

Sparrow, Shri R. S.  
 Sultanpuri, Shri K. D.  
 Suman, Shri R.P.  
 Swami Prasad Singh, Shri  
 Swell, Shri G.G.  
 Tomar, Shrimati Usha Rani  
 Tripathi, Dr. Chandra Shekhar  
 Vanakar, Shri Punam Chand Mitha-  
 bhai  
 Verma, Shrimati Usha  
 Vijayaraghavan, Shri V.S.  
 Vir Sen, Shri.

MR. DEPUTY-SPEAKER : Subject to correction\*\* the result of the Division is :

Ayes : 7

Noes : 74

The motion is not carried in accordance with Rule 157 of the Rules of Procedure and in accordance with the provisions of Article 368 of the Constitution of India.

*The motion was negatived.*

\*\*The following Members also recorded their votes for NOES : Shri Abdul Ghafoor, Shri A. Charles, Shri Ram Pyare Panika, Shri Nihal Singh Jain, Shri Nawal Kishore Sharma, Shri Naresh Chandra Chaturvedi, Shrimati Abida Ahmed, Shrimati Meera Kumar, Shri G.S. Mishra and Shrimati D.K.Thara Devi, Siddhartha.

15.27 hrs.

RESERVATION OF POSTS IN GOVERNMENT SERVICES AND SEATS IN EDUCATIONAL INSTITUTIONS(FOR ECONOMICALLY WEAKER SECTION OF PEOPLE) BILL.

[English]

MR. DEPUTY SPEAKER : Now we take up Reservation of Posts in Government Services and Seats in Educational

Institution (For Economically Weaker Section of People) Bill.

[Translation]

SHRI RAM NAGINA MISHRA (Salempur) : Mr. Deputy Speaker, Sir, I beg to move : "That the Bill to provide for reservation of Posts in Government Services and Seats in Educational Institutions for persons belonging to economically weaker section of people be taken into consideration."

Mr. Deputy Speaker, Sir, at the outset, I thank you for allowing me to move this Bill. I have been trying since a long time to introduce the Bill because it envisages revolutionary changes in the society.

Sir, the purpose behind moving this Bill is that those sections of society for which the reservation policy was formulated are actually not getting its advantage. Keeping this thing in view I have to draw your attention towards the statement of objects and Reasons of the Bill—Under the present reservation policy the reservation for Scheduled Castes and Scheduled Tribes in Government Services and seats in Educational Institutions is made on the basis of caste. The Scheduled Castes, for whom the provision or reservation is made, have been, notified. The system of reservation on the basis of caste has created a feeling of hatred and estrangement among the people. The fact is that there are poor people in every section and caste of the society. Of course, the people belonging to backward classes are very poor but there are large number of poor people in other castes also. Under the existing rules, these poor people do not get benefits of reservation and that is why they are unable to raise their standard of living. Therefore, if reservation in Government Services and Educational Institutions is made on economic basis, without any discrimination of caste, it would be more rational. This will benefit the society as a whole because all the people belonging to economically weaker sections will get equal opportunities for raising their standard of living and will also give more benefit to the people belonging to the backward sections or the backward class. For example, if some one belonging

to the reserved category gets any higher post due to the reservation policy, then under the present system other members of his family also continue to avail these facilities whereas the very poor persons belonging to the same caste are deprived of these facilities. As a result of this, two categories of rich and poor are created in the same caste. The persons who have got higher posts or have improved their economic conditions should not regularly be given the benefits of the reservation policy. Instead, remaining poor persons belonging to that community should get its benefits. But there is no such provision in the existing law under which only the remaining poor persons would get the benefits of reservation.

Therefore a law should be enacted in which a provision should be made that the persons belonging to the economically weaker sections of the society will only get the benefits of reservation. In other words, in Government Services and Educational Institutions the reservation should be made on the basis of economic condition of the people. In this manner two aims will be achieved, first is that the disparity among different castes will be removed and the second only the poor people will get the benefits of reservation.

