years. The SC/ST Commission, the formation of which was postponed for the past 10 years, has now been given constitutional status. Also a Commission for Women has been formed. So it can be easily seen that this Government has done a lot of work during the last 7-8 months. During the centenary year of Dr. Ambedkar, land reforms were included in the Ninth Schedule of the Constitution. (*Interruptions*)

SHRI RAM LAL RAHI: Sir, some hon'ble member has said that a mockery had been made of the Constitutional provisions. But what exactly is meant by that? Last extension in respect of reservation for Scheduled Castes and Scheduled Tribes was given in 1980. So it was due for further extension in 1990. Previously it was extended for 10 years and this time further extension has been given after the expiry of that period. (*Interruptions*) Making false statements has become a habit with them. A Chairman of the Commission has been appointed and if the Chairman makes false statements then it can result in a lot of misunderstanding.

(*Interruptions*)

[*English*]

MR. CHAIRMAN: I will give you an opportunity to speak. At that time you can refute it. (*Interruptions*)

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[*Translation*]

SHRI RAM DHAN: Sir, hon. Shri Rahi is my old colleague. Let me recite a couplet by Ghalib, for him:

"Ya rab jo na samzhe hain, na
 samzhenge meri batt

De aur dil unko, na de muzhko
 zubaan aur."

Even if I am not blessed with that gift of the God to make the things intelligible, at least he should have the capability of making out all that I intended to convey.....(*Interruptions*)

17.24 hrs. [MR. DEPUTY SPEAKER
in the Chair]

Sir, the history of reservation goes back to a time which is much earlier to that of the Constitution. The hon. Chairman is well conversant with the history of Tamil Nadu. It was 105 years ago that in Tamil Nadu the 'Dalits' were provided the facility of reservation in educational institutions. At that time too there had been strong resentment among the Brahmins. As you know this led to the creation of the Justice Party and Periyar Ramaswamy Naicker Kazhagam and its offshoot is the present-day Dravida Munnetra Kazhagam. The hon. Congress member from Mysore is not present here. His predecessor, the Maharaja of Mysore, had set up a committee in 1918 under the Chairmanship of Chief Justice L. C. Miller. That committee had suggested the ways to give representation to the non-Brahmins in the State Government jobs. Around 1916 the population of Brahmins in Madras was 3:1 but they had their dominance in Government jobs. During British rule people who had titles like Rai Saheb and Khan Bahadur used to recommend candidates for Government jobs. In

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1932 the Poona Pact was signed between Dr. Ambedkar and Mahatma Gandhi. Hon. Shri Ranga who is present here knows it as to how the Nehru and Kasturba Gandhi implored all Hindu leaders to support Mahatma Gandhi in the context of the Poona Pact. All Hindu leaders had then signed the Poona Pact and asked Dr. Ambedkar not to raise his demand for a separate electorate. In 1931 when Muslims were granted a separate electorate, Dr. Ambedkar had also demanded a separate electorate. I don't want to go into the details of the Poona Pact as it will take a lot of time. At that time, Dr. Ambedkar had said in the Constituent Assembly.

[English]

"Any one who reads the language of the draft himself will find that he has left it to be determined by the Government."

[Translation]

He had said that it should be left to the State Governments and the Government at the Centre. Shri K. M. Munshi had stated in the Constituent Assembly.

[English]

"We want to see that backward classes who are really backward should be helped to enter the State Services."

[Translation]

In these words, Shri K. M. Munshi favoured the representation of backward classes in the State Services. The former Law Minister hon. Shri Shankaranand is present here and he knows that Sub-Clause 3 of Article 338 has a mention of backward classes. Without going into the details of the same, I shall say only this much that—

[English]

Article 15(4) permits the State to make provision for socially and educationally backward class of citizens.

Article 16(4) empowers the State to make any provision for 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.

[Translation]

This was the position at that time. The Kaka Saheb Kalelkar Commission was set up during those days. I would like to quote a few lines said by Kaka Saheb Kalelkar.

[English]

"Being convinced that the upper castes among the Hindus have to atone for the neglect of which they were guilty towards the lower classes. I was prepared to recommend to Government that all special help should be given only to the backward classes...."

...(Interruptions)...

Kaka Saheb Kalelkar has said:

"Even the poor and the deserving among the upper classes may be safely kept out from the benefit of this special help."

[Translation]

This was said when the report was presented in 1956. Today it is argued that it is 'class', not 'caste'. But the Supreme Court while giving their verdict in the case of B. Rajendran v/s State of Madras had recognised caste as a class and held that—

[English]

"A caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservations can be made

in favour of such a caste within the meaning of Article 15(4)."

[Translation]

The Supreme Court had given its judgement during those days. All this was stated in the Balaji v/s Mysore State case. Now it finds a mention in the election manifesto. Hon. Shri Rawat had referred to it yesterday. Hon. Shri Naik has stated that it is given in the election manifestoes of all the parties except that of the Congress. These things had been stated in 1977 and in 1989 these appeared in the election manifesto of the National Front. I would like to remind Shri Bhagat that his party had expelled us. After that we had formed the Jan Morcha and had announced it in our manifesto. This incident pertains to that period when we were issued a whip in the House...(Interruptions)

SHRI H. K. L. BHAGAT: He recognised the whip. The fact is that he didn't want to leave the party. (Interruptions)

SHRI RAM DHAN: I have just mentioned as to how the Supreme Court had held their views in respect of caste and class. As far as merit is concerned, history bears a testimony that so long as this country had the Governance of the so-called meritorious persons, it had to face foreign aggressions and was subjugated. I don't want to go into details. I also joined the freedom struggle along with Shri Ranga. The Britishers used to say that Indians were an incompetent and inefficient lot. They thought that handing over the reins of power to the Indians would bring in catastrophe to the people of that country. Similar is the Hon'ble Member's contention. He is not looking at it from any other angle. You are putting the same argument that merit will be the first casualty. You talk of merit...

SHRI HARISH RAWAT: I have never said so and put forth such an argument. How can you say that I have given this argument. You are unnecessarily attributing it me.

SHRI SUBHASHINI ALI: This argument is being given outside the House.

SHRI HARISH RAWAT: If you permit me, I can also disclose the identity of the persons in J.N.U. who belong to your group.

SHRI RAM DHAN: On the basis of "Manu Commission" you have been ruling over us by now. More than three-fourth of the population of the country was forced to live like slaves so that you people could rule over them. I don't want to go in all those details but there was a time when we were threatened that hot melted lead would be put in our cars and our tongues would be cut off if we dare to hear the chanting of the verses of Vedas. We were afraid to come out in the streets lest our shadows should not fall upon your people. Nepotism, corruption, casteism and communalism prospered by leaps and bounds during the Congress regime. It is because of the corruption that the Congress Party is sitting in the Opposition and we on the treasury benches. We launched agitation against corruption. Shri Dinesh Singh is not present now but I would like to remind Bhagatji that during emergency, I despite being the Party Secretary, was jailed for 20 months and due to it, the Congress was voted out of power.

SHRI H. K. L. BHAGAT (East Delhi): You were also there.

PROF. MADHU DANDAVATE: It is due to us that you are sitting here.