This is my objective. The present reservation policy was prepared with the purpose of giving special relief to the persons who are really weak and poor. Even after 40 years the same policy is in practice. Often it is seen that a particular section in villages or cities goes on getting the reservation facilities for indefinite period. Suppose, by availing of this facility, anybody becomes M. P., Collector, Judge or Inspector of police or gets any other higher posts then his economic position improves and the standard of living of his family members is also raised. But even after getting all this, his family goes on availing the same facilities for an indefinite period. If you see through this angle then it becomes clear that this system is creating two categories of persons in the same caste—one is rich and other is the poor or weak.

I submit that the policy of reservation is very good but the people whose

economic status has improved should be restricted from availing this facility and it should only be given to the rest of the poor people who have not been able to derive any benefit from this policy. For example, suppose a person becomes a collector by availing this facility then his children go to school by car, he employs tutor for their education and give them the best available education. But his peon belonging to his caste or any other category cannot arrange same type of education for his children due to his economic condition. Under the present system the children of that Collector will continue to get this facility whereas his peon or a cook will be deprived of these facilities. What a mockery is this? On one hand, a person enjoying higher status in society is getting the benefits of reservation but on the other hand a peon is deprived of such facilities. This system is creating malevolence among the different sections of society. That is why I have moved this Bill.

Secondly, our Government have adopted the principal of socialism and there should be no reservation on the basis of caste in socialism. There are only two castes in socialism one is rich and the other is poor. There is no Brahmin, Thakur or Harijan in socialism. When we have adopted socialism then the reservation facility should be given to the poor persons and not on the basis of caste. The present system creates malevolence among the people that they are availing this facility and we are not. Today, most of the people are poor and belong to weaker sections of the society and they include Harijans, Weavers, Barbers and other section of our villages. Alongwith this, some Brahmins, Thakurs and landless are also poor. It is true that their number is less. At present the aim with which this Bill has been brought is not being achieved and poverty still exists in our country I agree that some of the families have raised their standard of living as a result of this reservation policy. But if we make the reservation on the basis of two castes viz rich and poor, then there will be a revolutionary change and the problem of spreading social malevolence will also disappear. With this purpose only, I am moving this Bill.

[Shri Ram Nagina Mishra]

Apart from this, the reservation should be made in the educational institutions, Government Institutions, Private Companies Sugar Factories and in Textile Mills also. As per my information 50 per cent population of this country is poor. Therefore, the reservation, should be made on the basis of 50 per cent population, but it should be made on the basis of poverty and not on the basis of caste. We stand for socialism and if we make such a provision, it will help a lot for achieving the goal of socialism throughout the world. If we take the caste as the basis then we shall not be able to achieve our goal of socialism. I hope that the Government will bring its own Bill on these lines and give shape to socialism in the real sense.

I do not want to speak more on this Bill but hope that my hon. Colleagues will keep in mind the provisions of the Bill. I want that maximum number of hon. Members should express their views on this Bill. I, once again, would like to request that instead of making reservation on the basis of castes it should be made on the basis of poverty and richness and the reservation at the rate of 50 percent should be made for the poor people. In the Educational Institutions, Government Services, Private Firms and Factories.

With these words, I move this Bill. I hope that the entire House will support this Bill and our socialist Governments will formulate the reservation policy on the basis of poverty and richness. With this, I move this Bill for consideration.

[English]

MR. DEPUTY-SPEAKER : Motion moved.

"That the Bill to provide for reservation of posts in Government services and seats in educational institutions for persons belonging to economically weaker section of people be taken into considerations."

Shri Krishna Iyer :

SHRI V. S. KRISHNA IYER (Bangalore South) : Mr. Deputy-Speaker, Sir, I give a qualified support to the Bill moved by Mr. Ram Nagina Mishra. Sir, the Constitution provides that all those who are apart from the Scheduled Castes and Scheduled Tribes-backward, socially and economically backward, should also get reservation. Sir, many a time we have discussed on the floor of this House that the backward classes also should get reservation facilities in the Government jobs and educational institutions. Sir, in a number of States, particularly in South India, Mr. Mishra may be aware, there has been reservation ranging from 40% to 70% for the backward classes and of course when I am saying backward classes, they do include economically weaker sections also. Now, Sir, this Bill provides that reservation must be made for the economically weaker sections of the society. It has been proved that all those who are backward, are economically backward also. In our country, even after 40 years of independence, you are aware, even according to the Government's own figure, that 40% of the people live below the poverty line. They cannot even get one morsel of food a day. Mr. Mishra has been forced to bring forward this Bill, though he belongs to the ruling party. The Government has failed to eradicate poverty from the country. If during the 40 years of our independence you have taken steps for the eradication of poverty, this Bill would not have been moved by the hon. Member, who is an experienced Member.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : Forty years include three years when you were in power.