SHRI RAM DHAN: Shri Janardhan Poojary has been a friend of mine since long and I have a high regard for him. When he was the

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Minister of Finance and the Minister of Rural Development, I used to call on him with cases of Scheduled Castes and Scheduled Tribes, but he never paid any heed to me. Today he is shedding crocodile tears for Scheduled Castes and Scheduled Tribes. Give a look to the things he said about primary education...(Interruptions)

[English]

SHRI JANARDHANA POOJARY:

Sir, he has said that he brought some cases of weaker sections before me when I was a Minister and he said that I was not prepared to hear him. Sir, I may tell Mr. Ram Dhan about one instance that one Harijan Officer was superseded by giving reason that his performance was not satisfactory. But I called for all the papers and the file and I brought to the notice of the Cabinet that I wanted to change the Office Order. At that time the Secretary, Ministry of Finance told me that I will be thrown out of the Cabinet if I recommend his case promotion. Even then I changed the Order and sent the file to Shrimati Indira Gandhi for approval. (Interruptions) What happened was that I wrote in the file about the supersession and also about the suppression and oppression by some of the officers. I said that the earlier orders were wrong and the supersession was wrong. The Secretary had told me that the case would have to be submitted to Shrimati Indira Gandhi and in that case I would be in trouble and I would be thrown out of the Government. He said that it had come from the UPSC with their recommendations. But Shrimati Indira Gandhi endorsed my views irrespective of seeing the caste. He was the poorest among the poor and he was given promotion. I also said then that the poor and the weaker person should get the benefits. This is for the information of Shri Ram Dhan.

[Translation]

SHRI RAM DHAN: Mr. Deputy Speaker, Sir, he is poojary, so he should be God fearing. Please tell me for the sake of God as to whether any reservation cell was set up in your Ministry? I had been the Chairman of the Parliamentary Committee. Nobody has challenged the reports submitted during my tenure about various Ministries. So I would like to submit that those ministries where there was no reservation cell as directed by the Government of India could do nothing (Interruptions).

Therefore I would like to say that I do agree with Mr. Poojary, who spoke on behalf of the Congress Party and said that in the primary education field there is lack of school buildings and teachers and students have to sit under trees. Who is responsible for this sorry state of affairs? Did you bring any big revolution? A scheme of operation black board was launched but what is the outcome thereof? No teaching material was supplied. I would like to draw the attention to yet another point. Congress Government supplied T.V. sets to primary schools but in the name of T.V. sets sub standard sets were supplied and the money was pocketed by the middlemen. So I would like to say that this primary school education, middle education.....

MR. DEPUTY SPEAKER: Ram Dhan Ji, how much time will you take?

SHRI RAM DHAN: I will take some more time. What is the state of affairs in secondary education? Copying is done at gun point. All examinations centres have prices ranging from Rs. 1 lakh to Rs. 2 lakhs for providing facilities for mass copying. About Mandal Commission, it is being said here that if they get admission in the basis of reservations in the educational institutions, they will not attain competence. Who is

running private schools and colleges in Karnataka? Who has made it a business? Who is taking capitation fee ranging from Rs. one lakh to Rs. 3 lakh for giving admission in the medical colleges there. Why capitation fee is taken in Karnataka? Will those candidates with 40 per cent marks admitted on the basis of capitation fee will be better than the candidates belonging to scheduled castes or backward classes? What is happening in Maharashtra today. A number of private colleges have been set up there...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: This will not form the record.

SHRI UTTAM RATHOD: Sir, it should be expunged.

MR. DEPUTY SPEAKER: Yes, it will be done.

(Interruptions)

[Translation]

SHRI RAM DHAN: Mr. Rawat, for this I beg the pardon of the House.

MR. DEPUTY SPEAKER: All right.

SHRI RAM DHAN: For the last 40 years there has been corruption in every field, be it recruitment, posting transfer, promotion, nothing moves without bribes. Regarding the Land reforms laws, which we have brought, I would only to submit that most of the land in the country is owned by the people of the upper castes. Some possess benami land in the name of their pets such as cats and dogs. I understand the justification if an agitation is launched in the country to set right such bogus revenue records and acquire surplus land. Who are

the owners of big industries in the country? It is the Tatas, the Birlas, and the Ambanis who own these industries. These people do not belong to backward classes. We have only two classes in our country—one is of exploiters and the other is of exploited. These industrialists belong to the exploiters class and those poor workers who do not get the minimum wages even today belong to the exploited class.

MR. DEPUTY SPEAKER: Sir, it is being said by some Members here that reservations should be given on the economic basis. I would like to ask whether they want to open a new avenue of corruption. Bogus certificates are issued by the Lekhpal, Kanungo and Tehsildars. I would like to speak here on each and every point. Some Members say that castes have no recognition in the country, but I would like to know whether the Government of India is not giving scholarships on the basis of castes and how those people could have so far been identified for that purpose? Therefore, you should not talk of it. In 1977, Shri Dinesh Singh was in the Congress Party. When we were released from Jail, we formed the Janata Party and were voted to power in the elections. Shri Dinesh also quit the Congress Party and became the Member of the Rajya Sabha on our party's ticket. But after some time, he left our Party again to join the Congress Party. At the moment he is not present here. Mr. Deputy Speaker, Sir, I would like to remind you of the days of emergency, when we were put in jails, you were also there with us in the Janata Party. As a former Minister during the Congress rule has said that Mahatma Gandhi was also a Brahmin, we used to hear slogan like this:

"Desh ki neta Indira Gandhi,
Yuvaon ke neta Sanjya Gandhi,
Bachhon ke neta Rahul Gandhi

*Not recorded.

[English]

MR. DEPUTY SPEAKER: The last sentence will not go on record.

[Translation]

SHRI HARISH RAWAT: Mr. Deputy Speaker, Sir, no one can say such mean thing and it is condemnable. Therefore words spoken by Shri Ram Dhan should not go on the record. (Interruptions)...

SHRIMATI J. JAMUNA (Rajamundri): Mr. Deputy Speaker, Sir, what is he saying. It should be expunged from the records. (Interruptions)

AN. HON. MEMBER: Mr. Deputy Speaker, Sir, today Jamuna Ji is in her form (Interruptions).

SHRI RAM DHAN: Mr. Deputy Speaker, Sir, it hardly matters whether it is recorded or not. (Interruptions)

SHRI HARISH RAWAT: Mr. Deputy Speaker, Sir, I would like to tell Shri Ram Dhan through you that no Congressman can ever even think of such a thing what to talk of speaking. (Interruptions)

[Translation]

Rawatji, through you, I would like to convey Shri Dinesh Singhji that when he was expelled from the Congress Party, it was I and one Shri Shivpujan Shastri of Vikramganj who is a radical democrat, issued statement in favour of Shri Dinesh Singh and raised voice against his expulsion and I also took up the matter with Smt. Indira Gandhi, as a result thereof, his expulsion was withdrawn. Now he is talking like that. Therefore, I would like to say...(Interruptions)

SHRI RAM DHAN: The previous day he too told me that I was sitting that side...(Interruptions)