SHRI V. S. KRISHNA IYER : Mr. Chidambaram, you are aware, except for the few years I had been in the Ruling Party. (Interruptions) Now, very recently, at the Madras Session of the AICC the other day the Prime Minister gave another

slogan to the country, 'Beokri hatao'. What happened to that 'Garibi hatao' slogan? The 'Garibi hatao' slogan has not solved any problem at all. That slogan has remained a mere slogan. If 'garibi hatao' slogan has solved the problem, if it has been implemented faithfully, then there would not have been a necessity for having another slogan, 'bekari hatao'. It is the other side of the coin. So, it proves that the Government at the Centre has completely failed to solve the unemployment problem and the economic problem. So far as this Bill is concerned, of course, nobody will oppose it. In this connection, I would like to know from the hon. mover of this Bill whether the term 'economically backward' includes those who are economically and socially backward or only those who are economically backward. It is absolutely necessary to include socially backward people also because in all the communities we have got people who are economically very very backward. But at the same time the Constitutional obligation is that those who are backward economically and socially, shall be given reservations, it is obligatory on the part of the Government to give reservations for them. It is only on that basis that the Central Government during the Janata regime appointed the Mandal Commission. It is nearly four years since the Mandal Commission's Report was submitted to the Government, but I don't know what has happened to that Report. Probably it is in the archives of the Central Government, it has not seen the light of the day. The present Government has not taken any interest in this matter. But they should be able to tell the country what their reaction is with regard to the Mandal Commission's Report. If the Government has taken a decision on the Mandal Commission's Report, probably this Bill would not have come before the House today. So, it is necessary that the Government takes a decision on that immediately. I do agree with Mr. Mishra that due to poverty, due to economic backwardness, many people, nearly 40 per cent to 50 per cent of the people are not able to educate their children. When we discussed the Demands of the Ministry of Education, a number of Members mentioned on the floor of this House that due to economic backward-

ness, nearly 60 per cent to 70 per cent of the children drop out at the primary stage itself. According to a study made by one of the expert committees, out of 100 students in the rural areas who go to the educational institutions, nearly 80 drop out from the schools. That is the position in our country and when there is no education, certainly the poverty cannot be eradicated and those who are without education cannot get Government jobs. It is only with this idea the hon. Member, Shri Mishra has brought this Bill before this House.

Another point I would like to mention in this connection is that because the Government has failed to attract backward classes, they have not taken any steps. Under the new Education policy, they have established a number of Navodaya schools. The Government claims that in the Navodaya schools, ideal education is being imparted and there the children of all those who are economically backward and socially backward are brought under one roof. They are given some special kind of education. I have seen it in my own State. Even during the selection of students it is the affluent section of the society that has got entrance to the education in Navodaya schools. You may claim otherwise. Let Mr. Chidambaram go and find out in his State. I think, in your State, there is no Navodaya School, in Tamil Nadu.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): I hope, the hon. Member has read the recent two-part article which appeared in a paper which is not so friendly to us, written by Mrs. Sevanti Nainan. Please read that article on Navodaya school. Even the paper which is usually critical of the Government, in that two-part article, has paid tribute to the policy of Navodaya Vidyalaya and has pointed out that 80% students admitted to the Navodaya school comes from the weaker sections of the society. That article appeared only last week.

**SHRI V. S. KRISANA IYER :** But it is a question mark. We have to take a survey. It may be true at one place. But it is not so in all the places. Even then, I would like to know, how many of the economically backward sections will get education. It is a small percentage.

**SHRI A. CHARLES (Trivandrum) :** It is a model school on the basis of which other schools should follow.

*(Interruptions)*

**SHRI V. S. KRISHNA IYER :** Let them follow your State. You have 80% literacy. It is because, 40% of the State budget is spent on education. Then what is the percentage, the Government of India is spending on education.