SHRI RAM DHAN: But I want to tell him and he should agree to this that at that time Smt. Indira Gandhi was heading a minority Government and he was the Secretary of the Parliamentary Party and Mrs. Gandhi was running the Government with support of Left Parties. I as well as Chandrashekharji, Krishna Kantji and Mohan Dhan had played a vital role in transforming the policies of the Congress Party and worked for nationalisation of Banks and abolition of Privy purses which were done by a minority Government. State Commissions/Committees have been set up in as many as 16 states and they have also recommended reservation for backward classes and so is the case with the Union territories. How much reservation has been made in the State from where Shri Poojari hails. How much reservation has been made in Karnataka by Shri Devraj Urs and in Tamil Nadu? Therefore, I would like to submit that the persons who talk in this manner are misleading the people. One more thing that I wish to say is this that unless some sort of reform made in our electoral system feelings of caste and creed cannot be mooted out from our minds. We have been saying this for a long time. When we make demand of implementation of Mandal Commission it is said that it will increase casteism but in the elections, people are asked votes in the name of castes and creed. Even in selection of candidates for elections caste factor in the constituency is taken into account. Castes have surpassed religion even. A Gujar conference was held recently in which Gujar Muslims from Kashmir also participated. The prevailing caste system in our country is striking at the very roots of our society. Implementation of Mandal Commission report will in no way encourage casteism. The electoral system adopted by our country after independence is responsible for fomenting casteism. I would like to say one thing to my brethren of the backward classes that

we oppressed people belong to the lowest strata of the society. Our brothers belonging to backward classes are slightly better-off and they are like our elder brothers. I am telling this because there have been instances of atrocities perpetrated on us by the people belonging to O.B.C. We have been facing exploitation right from our birth. The incident of Mahabharata was narrated by Ram Nayakji. The thumb of Eklabya was chopped off because he was a capable man. All these things require serious thoughts. That is why I appeal to our brothers belonging to OBC that they should not perpetrate atrocities on downtrodden and women. At places like Belchhi, Vishrampur, Pipra, Arwal, Damka, Karkedu in Andhra Pradesh and recently in Agra, incidents of atrocities on them occurred. They are not allowed horse riding at the time of marriage. They are deprived of even this fundamental right. I want to say that we are ready to fight for their rights. We are the freedom fighters and are prepared to shed our blood for them but they should also reciprocate in the same manner and should not perpetrate atrocities on us. People asked us as to why this was implemented in such a hurry. This was not done in a hurry but it has been implemented after due consideration. This was promised in our election manifesto and the policy statement of Janmorchha. Now I invite those people who are willing to come to our side on account of this policy to come to our fold.

18.00 hrs.

Today I want to say that I have got an opportunity to live and work with the Prime Minister and I want to tell him that he should not exhibit any kind of weakness on his point. Whatever we have declared before the nation shall be implemented. More than three-fourth of the population of the country is with us. So

I want to say that even if the youth who obtained degree at the point of knife and pistol come out on the road and launch an agitation in protest of our decision, we should not backtrack and their protest will hardly make any difference in the country.

We are very much concerned about reservation. It is for the reason that if you do away with reservation for backward classes the very next day we will be the target of their attack and they will demand abolition of reservation for SC/ST. Whatever Shri Ram Naik may say about continuation of reservation for SC/ST but they will certainly try to do away with reservations provided for us.

I am grateful to you for having given me sufficient time to express my views and I thank you for the same.

[English]

MR. DEPUTY SPEAKER: I would like to know from the Whips and the Leaders of the different parties whether they want to continue.

SOME HON. MEMBERS: Tomorrow.

[Translation]

SHRI MADAN LAL KHURANA: We can sit for one hour more. It was decided that it has to be completed today and tomorrow Constitution amendment Bill for granting statehood to Delhi shall be taken up.

(Interruptions)

[English]

MR. DEPUTY SPEAKER: There are representatives of different parties who want to express their views on this issue and the list which is with me, given by different parties, is very long. Of course, the Janata Dal, National Front have reduced

their list and they have brought down the number from 18 to only 3. But, I have a list given by others and I think that on this point, they should be given an opportunity. But, let us continue for some more time.

SOME HON. MEMBERS: Yes.
(Interruptions)

DR. THAMBI DURAI: It is clearly said in the Chamber that we have to sit late.

MR. DEPUTY SPEAKER: Shri Vasant Sathe will now speak.

SHRI VASANT SATHE (Wardha): We have listened with great attention to the views expressed and I must say that the debate had begun on a very high level. Yesterday I was very much impressed by the speech of Shri Hukumdeo Narayan Yadav.

Mandal Commission itself has said that this step of reservation may not be enough unless you go to the very root of this problem of backwardness. Therefore, I would like to begin by saying that I entirely agree that if we go to the root of the problem we will find that the main problem has arisen because of the system which has prevailed for the last 3,000 years or more.

Sir, I would like to quote from the Mandal Commission, which has quoted the first decision of the Supreme Court's major decision on this issue—*Balaji Vs. the State of Mysore*. They have stated:

"Though, according to sociologists and Vedic scholars, the caste system may have originally begun on occupational or functional basis, in course of time it became rigid and inflexible. The history of the growth of caste system showed that the original functional or occupational basis was later over-bounded with consideration

of purity based on ritual concepts and that led to its ramifications which introduced inflexibility and rigidity..."

This rigidity came in because of Manu Smriti. I would like to present the facts. The main culprit of our entire system is that concept which had begun with Manu Smriti where they had stated...*(Interruptions)* Sir, this gives me an opportunity to see what was said in it. You will be amazed that even the Yugas were described after the *Chaturvarnas* after the *varnas*. This is what they said:

"Brahmhyam krit Yugam Pronadam Bhawantu Kshtriya Vaishyo

Dwapar Mityahu Shudra Kalyug Smritah".

[Translation]

Krit yug belongs to Brahmins, Treta belongs to Kshatriyas, Dwapar to Vaishya and Kalyug to Shudras. Age of the ages is this Manusmriti. Now you see, that he said...*(Interruptions)* ...After describing the deeds of Brahmins, Kshatriyas, Vaishyas and Shudras, there was no mention of Varnas based on birth and this is something important to understand...*(Interruptions)*...I am saying with folded hands, Mr. Prime Minister you please tell your friends...*(Interruptions)*... Please listen to me for a while...*(Interruptions)*...If you do not interrupt I shall be able to tell you something.
(Interruptions)

SHRI DAU DAYAL JOSHI (Kota): I shall resign from the membership of this House if you show me that "Janmana Jayate Shudro" has been mentioned in any of our scriptures be it the Vedas or the Puranas. You are unnecessary creating a fuss in the House.

SHRI VASANT SATHE: I quoted from Manusmriti that it was not

based on birth, it became in course of time and the same has been maintained by the Supreme Court also. It has been mentioned in the Bhagvad Gita also "Jatuvarnam Maya Shristam Gun Karma Vibhagata". It is nowhere mentioned "Janma Jati Vibhagata" as said by Shri Hukum Dev Narayan Yadav yesterday. (*Interruptions*)

SHRI HUKUMDEO NARAYAN YADAV (Sitamarhi): In what context was karma mentioned it? (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: You may continue your speech. Don't respond to them.

[*Translation*]

SHRI VASANT SATHE: What has been stated in the Gita the same has been preached by Adi Shankaracharya because you will find that when the Vedic Sanatan Dharma was re-established on the basis of 'Adwait', had the people followed the preaching of Adi Shankaracharya who said "No Jaya Brahmanshyak, Kshatriya Vaishya Avacha, Na shudronashwa Melecho, Bhodita Gunkarmachi," this menace of caste would not have cropped up in our society. Just now Joshiji said "Janmana Jayate Shudro, Sanskardwy Muchyate". Everyone is a shudra by birth—Adi Shankaracharya...(*Interruptions*)

MR. DEPUTY SPEAKER: Please do not respond to interruptions... (*Interruptions*)

SHRI VASANT SATHE: Mr. Deputy-Speaker, Sir, this country's.