**SHRI A. CHARLES :** That is a State subject. You should ask your Government to spend 40% or 45%.

**SHRI V. S. KRISHNA IYER :** If you say, it is a State subject, then why did the Central Government bring the new Education Policy with all pomp and show and so much publicity. You have just provided Rs. 800 crores for the whole of India in the current year's plan. Karnataka State alone spends Rs. 700 crores on education and Kerala State spends 40% of the Budget. Many of the States spend 20%, 25% to 30%. But that is not sufficient. It is because of the ill-planning of the Central Government that they have not been able to solve this problem at all. I would like to say that while supporting this particular Bill, as I said at the outset, I will give a qualified support. It is because, when I think of economically weaker sections of the society, I cannot forget those who are socially backward also. That is also equally important. When Mr. Ram Nagina Mishra was saying about education in particular sections of the society, due to environment, family background, for example, my family, Mr Chidambaram's family or Mishraji's family get education because our previous generations also got education. But those who are residing in the slum areas, in various cities and who are living in the rural areas, where father is

not educated, mother is not educated, the children are also not educated. Those people who live in such environment, whose families could not get 3 Rs. for centuries together, we call such families economically and socially backward. I do say that caste consideration alone should not be there. But what I would submit is, along with economic backwardness you should take into account social backwardness also. For example, in the families of Dhobis and barbers, even in the end of '80s, you will find sons of many barbers will never go to school and take up the profession of their father. Like that in many such professions, it becomes almost hereditary. It should go. We should oppose this type of profession based on caste system. It is the duty of the Government to see and identify who are all economically and socially backward. You should have done it by now. I do not blame the Congress alone. Everybody is to be blamed for the present states of affairs because we have failed to give education to our children. The whole world is laughing at us. We are the biggest democracy in the world and probably the second largest illiterate country in the whole world ! At the time of independence, illiteracy was above 75% ! What is the percentage of literacy now ? It is hardly 35% !

We have completely failed to formulate plans by which we could educate everybody. You give education. We cannot give jobs to everybody in Government Service. Shri Ram Nagina Mishra says that at least some percentage of jobs must be reserved for the economically backward people. I am not very keen about this. What I am keen is about the reservation in educational institutions mentioned in the second portion of the resolution. For example, there are a number of private educational institutions in our country. In almost every city in every State, there are private educational institutions. Some of them are very good. But at whose cost ? In my own State, to enter into a Nursery School, one has to pay Rs. 5,000/- donation. I thought it was only in my State. But they take the same amount even in Delhi. Many people come to me for recommendations. Of course, because I am M.P. they come to

me. Here also, we find that the amount to be paid as donation is not less. In the private educational institutions, they take Rs. 5,000/- and that is for the Nursery Schools. You imagine what they take if it is Engineering or Medical College seat. What will happen? Those who are well-off in society get education and the economically weaker sections do not get at all. It is the special responsibility of the Government. That is why, Shri Ram Nagina Mishra has brought this Bill. It shall be obligatory on the part of the Government to see that those who are all economically backward shall be educated at the cost of the State. I am not bothered whether you give them jobs or not. That is a different question. For that, the resolution of Shri Thampan Thomas would have been the best thing but unfortunately during his absence that has been disposed of without any...

AN HON. MEMBER : Voted out.

SHRI V. S. KRISHNA IYER : Ever since we came into the House four years ago, the non-official business used to start at 3.30.

MR. DEPUTY-SPEAKER : There are many instances when we have fixed Private Members Business at 3.00 O'Clock. We have fixed it at 3 O'Clock when we are having half-an-hour discussion like this.

SHRI V. S. KRISHNA IYER : I am not going to discuss. That is not the subject matter. The subject matter is that all those who are economically backward should have reservations in Government service and also they should have reservation in the Government institutions. I am not very much bothered about the Government job.

I hope that this Bill will not meet the same fate as that of the Bill of Mr. Thampan Thomas. They should accept it, because reservations in educational institutions are a must.

In this connection, I am emboldened to say that in Karnataka State, economic

consideration is not there. It is based on backward classes and the caste system. I am not very much in favour of that. But there, it is on the caste basis.

The Government of Karnataka have appointed one Commission when Shri Devaraj Urs was the Chief Minister. One Minister of Karnataka, Mr. Havanoor submitted a report. On the basis of that report, the backward classes get reservation of nearly 62%.

Again, another Commission was set up by the present Janata Government and that Commission gave another report by which also the reservation would have been a little more to backward classes.

But there was agitation in the State and an interim and ad hoc arrangement has been made with regard to reservation in Karnataka by which nearly 80% will be covered by the backward classes. There is discontentment among certain sections of the people. Government has appointed another Commission now, a singleman Commission to go into the whole gamut and see that reservation is made and to recommend reservation for the Backward Classes. One thing is there. In the educational institutions and particularly in Government institutions, wherever there is Government quota of reservation for Government service, merely 62 per cent goes to the Backward Classes. Of course, when I say Backward Classes all the economically weaker sections of the society will come there. One thing is there. One difference between this and Mr. Mishra's move is that caste consideration is there. Of course, he says that it should not be there. I am one of those who agree that caste should not be there. The only criterion must be economic and social conditions. That alone should be there. It is high time to consider this aspect. I would earnestly appeal to the Government to consider it. Shri Chidambaram is a young and dynamic Minister and he is here. I would suggest one thing in this connection. The Government should not throw away this Bill. Let it not meet the fate of Mr. Thampan Thomas's Bill. I don't mind if you make an amendment,

[Shri V.S. Krishna Iyer]

Sir, as far as Government service is concerned, one in thousand gets a job. Sometimes, not even one in hundred gets a job. That is not important. But, as far as educational institutions are concerned, particularly in the Government Colleges also, I would even go to the extent of saying that there should be a certain percentage of reservation. Why I am saying this is because Government alone cannot have educational institutions all over the country. Government has not been able to do this. Government alone cannot be able to educate all the millions and millions of our children in our country. Therefore, whether it is a Government College or any private institution, there should be a certain percentage of reservation for the economically weaker sections of the society. What happens is in the private educational institutions, they cannot get admission. The economically poor students cannot even look at the board of the school. For example, there are certain convents. Big Convents are there in my city like the Bishop Cotton Convent & Baldwin Convent. There, even the poor sections of the people cannot walk in those streets. They are beyond the reach of the common people. The other point is that the Government has recognised such institutions. Therefore, whenever such educational institutions are recognised by the Government, it should be made conditional that all such educational institutions should provide a certain percentage of seats on reservation. At the same time, it should be on the same condition on which education is imparted in the Government schools. It should not be on the basis of capitation fee or donation. It should be made to see that even the poor of poor, gets admission.

That is not important. Government must see to it that there is a certain percentage of reservation in Private institutions also. Let the Government, if necessary, give them tuition fee. Let the Government compensate that. But, there should be a certain percentage of reservation. So, I do hope that the Government will give serious thought to this problem and see that it is implemented. Secondly, the Government should consider as to what

percentage should be set apart. The percentage should be worked out. It should be left to an expert Committee. They should go through and examine and make recommendations with regard to percentage. Any, anyhow, reservation must be there. As I said at the beginning itself, I give my qualified support to this Bill which has been moved by our hon. Member Shri Mishra.

With these words, I thank you very much.

[Translation]

DR. G. S. RAJHANS (Jhanjharpur) : Mr. Deputy Speaker, Sir, although I belong to the community of Shri Mishra, but I cannot support this Bill. There are two-three points because of which I am opposing this Bill and I would like to place them before you.

It is correct that one or two per cent people belonging to scheduled castes and scheduled tribes have become well-off and their children do not need reservation now. But 90 to 95 per cent people are still living below the poverty line. You go to the colonies of scheduled castes and scheduled tribes and then you will come to know about the standard of their living. By going to a colony of tribals, it appears that they are not aware of even this fact that our country has got independence. They live in another world and make their both ends meet with great difficulty. Same is the condition of scheduled castes also. What crime those sweepers have done, who have to clean the toilets today, because their ancestors also did the same work and their children should also do the same. If we have to bring socialism in our country, then some opportunities should be given to them to make progress. The group which has been suppressed for thousands of years, must be given opportunities to come up to the level of other people. It is a fact that there are poor persons in other castes also, especially in the North Bihar, from where I come. There is acute poverty. You cannot even imagine the poverty prevailing there. In winter, 50 per cent people do not have any shelter and have no clothes to wear.