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Satheji, leaving aside what Adi Shankaracharya said,

we should think about what has been said by Shankaracharya of Puri. (*Interruptions*)

SHRI VASANT SATHE: It is a misfortune of the country that people failed to abide by the preaching of Adi Shankaracharya who wanted to unite the people. It was something unique. He had set-up many Maths for this purpose all over the country. Unfortunately after his death, the "Mathadhish" and "Pundits" converted them into organisations and assumed the role of minion of religion. That is why caste system based on birth took root in our society, as a result thereof the country suffered tremendous loss. (*Interruptions*) Even today I say that if all the Shankaracharyas of this country, instead of going to Ram Janmabhoomi, unitedly devote their energy in spreading the preachings of Adi Shankaracharya that there shall be no caste based on birth, it shall bring a revolution in this country and society. But unfortunately castes are determined on the basis of birth and this menace has been in vogue in our society for ages. A decision to do away with it was taken by the people who participated in the freedom struggle and had said that our dream is to create a casteless society in this country. It was adopted as our dream of free India. One and all had said it and from Baba Saheb Ambedkar to Mahatma Gandhi there has not been a single person who would have said that we want to create a society based on caste.

SHRI RAM DHAN: Mahatma Gandhi was in favour of the caste system.

SHRI VASANT SATHE: I have already stated that caste system at that time was not birth-based. If you accept that, there is no confrontation on this issue. Ram Dhanji, a confrontation starts when it is defined on the basis of birth...(*Interruptions*)

[Sh. Vasant Sathe]

Mr. Deputy Speaker, Sir, I was touching upon the cause of confrontation that is taking place these days in our society. What type of society do we want to create after all? I think Shri Vishwanathji is a modern Manu. Manu in ancient times, deformed our society by dividing the people on the basis of their birth. You will be surprised to know his views regarding the social set up. He professed to this extent:

"Viprasaya Trishu Varneshu
Nriptevarnyordwayoh
Vaishyasay Varne Chaiksinn-
shdete Pasdaasmrita."

It means that the issues (sons) born through such parantages as the Brahmin father and the below caste mother, i.e. from Kshatriya, Vaishya and Shudra castes, or the Kshatriya father and the below caste mother, i.e. from Vaishya and Shudra castes, and the Vaishya father and the below caste mother, i.e. shudra caste, are looked upon as inferiors in the society. Similarly, the issues (sons) born through the parentage of the Shudra father and Vaishya, Kshatriya and Brahmin mother are named as Ayogav, Kshatta and Chandal—the lowest among the human being—respectively. What is this after all?..(Interruptions)...

SHRI HARISH RAWAT: Satheji, better you do not quote from such a trash book.

SHRI VASANT SATHE: Still there are followers of Manu in this country. The birth-based caste system...(Interruptions)...I want to say to the Prime Minister that if he restores the caste system based on birth with any motive or under a fit of zeal, he will be called another Manu and thereby he will be bringing the Manu Smriti back to the norms of the society. That is why, our Hindu Law clearly speaks about it. (Interruptions)

[English]

PROF. MADHU DANDAVATE: If you get stuck up with Manu, you will never get time to come to modern times at all.

SHRI VASANT SATHE: You are now bringing Manu through Mandal, that is what I am trying to show. (Interruptions)

[Translation]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): The Mandal Commission is washing off the sin that was committed earlier. (Interruptions)

SHRI VASANT SATHE: First listen to me, my brother, you are not washing off this sin, rather you are bringing it back to the society, Sir.

[English]

The Hindu Law commentary says: "The practice of caste, however irrational, is so deep rooted that its mark does not seem to really disappear even after some generations after conversion."

[Translation]

What are they going to do? Through the implementation of the Mandal Commission Report, they are trying to give reservation on purely Birth-based caste which is against the spirit of the Constitution and is, therefore, a fraud. Pandit Nehru was against reservation of this kind. I would like to quote his words which he used while participating in the discussion on the Amendment brought in this House in 1951.

[English]

This is what Jawaharlalji said:

"Take another very important objective of ours. The attempt to

realise the egalitarian or some other form of society in which the differences based on birth or income or position are not great. In our attempt to achieve it we want to put an end to all these infinite divisions that have arisen in our social life. I am referring to caste system and other religious divisions—call them by whatever name you like. There are of course economic divisions also. We are conscious of them and we try to deal with them though not always very satisfactorily. It is thus one of our objectives to get rid of these and to give every individual in India an opportunity to grow as also to build up a united nation where the individuals do not think so much of their particular group or caste but of the community at large."

Sir, this is what he stated while introducing this amendment.

Later on while addressing the Chief Ministers this is what Pandit Jawaharlal Nehru had to say:

"If we go in for reservation on communal and caste basis we swamp the bright and able people and remain second-rate. I am grieved to learn of how far this business of reservation has gone based on communal considerations. ..."

"It has AMAZED me to learn that even PROMOTIONS are based sometimes on communal or caste considerations. This way lies not only folly but disaster. Let us help the backward groups by all means, but never at the cost of efficiency."

SHRI VISHWANATH PRATAP SINGH: Why do you make it so long? In short, you just say, you are against Mandal Commission. In one sentence, they will understand. One

short sentence is good enough. Say, "I am against Mandal Commission."

SHRI VASANT SATHE: It is very difficult to accept one's folly. Please have patience and do it. You are committing what he calls a 'disaster'. That is what I want to point out to you. Basically what did we do?

I would like to quote only one judgment of the Supreme Court from Mandal Commission. (*Interruptions*) Why do we say that this is contrary to the Constitution, *ultra vires* of the Constitution. Because, they have brought in caste consideration pure and simple and not class consideration with economic factors in it. That is why there is the danger of it being *ultra vires*. I would like to quote from *R. Chitralekha v. State of Mysore*, judgment by Justice Subba Rao. This is what he says:

"Article 15(4) -does not speak of castes but only speaks of classes. If the makers of the Constitution intended to take caste also as units of social and educational backwardness, they would have said so as they have said in the case of the Scheduled Castes and the Scheduled Tribes."

Where is Prof. Madhu Dandavate? Let him reply.

AN HON. MEMBER: It does not matter. Prime Minister is there. (*Interruptions*)

SHRI VASANT SATHE: Justice Subba Rao continued to say:

"Though it may be suggested that the wider expression 'class' is used in clause (4) of Art. 15 as there are communities without caste, if the intention was to equate classes with castes, nothing prevented the makers of the Constitution to use the expression 'backward classes or castes'. The

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juxtaposition of the expression 'Backward Classes' 'Scheduled Castes' in Art 15(4) also leads to a reasonable inference that the expression classes is not synonymous with castes.

In tune with the conspectus of constitutional provisions, 'caste' and 'classes' cannot be considered synonymous.

If we interpret the expression 'classes' as 'castes', the objective of the Constitution will be frustrated and the people who do not deserve any adventitious aid may get it to the exclusion of those who really deserve."

This has not been set aside. The latest decision of the Supreme Court is Vasant Kumar v. State of Karnataka. There also, this thing has been reiterated. We would like to know: What is the intention of the Government? Are they wanting to go against the constitutional provision of Articles 15 and 16? If they want, say that the words 'classes' mean in effect as the Mandal Commission has done—that word 'caste' alone. If that is the intention, say so with courage. Amend the Constitution if you like. Say that like scheduled castes and scheduled tribes, as was stated, in the "backward classes", the word "classes" should be deleted and be substituted with that word "castes". If you do that, have the courage. But then do not forget that you are going to perpetuate, as the Supreme Court says, the caste system in this country. Because, Sir, whatever the time that you may go, whatever the years you may pass, all of the Yadavas, all of the Kurmis, all of the Dhobis, all our other backward communities can tomorrow become Ministers. (Interruptions)

[Translation]

THE MINISTER OF TEXTILES AND MINISTER OF FOOD PROCESSING INDUSTRY (SHRI SHARAD YADAV): On what basis reservation was adopted in Karnataka by Shri Urs? Was it on the basis of caste or class?

SHRI VASANT SATHE: How is that related with it? I am simply insisting on a serious thinking over this issue before bringing a change in the Central Law. You should foresee the danger of keeping only the caste-factor in it. Through the constitutional provisions, the entire country... (Interruptions)...

[English]

SHRI CHAND RAM (Hardoi): Mr. Deputy Speaker, Sir,.....(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: I am not permitting you this time. You will get a chance to speak later on.

(Interruptions)*

[English]

MR. DEPUTY SPEAKER: This will not go on record.

SHRI VASANT SATHE: Sir, the latest decision and earlier decisions also have stated that one of the most important criteria for deciding socially backward classes is the economic factor. Sir, I will quote the interpretation of the Supreme Court in Balaji's case. The Constitution does not spell this out....(Interruptions)...I quote: "The classes of citizens who are deplorably poor automatically become socially backward."

(Interruptions)

[Translation]

SHRI SHARAD YADAV: There is not a single state that has not adopted the caste as the basis.

SHRI VASANT SATHE: Please listen, what we are going to do in the country. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: You are in power in Andhra Pradesh and Karnataka. Will you reverse the caste system and change it to class system. Will you assure this to the House now? (*Interruptions*)

SHRI VASANT SATHE: That is for you to decide.

SHRI VISHWANATH PRATAP SINGH: No. Right now, you are in power there. You assure the House that you are going to cancel it in Andhra and Karnataka and then switch over to different criteria...(*Interruptions*)...Then do not give sermons to us like. (*Interruptions*)

SHRI VASANT SATHE: This is for the simple reason that they have not been implementing the Mandal Commission. You are implementing the Mandal Commission. That is why it is your responsibility to say what you want to do with the Constitution. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Tomorrow I will give you the reply.

(*Interruptions*)

[Translation]

SHRI VASANT SATHE: You may do that, You have set the country on fire, today. You, the modern Manu Maharaj, will divide the country into pieces by bringing the old caste-system back to the society.

SHRI VISHWANATH PRATAP SINGH: One minute please, I do not intend to interrupt. The substance of Shri Sathe's argument is that the reservation should be made on the basis of class and not caste, and for his sermon which he is delivering to us he has taken a cue from the Vedas. Let him say in clear terms in the House if he is politically honest that the basis of the reservation that has been adopted in Andhra and Karnataka where his party is in power, is wrong and that they would change this criterion in these States. (*Interruptions*)

SHRI RAM DHAN: The Government of India has been awarding scholarships to the students on the basis of caste uptill now. It was your Government who has been doing so.

SHRI VASANT SATHE: Today, he strongly favours the Mandal Commission that was constituted in 1980 but he never mentioned it when he was the Chief Minister of Uttar Pradesh and the Union Cabinet Minister in the Council of Minister headed by Shrimati Indira Gandhi and Shri Rajiv Gandhi.

SHRI VISHWANATH PRATAP SINGH: We are working on the views of Mishraji on Mandal Commission Report.....

SHRI VASANT SATHE: But you did not implement the Mandal Commission Report when you were the Chief Minister yourself.

SHRI VISHWANATH PRATAP SINGH: Now, I reply to your question. After becoming the Chief Minister of Uttar Pradesh in 1980 following the exit of Janata Party, I had made a provision of 15 per cent reservation in jobs for the backward classes there. In the Notification, the word 'maximum' was cunningly added with the words '15 per cent'. It is

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me who changed it from 'maximum' to 'minimum'. And the provision of the reservation was made in addition to the number of seats which the candidates belonging to that class attained through their own merit. The provision of scholarship could not be made during the tenure of my Government there because the elections took place in the meantime. Despite that I had made a provision of Rs. four crores for the backward classes in the State. It was during my tenure that for the first time since independence, a person belonging to that class was appointed a Judge in the Allahabad High Court.

SHRI VASANT SATHE: This is not a proper reply to my question. My question was very specific. The question was whether you issued any statement in support of the Mandal Commission Report when you were the Chief Minister of Uttar Pradesh twice and Minister in the Cabinet of both Shrimati Indira Gandhi and Shri Rajiv Gandhi? I have asked nothing else except this.

SHRI VISHWANATH PRATAP SINGH: Neither you nor any Minister of Shri Rajiv's cabinet supported the implementation of Mandal Commission Report.

SHRI VASANT SATHE: It did come before the Cabinet. You need not say that. I was saying...*(Interruptions)*.....At no point of time did he say that the Mandal Commission Report would be implemented.

AN HON. MEMBER: Why did you not do that?

[English]

SHRI SAIFUDDIN CHOUDHURY: The Prime Minister has asked a very pertinent question from Mr. Vasant Sathe, whether he is ready

to talk within his party to introduce economic basis for the backwardness in Andhra Pradesh and Karnataka. That is very important. You give your reply, Mr. Sathe. Then the whole trend of the debate will change.....*(Interruptions)*.....

[Translation]

SHRI VASANT SATHE: We have introduced economic criteria in Maharashtra. Various facilities which are supposed to be given, have already been given there. All of us know about it. It is the Congress Party which has introduced economic criteria. The basic thing is that that the Mandal Commission report, which Government is going to implement, is totally caste based and nothing else. The Mandal Commission has worked out its recommendations totally on caste basis and the proposed reservation will also be provided on the basis of caste. I am of the view that it is against the spirit of Constitution and it also goes against the idea of creating a casteless society in the country. The Government is doing so.....*(Interruptions)*.....

All this is being done to serve their political ends. Even children in the country know the motive behind this move of Vishwanath Pratap Singh. When he realised that Devi Lal has raised the controversy of rural versus urban people and B.J.P. has raised the issue of Shiram temple and they have given a call for the unity of Hindus on this issue and the leftist parties have started talking of a class war or a war between the working classes and the capitalists. In view of all these things, Shri Vishwanath Pratap Singh has played a trick. In order to foil all their efforts, including those of Shri Devi Lal, Shri Vishwanath Pratap Singh has raised the issue of castes. He has already won over the Muslims to his side. He did a thing which no Muslim country has ever done. He made a declaration from the rampart of the

Red Fort that Prophet Mohammed's Birthday will be a public holiday. He has already released Rs. 50 lakhs to Shri Bukhari for Jama Masjid. Mr. Deputy Speaker, Sir, you will see that on 30th October, Shri Vishwanath Pratap Singh will refuse the B.J.P. point blank. He would throw a challenge to B.J.P. to collect the supporters of Ram Janmabhoomi and he would not care for that because he has already disintegrated the Hindu society on caste basis and his man, Shri Mulayam Singh Yadav is there to put all B.J.P. activists in jails. Mr. Deputy Speaker, Sir, what a cheap politics is that. Nobody has ever witnessed such a cheap politics in this country.

SHRI VISHWANATH PRATAP SINGH: I would like to know if they oppose the holiday declared on account of Prophet Mohammed's birthday. Does his Congress Party oppose the holiday on Prophet Mohammed's Birthday? Let him clarify.

SHRI VASANT SATHE: Honestly speaking, we do not oppose it, but.....(*Interruptions*).....