Poverty ends all the discrimination of caste when in the foothills of Nepal in a cold winter night people sit around a burning log. At that time it is impossible to differentiate that who belongs to scheduled caste and who belongs to other caste. All face the poverty together. That is a very pathetic scene. No one can say at that time that you have got reservation, you are from privileged class, so go from here, only we will take warmth from this heat.

The Constitution framers made the provision of reservation policy for the scheduled castes and scheduled tribes after due consideration. Had this not been done, then the injustice might have increased. Still there is feudalism in the villages. I have said many times that in some districts of Bihar, a parallel Government is being run by the naxalites and the administration has become totally ineffective. You may get socio economic survey conducted and you will find that mainly the scheduled caste and scheduled tribe people have taken up arms. Why is it so? You may give it any other colour or you may have some different approach but the main reason behind it is that they have not been provided with suitable job opportunities to live properly.

Many of us might not have got the opportunity to see the atmosphere in villages, I realise it. Still, there are such people in our country who consider harijans as untouchables and if I happen to take any harijan to their houses they will not let him enter. They say "send this Harijan away, our doors are always open for you." Then I would reply that close the doors for me also. For me this harijan is as important as you. There is great disparity in the villages. You can not imagine while living in the city. Zamindari has been abolished but the mentality has not changed, as there is a saying to be full of airs, though vanquished. Still the scheduled castes and scheduled tribes are treated worse than the animals. If some reservations have been made for them in employment and education, then what is the harm in it. We are trying to make progress and bring socialism in the country. But this socialism can only be brought when the back-

ward and exploited class will be given opportunity to improve their lot. If we are unable to do this, then socialism will remain only a mere slogan for us. The rich will grow richer and the poor will become poorer. In the history of last ten years, what per cent of scheduled castes and scheduled tribes people have been apprehended in the raids conducted to unearth blackmoney. There is not even one per cent. Only those people are prospering who spread hatred and create divisions in the society. This reservation policy should be continued. More efforts should be made to bring the scheduled castes and scheduled tribes in the mainstream of the society. Besides, standard of the poor belonging to castes Hindus should also be raised. They should not be neglected only because they are caste Hindus. We have to fight poverty, dishonesty which is making the people poor. So we should fight the poverty not the poor. I mean to say that besides this reservation policy, more effective steps should be taken for the upliftment of the scheduled castes and scheduled tribes and the section of the society which tries to harass in the villages should be given deterrent punishments, so that the S. C., S. T. can feel that they are part and parcel of the mainstream of the society.

For the last hundreds of years, the rivers of Nepal create havoc for the people living in the northern region of Bihar. Everything is destroyed in the floods. The peacocks start dancing and the people become happy whenever the sky is overcast in Delhi or Rajasthan, but whenever the sky is overcast in Northern Bihar, people fear that calamity is going to befall and how much destruction will be caused by this year's flood. You cannot imagine the amount of destruction and the problems caused by the floods. The people who once had 100 acres of fertile land in a joint family, are now working as labourers in Chandni Chowk area of Delhi for the last two years,—because not a single penny was left with them. Steps should be taken to rehabilitate the people who have become destitute due to such calamities. The Government should consider this matter. But this reservation policy for the scheduled castes

[Dr. G.S. Rajbans]

and scheduled tribes should continue so that justice can be done with these people and only then socialism can be brought in this country.

[English]

SHRI VIJAY N. PATIL (Erandol): Mr. Deputy Speaker, Sir, the Resolution brought by my friend Mr. Ram Nagina Mishra is, though untimely, speaks something about the trend of thinking that is going on in some sections of the people in different parts of the country.

We may recollect the facts that led to the riots in Gujarat and which have been repeated again. In Gujarat the students seeking admission in colleges and the graduates seeking employment opportunities were agitated over certain aspects of reservations. They agreed that people belonging to economically and socially weaker sections, specially the Scheduled Caste and Scheduled Tribes should be given reservations. But their thinking was, when these communities were suppressed by their ancestors for generations together, why in one generation they from Savarna—higher communities—should suffer the most. That was their contention.

Although there is a substance in that, yet the fact cannot be denied that Scheduled Caste and Scheduled Tribe communities and other socially backward sections of the people need reservations for some time to come.

When, after independence the framers of our Constitution decided to give special concessions and reservations in services and in education to these classes of people, it was just a beginning. There was almost no education among these classes. Now, to complete education, a person born in 1960 will require at least 22 or 23 years to become a graduate. And then he gets an opportunity of reservation provided for Scheduled Caste and Scheduled Tribe communities. Therefore, they have just started enjoying the fruits of reservation. At such a point of time, if we want to introduce more people for giving help or for reserving the post, it will not be in the fitness of things.

Mr. Deputy Speaker, Sir, although there was an agitation regarding reservations in Gujarat yet we see even today there are certain communities which are economically better-off but are enjoying the fruits of reservation. These communities are economically better-off but because of their being declared in the SC categories we cannot now taken them out. I do not want to name such castes which are there and who are enjoying the fruits of reservation. In India we are not only giving economic upliftment through reservation but also if community is very small we give political reservation as is the case with Anglo-Indians.

16.16 hrs.

[SHRI SOMNATH RATH in the Chair]

Although the Central Government has given definite directives about the implementation of reservations in the recruitment of people in services or for some other benefits yet the policy of reservation is not being properly implemented in certain States. In some States it is being better implemented while it is not being properly implemented in other States. In Maharashtra it is being better implemented as compared to other States.

In 1980 there was a thinking among some sections of people that we should not give extension of ten years for the reservation yet Madam Prime Minister and our party thought that it will be appropriate to extend the scheme of reservation for another 10 years but while extending the reservation of scheduled castes and scheduled tribes we have also started the programme of 'garibi hato'. This programme is not only on paper. Through 20-point programme we are implementing it. What is coming in the way is the population spurt. Population is growing at a very fast rate. In 1947 our population was 35 crores. Had we remained static in respect of population as has happened in some other countries the fruits of development would have reached over a greater portion of our population! Because of the very fast growing population we are not able to bring down the figure of people who are

below the poverty line. Although there is decrease in this respect yet there are still many people who are below the poverty line and that is why the Government of India and State Governments are giving special incentives and concessions for the small and landless labourers. When we give certain incentives to landless labourers that does not exclude a 'Thakar' labour, a 'Maratha', labour or a 'Jat' labour. You are talking about *sidhanta*.

In the beginning itself, I have mentioned that your bill though untimely, speaks of a trend of thinking in certain parts of the country, among some sections of the people. (*Interruptions*)

On the other hand, after taking the benefit of reservation, some people have become elite. That fact cannot be denied even among the scheduled caste and the scheduled tribe people. For example, it may be 11 per cent. But there are some people who were recruited as class-one officers, but because of reservation became super class-one officers. They are now among the elite class in the cities. Such type of people—although they belong to scheduled castes and scheduled tribes—should *suo motu* stop taking the advantage of reservation. That is the feeling among the upper caste people.

In future, we have to think that for how many years, we have to continue this reservation. We cannot shift the tracks immediately. There must be some thinking about such type of people who have already got the benefit from reservation. If they have got the benefit whether their children should get the benefit. If he earns Rs. 4,000 per month and having a property worth Rs. 5 lakhs now, whether he should be entitled for that? That is the thinking which Mr. Mishra and many other people, specially who are economically poor but belong to upper castes, have today.

Even among the scheduled caste and scheduled tribe people, we should think of giving reservations, specially the promotions through roster system to the

people who adopt the small family norms. If some people, even among the scheduled castes and scheduled tribes, are not adopting the small family norms, we should not think of giving them jumping promotions through roster system.