SHRI VISHWANATH PRATAP SINGH: Sir, he should clarify it. It is not the question that he raised a point in the House on my statement made on 15th August. Let him say clearly whether he or for this matter, his Congress Party opposes it. They may do it or not that is altogether a different question and it can be understood. But they are opposing it when we are going to do it. (*Interruptions*)

SHRI VASANT SATHE: Mr. Deputy Speaker, Sir, is it not a cheap politics? It is a conspiracy to receive cheap popularity. Today, these people are making an outcry in the name of great Baba Saheb Ambedkar who had devoted his whole life for the emancipation of this society from caste system and converted his followers into Buddhism. I would like

to know whether it is not a force..... (*Interruptions*)

Mr. Deputy Speaker, Sir, was it cheap politics when the Congress Party made Baba Saheb Ambedkar the Union Law Minister and installed his 2½ tonne statue for viewing by the people of the world? Rather they did cheap politics when they displayed his small portrait in the Central Hall of the Parliament House which can, at best, be seen by 500 people.

SHRI SHARAD YADAV: Whatever, small portraits he sees here, are of one or the other greatmen of this country(*Interruptions*).....

SHRI VASANT SATHE: But, whether making an announcement from the rampart of the Red Fort was not a way to gain cheap popularity?.....(*Interruptions*).....

SHRI RAM VILAS PASWAN: I have a point of order. I am of the view that Shri Sathe should withdraw the words he used in regard to displaying of portraits of leaders in the Central Hall of Parliament. Even portraits of Leaders who had tall statures have been displayed. No portrait is small. He said that Ambedkar's portrait is small and small portrait would serve no purpose. It is a disgrace to all leaders..... (*Interruptions*).....

SHRI KAIKA DAS (Karol Bagh): Mr. Deputy Speaker, Sir, he has shown disrespect to all the national leaders.....(*Interruptions*).....

SHRI VASANT SATHE: Paswanji, I know Baba Saheb Ambedkar better than you. Baba Saheb Ambedkar was not only a man of tall stature, but also was a great man. When I said that we installed a 13 feet high statue of 2½ tonne weight of Shri Ambedkar for viewing by people of the country they boasted that they displayed a portrait. It could be

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seen by 500 people only. They are making tall claims for that and it is some thing mean.....*(Interruptions)* It is a trivial thing. Do they think that the Harijan brethren and people who are Baba Saheb's followers will be fooled by this tactic. Nothing of the sort is going to happen by these tricks.*(Interruptions)*..... Mr. Deputy Speaker, Sir, finally, I would like to submit that the person who is prepared to divide the country into fragments on the basis of birth for his selfish ends is committing the biggest offence.....*(Interruptions)*...

SHRI SHARAD YADAV: Will a person be abused for his selfish ends? Will he burn the country? Today, the country is burning?.....*(Interruptions)*.....

SHRI SOMNATH CHATTERJEE: (Bolpur): Mr. Deputy Speaker, Sir, I support reservation in jobs for the backward classes as recommended by the Mandal Commission. We have to consider as to why after 43 years of independence, still we have to speak of reservation in this country, even for Scheduled Castes, Scheduled Tribes and other sections of the people of this country. We cannot deny that the situation in this country even after independence so far as poor and backward people are concerned—socially, educationally, economically—they have been the subject of more and more exploitation and all the resources of this country for over four decades have not been utilised for the purpose of true advancement of these sections of the people of this country.

I have been listening very attentively to all the speeches from the Congress party. I do not know whether they have been able to make up their mind as to what should be their stand. At the All Party Meeting, I could not follow what the Congress President had said. He wanted the

Prime Minister to produce a non paper on Mandal Commission. What is the stand of the Congress? Uptill now, none of the hon. Members speaking from the Congress Party has said that whether they support or oppose the Mandal Commission. They believe in some reservation. I have no doubt that they believe in the reservation of the monopolists. They believe in reservation for multi-nationals, and that is why they believe in reservation for their favourite industrialists, and that is why all these years, all the economic benefits of this country have been concentrated in the hands of fewer and fewer people who have been openly siding with them, and they have been the beneficiaries. This type of reservation we are against.

Before I come to some of the basic issues involved here, two things I must mention on behalf of my party. One is that although an all-party meeting was held by the Prime Minister—it was good that he called all the parties for a discussion on this issue—that was after his announcement of the 7th August and 27th August. We would have certainly preferred that this was not the case on a vital issue like this, on which there is an attempt—now we find an attempt by political parties. What has happened in Patna—it is no longer a secret—is that a political party, the Congress Party is behind the agitation. *(Interruptions)*

SHRI HARISH RAWAT: To which party does Mr Biju Patnaik belong? *(Interruptions)*

SHRI SOMNATH CHATTERJEE: It is very unfortunate that the youth of this country who are our real future, who will provide leadership in this country in different spheres, are today being brought into the streets for the purpose of indulging in violence. *(Interruptions)* This is not a welcome development. Therefore, we felt and we still feel that it would have been better if there had been

a discussion and negotiation before the Prime Minister made this announcement in Parliament. (*Interruptions*)

The second thing is very important, viz. that so far as discussion is concerned, it should be held also with the students, and with those leaders of students, because after all, they are part of us. As I said, they are our future. Therefore, they should not suffer under any impression that the Government is not sensitive, even to hear what they have to say in the matter. Therefore, I am sure the Prime Minister will take the necessary steps, early steps in the matter, for the purpose of holding discussion with the students, apart from other sections of the people and the communities of this country and with the political parties.

The next aspect is also important. Agitations and demonstrations are going on for quite a few days. I believe for a fortnight, there was no movement or agitation or protest. Then it started, and started almost simultaneously with certain newspaper articles that came out. That is what we find. But this is a very serious matter. Unfortunately, there is violence. Precious lives have also been lost. Properties have been damaged. Therefore, it is our appeal to all the sections of people in this country, to see that these issues are discussed and solved in a manner which will be acceptable to all; and whatever discussion takes place, whatever agitation takes place, must take place peacefully, and carried on dispassionately. Therefore, the need of the hour is dialogue and discussion with an open mind, in a spirit of co-operation and adjustment.

So far as Mandal Commission's recommendations are concerned, no doubt we have said, and we do say, that jobs in this country are very few. Reservation has been made only in Central Government jobs.

There are a large number of unemployed youths in this country, educated, not so educated, even those who did not get facilities for getting education; there are a large number of people who are unemployed in this country. Out of them, there are more poor people; poorer people are more in numbers. There is no doubt about that. Therefore, we want that, whatever facilities are available by way of reservation of jobs even for these backward classes, those facilities should be given to those people whose need is the most. I know it may be difficult to apply any standard. It may be said, what are the economic criteria. But when the kitty is small and the demand is large, one has to have some standard; and that can only be some economic standard or economic criterion. That is why we have been saying that an economic standard along with the recommendations of the Mandal Commission would have been more acceptable to the people. And all the arguments that are being made that it will be against merit, it will take away the opportunity of those young people, unemployed people, who by their efforts have been able to come up and are in a position to take up these jobs, these arguments would not have been made. I am not one of those who say that the merit is only restricted to upper classes of people or forward classes of people; it cannot be. The history has proved it in this country. In Tamil Nadu, in Karnataka, there are reservations for years; and it cannot be said *per se* that there is no merit in the administration of Tamil Nadu or in the administration of Karnataka; that cannot be so.

After four decades of independence, where supposedly meritorious people have been taken in the administration so far, we do not find that the administration in those States is the symbol of highest of efficiency or highest integrity; that we cannot say; it

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is not possible to say that. Therefore, I do not agree that on the plea of merit being sacrificed the Mandal Commission Report should not be accepted. I am not one of those who think like that. But in a country where exploitation has been the order of the day, poor people have become poorer in this country. A facility has been denied to a vast sections of the people in this country. The result of the Congress rule for four decades has been greater and greater exploitation, greater and greater oppression of those people who had not been able to stand up on the basis of their own strength. I know this is the curse of the Hindu society.

SHRI VASANT SATHE: This is the result of the closure of sick industries in West Bengal.

SHRI SOMNATH CHATTERJEE: That has been the result of your policy, Mr. Sathe. Your government's policy had resulted in this. (*Interruptions*)

AN HONOURABLE MEMBER: This has been there since the days of Nehru. We can prove it. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I don't think I have to labour much.

[*Translation*]

SHRI SHOPAT SINGH MAK-KASAR (Bikaner): Vasant Sathe ji, you may try your level best, but you cannot become a Minister. Now your turn would never come. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Makkasar, you are disturbing your own man.

SHRI SOMNATH CHATTERJEE: I don't think I have to labour much to

establish that in this country 40 years of Congress rule had finished the ordinary people of this country. The highest number of unemployment had been during the Congress rule. The highest number of industries had become sick during their regime. This is the position.

No State Government can organise the industry. At least we have seen the difference about it. Can you explain, Mr. Sathe, why did not your government sanction the Haldia Petrochemicals Complex for ten years if you wanted economic development of West Bengal? Why did you not sanction the money that was due to us for the thermal power station? Who is responsible for this sickness? I know during their regime the viability of a company would depend upon how many employees would be retrenched. Otherwise, they were not sanctioning viable schemes, and modernisation schemes in this country. Therefore, for the Congress people to talk of poor people and their development is the rankest hypocrisy in this country. Nothing else. We have had enough of them. The people have had enough of them. That is why they have been put there and I know how they are functioning. In Lok Sabha they support the Prasar Bharati Bill and Mr. Sathe claims it to be his Bill, and then in Rajya Sabha they go and oppose it lock, stock and barrel! That is how the Congress Party is functioning.

SHRI VASANT SATHE: Do you know the latest position? It has been passed there unanimously.

SHRI SOMNATH CHATTERJEE: Passed unanimously? But I do not know what will be the fate of that sneech, if your leader suddenly comes and if he denounces you. (*Interruptions*) I do not know. He may do it very well as he did it two times. It may remain on paper, I do not know. (*Interruptions*)

SHRI P. R. KUMARAMANGA-LAM: You do not have to do so much of.....*

SHRI SOMNATH CHATTERJEE: Mr. Kumaramangalam, my nephew has mastered this art very well.

SHRI P. R. KUMARAMANGA-LAM: With your blessings.

MR. DEPUTY SPEAKER: He says you are his nephew. You should withdraw that word, Mr. Kumaramangalam. That word goes out of the record. All this is becoming part of the record. What Mr. Kumaramangalam said will not form part of the record.

SHRI SOMNATH CHATTERJEE: What, Sir? Nephew?

MR. DEPUTY SPEAKER: No, no. That will remain on the record. That will go on record.

SHRI SOMNATH CHATTERJEE: Is the word 'nephew' unparliamentary? Nephew is not derogatory either.

MR. DEPUTY SPEAKER: It is neither unparliamentary nor derogatory.

SHRI SOMNATH CHATTERJEE: It is undeniable that although we have had reservations for the Scheduled Castes and the Scheduled Tribes in this country, even our Constitution as originally framed, provided that, the economic condition and the social condition of the Scheduled Castes and Scheduled Tribes have not come up to the expected level. Why not? Why does their position still remain as bad as it was in 1951? Only marginal increase is there. Subject to correction. I am told that after

all these years, in the Central Government Class I Services about 8.5 per cent of the posts are held by Scheduled Castes and Scheduled Tribes although their reservation is to the extent of 22.5 per cent. Why not? Because, educational facilities have not been given to them. For their economic upliftment no real effort has been made. It is only through the industry of our brothers and sisters of the Scheduled Castes and Scheduled Tribes who by their own efforts and by their own merit have been able to come up. Even with the reservation it has not been possible to bring them up to the desired limit.

Now, who has to bear the responsibility for this? Today, we are talking of it. I know that our Constitution consciously uses the word 'social and backward classes'. But please do not forget that the Constitution came into force in 1950 and in 1951, within one year, Pandit Jawaharlal Nehru felt the necessity and this Parliament felt the necessity of amending the Constitution. And the First Amendment was brought in for the purpose of the advancement of the socially and financially backward classes of people. Why? Because, it was realised that unless some protection was given, unless some reservation was provided, it was very difficult for these people who had been the victims of exploitation and oppression during the British days, as they had their alien, imperialist interests to serve. They had their imperialist interests and had to serve their alien rulers. They perpetrated the caste system. They encouraged the division of the people on the basis of religion, on the basis of castes, they created the *zamindars*, they created the *Jotdars*, and feudal landlords also were created in this country, merely for their interest. But, overnight it could not be solved. That is why, Pandit Jawaharlal Nehru felt that in 1951, within one year of the framing of the Constitution, which

*Expunged as ordered by the
Chair

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originally did not contain any provision in Article 15(4), for socially and financially backward classes, that amendment was brought in.

19.00 hrs.

That Amendment was brought in. Who were the persons thought of? Who were the persons contemplated to be covered in the socially and educationally backward class?

We are opposed to this. We are against casteism, division of people on the basis of caste. But can we deny the historical fact, which is there that such people belonging to certain castes are today the most exploited, socially, educationally and also economically? Therefore, it was thought necessary to amend the Constitution to bring them in. That is why, Article 340 provided that a Backward Classes Commission should be appointed wherever and whenever necessary for the purpose of making recommendations for inclusion of provision for their improvement. I know that. Therefore, it cannot be said that it is trying to mislead the people by saying that the Constitution has as such referred only to classes and therefore, how can you bring in the caste. Nobody can deny that the backward classes, as we understand and as the Mandal Commission has referred to, form the predominant majority of the socially and educationally backward classes in this country. There is no doubt about that. But even then, we felt as I said earlier, that opportunity being limited, let even those students or young people belonging to these castes—for some reason some better opportunity was available to a particular person and therefore, he should not get necessarily greater benefits than these people—be given such benefits. Therefore, it is a matter which can be discussed. The formulas can be arrived at. As I started by saying, we are in favour of this recommendation. We

support the Prime Minister's statement. As I said, there are already reservations in this country. Many States have got reservations. It is not something new. I did not expect—I do not know whether the Prime Minister expected an answer from Mr. Sathe—an answer from him because they cannot afford to give an answer. In Karnataka or Andhra Pradesh, they will abolish it. They will abolish it and at the same time, Congress will be abolished from that side. I know that they are very much worried today. They think that Mr. Vishwanath Pratap Singh is going to announce a mid-term poll and they will have nothing to say to the people. Probably the Prime Minister may have to give them one more assurance that there will be no mid-term poll. This is what is making them nervous and to worry about. They cannot make up their mind. They cannot give a direct answer.....(Interruptions)

SHRI JANARDHANA POOJARY: I am not on a point of order. But I will ask some clarifications. I am referring to the Mandal Commission Report. A question was posed by the hon. Prime Minister and Mr. Chatterjee saying that whether in Karnataka and Andhra Pradesh, are you going to just give up the caste. That is what they have posed. Sir, kindly read the recommendation of the Mandal Commission Report. Para 2.34 at page 8 says:

"The Government order of 1961 based on these recommendations was struck down by the Supreme Court in the celebrated Balaji's case with the observation that the State Government had committed a fraud on the constitution. In view of this the State Government, as a temporary measure, started treating individuals instead of classes as backward for giving them special benefits.

Para 2.35 says:

"It was in August, 1972 that Karnataka Government set up Backward Classes Commission under the Chairmanship of Shri L. G. Havanur and it submitted its Report in November 1975. In its findings, the Commission stated that it had not gone by the criterion of caste in deciding the social backwardness of castes and communities. Instead, it had relied on multiple tests, such as economic, residential and occupational factors in determining social backwardness of castes and communities. Instead, it had relied on categories of backward classes, worked out the percentage of their population in the State and recommended reservation of vacancies in Government services as given below:

Backward Communities—percentage of population 19.20%, percentage of reservation 16%

Backward Castes—percentage of population 14.47%, percentage of reservation 10%

Backward Tribes—percentage of population 8%, percentage of reservation 6%."

Now what the Congress said was that the caste should not be the sole criteria but it should be one of the criterion. This is what the Karnataka Government has done. It is on this basis that our Congress President, Shri Rajiv Gandhi and also the Indian National Congress have been emphasising this factor. Please adopt it.

SHRI SOMNATH CHATTERJEE: As I said, many of the States in this country for years together, have been following a reservation policy for the backward classes and so long backward classes have been primarily treated as backward castes. Now the reason has been quite obvious. Now the Mandal Commission

has said that "an essential part of the battle against social backwardness is to be fought in the minds of the backward people". Therefore, it is also essential that they should be in a position not to think of the backwardness which is thrust upon them because of their birth or because of their position in the society which has been imposed on them. Therefore, it has been thought that reservation is essential. That is why, it has gone even to the extent of 64 per cent some where and 68 per cent in some States. And this has stood the test of legal scrutiny and judicial scrutiny there. But different forms of reservation can be thought of. Therefore, one State in this country i.e. Bihar has been following a formula. Shri Karpoori Thakur, a leader who has dedicated his life for the upliftment of the backward classes in this country and one of pioneers in the freedom struggle, during his Chief Ministership, has evolved a formula which has been working satisfactorily there. Therefore, without in any way affecting the backward classes in this country, without denying their rights as such, these formulae in different ways can be considered for the purpose of providing reservation or protection to the most needy sections of the backward classes in this country. This is our request to the Government and the Prime Minister to consider....(Interruptions)

The Second statement of the Prime Minister has referred to further reservations. We have also our views on this. We say if you are not able to bring in economic criteria within twenty seven per cent, this 5 to 10 per cent reservations must be for those who are economically poor, the poorest sections of the society in this country, so that there may not be a duplication of the benefit, that within twenty seven per cent they will get it and plus this five to ten per cent. This is a matter that the Prime Minister should consider. Now, it is being alleged that no reservation over and above fifty per cent will be permitted.

[Sh. Somnath Chatterjee]

In my own humble way of reading the Supreme Court judgement, now there is no final pronouncement. If a reasonable case can be made out for the purpose of providing reservation in this country for poorer sections, and I do not think that there can be more reasonable basis than poverty, which is being undergone by the people of this country, then this five to ten per cent reservations for the poor sections need not be thought of being struck down as ultravires of the Constitution.

Now, the other very important aspect with which I think the Government has to acquaint itself and has to address for the purpose of solution, even this twenty seven per cent of the reservations given to the backward classes will not solve their problems. You have to make all out efforts to fight against illiteracy, for the purpose of advancement of education, for creating more job opportunities in this country. How many jobs will you give? How many percentage of jobs in totality of the job potential in this country is to be in the central Government sector? It is good that the Prime Minister has announced that it will not be imposed on the States. It is only for the purpose of initial and direct recruitment to Central Government services and public sector undertakings. But, a contrary impression has been created. It seems there is an over reaction because it is true that many of the recommendations of the Mandal Commission have not yet been accepted, not yet been implemented, are not being implemented like promotion, etc. or carry forward of the vacancies. This has not yet been done.

Therefore, what I submit and what my party said, it is essential that there has to be an all round economic development directed towards alleviating principally the economic distress, the educational backwardness, the

social backwardness, of these poor people in this country, that is essential. Therefore, this mere reservation will not solve the problem. It will be a good step, it will give them an impression that they will be participating more effectively in the governance of the country. It will give them an impression, it will give them a feeling of strengthening their minds that they can reach the highest level of Government service although they have been borne to belong to a poor community.

In this context we find that West Bengal is really one of the States, which the Mandal Commission has referred to, and where these caste barriers are minimum. In West Bengal, this caste oppression, social oppression and social exploitation of certain classes of people on the basis of caste is almost non-existent. This has been acknowledged by the Mandal Commission. *(Interruptions)*

In this context, what is essential is the implementation of land reforms legislations. During the Congress regime, they passed certain laws but never implemented them. They even passed a panchayat law in West Bengal in 1973 but never held elections for Panchayats for eighteen years. They did not hold Municipal elections for sixteen to eighteen years in West Bengal. Land reforms legislation they passed in 1955 but they never implemented it. Unless you are able to create new jobs in the rural areas, unless you are able to make improvement in the economic condition in the rural areas where vast number of our poor people live, you cannot bring about the real change. The reservation of jobs that you are providing may be of some help to the backward classes, but for overall improvement, you must completely distance yourself from the Congress policies. That is why we have been demanding from you that you have to see that these land reforms legislations are fully implemented, that the poor people, the tillers of the soil, get an involvement

in this country, in the economic regeneration of this country. Therefore, what is essential is that these pro-rich pro-landlords, pro-feudal policies of the Congress Government you have to completely reorient and make a new policy.

Nearly over forty years of valuable time in this country has been lost because of the Congress Government that has ruled this country to the detriment of the common people, which has brought more misery to the poor people of this country than has solved their problems. Therefore, with these suggestions that we have made, we have expressed our support for the Commission's recommendation but we find that in its implementation it can be adjusted in a manner which will be acceptable to all the people.

At the end, I appeal to all to see that there is no violent agitation on this matter. This should be done peacefully by means of dialogue and discussion. Let not a single more precious life be lost in this country. Let no public property be destroyed in this country. In this country, we have so many important problems to solve. There are so many national problems to be solved in this country and it is necessary that all sections of the people of this country should unite to solve these pressing national problems. We should not divide ourselves. We should not fritter our energies by fighting among ourselves, mostly misled by people who are politically motivated, who find themselves today completely outside the mainstream of the political life in this country. Therefore, with these submissions, I conclude and I again request the Prime Minister to take these matters into consideration.

(Interruptions)

SHRI VASANT SATHE: Sir, if the economic factor is introduced, if

that one simple thing the Prime Minister is willing to accept, I am sure, the agitation in the country will stop..... (Interruptions). Let that economic criterion be accepted.

19.19 hrs.

MESSAGE FROM RAJYA SABHA

[English]

MR. DEPUTY SPEAKER: Additional Secretary will now report a message received from Rajya Sabha.

ADDITIONAL SECRETARY: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

'I am directed to inform the Lok Sabha that the Prasar Bharati (Broadcasting Corporation of India) Bill, 1990, which was passed by the Lok Sabha at its sitting held on the 30th August, 1990, has been passed by the Rajya Sabha at its sitting held on the 5th September, 1990, with the following amendments:—

Clause 4

1. That at page 4, after line 36, the following be inserted, namely:—
 (4) The recommendations made by the committee constituted under sub-section (1) shall be binding for the purposes of appointments under this section.

Clause 7

2. That at page 5,—
 (i) After line 40 the following be inserted, namely:—
 (a) ceases to be a citizen of India; or
 (ii) the existing entries (a) to (d) be renumbered as entries (b) to (e) respectively.