In my State, we are giving more incentives to the scheduled caste and scheduled tribe people not only economically but also politically and socially. For example, in a village, if there is a vacancy of police patils post—it is at the village level then it is filled by a scheduled caste or scheduled tribe candidate. In the election to the cooperatives, we are giving special reserved seats to the scheduled caste and scheduled tribe people; so also to women. We have recognised that something should be done for economically weaker people belonging to upper castes also. That is why in cooperatives also, we are keeping one seat of director for people belonging to economically weaker sections, but who may belong to any caste, not only the scheduled caste or scheduled tribe person but even an upper caste person—if he is economically weaker—can get elected. A seat is reserved for him in the cooperatives.

A trend of thinking is there in our State. We realise that economically poor people, belonging to any caste, need also the same type of help that we are giving to the scheduled caste and scheduled tribe people.

In the end, I would like to request Mr. Mishra not to press this Bill at this juncture because I am repeating that the fruits of reservation are best being enjoyed by the people who obtain degrees among the Scheduled Castes and Scheduled Tribes. It is not that we are giving them these benefits for a century or so. It had begun 15 to 20 years before. Their children become educated and graduates and they are employed in different services of the State Government, Central Government and public sectors.

With these words, I conclude.

**SHRI THAMPAN THOMAS (Mavelikara):** Sir, the subject matter of this Bill is regarding reservations to economically weaker sections in employment and education. If you are sincere about the slogan in Madras, 'Bekari Hatao', then the first thing that has to be done is to accept that as a fundamental principle in the Constitution, which has not been done. Can the reservations of economically weaker sections in jobs be done in the Congress regime? Now, 50 per cent of the population is below the poverty line.

**SHRI T. BASHEER (Chirayinkil):** Do you want economic relations?

**SHRI THAMPAN THOMAS:** I want to tell you that the attractive slogan which you appreciate, you are not prepared to implement. Even the Constitutional Amendment should take up the responsibility to give jobs for the people who are not having jobs. When you are not prepared to undertake this, how far will you take up this responsibility? Mr. Mishra wants a slogan to be placed here. I say that he has gone a good job to have a discussion on a subject matter which is very very important in the present context. First of all, we will have to define as to what are weaker sections? Which is the economically section in this country which is getting the benefits and which section is going to get the reservations? My first submission would be that whatever benefits given to the Scheduled Castes and Scheduled Tribes and other reservations which are given on the basis of caste system which is prevalent in this country should not be taken away. According to the Constitution, there is a provision of reservation to the extent of 55 per cent for the Scheduled Castes, Scheduled Tribes, backward communities and handicapped people, 45 per cent remains for the general category. You want some reservation for the weaker sections. Are you prepared to give reservations out of this 45 per cent? I do not want to encroach upon the rights of the Scheduled Castes and Scheduled Tribes. That is my first point. These Scheduled Castes and Scheduled Tribes have been exploited for

a number of years. It is a matter of history that these shoodaras were doing hard work in the class system and were deprived for centuries their rights. Certain reservations have been given to them in the Constitution to bring them up in the society and now if people who are economically weaker have to be given some reservations, that should not be done encroaching upon the rights of those people. Such a proposition cannot, therefore, be supported.

According to the framework of our Constitution, only limited reservations can be made. Can reservation go beyond fifty per cent? In that case, will it be reservation at all? It can only be within a limit. It has to justify the term reservation. If the economically weaker sections have to be given reservation both in employment and educational field, firstly the economically weaker sections will have to be defined. Don't you think that in India a large majority of the people are economically weak. To bring them up there should be a social re-orientation. We should have an egalitarian society by which the Government undertakes the responsibility to meet the basic needs of the people. Unless the Government takes up the responsibility to meet the basic needs of the people, nothing can succeed. At present, the Government is worried only for the need of the have's, people who have the means, people who control the means and source of production and the people who are enjoying the fruits in the society. Unless and until that is undone, and Government takes the responsibility to meet the basic needs of the people nothing can succeed.

Basically, the principle of this resolution is very good, but that cannot override the interest of the people which has been provided for in the Constitution in view of the historical facts and requirements of the society today.

I need not go into the details of the educational system that is prevalent today. I came from a State, where the literacy is as high as sixty per cent. In Bihar and other States like Orissa, sixty per cent people are illiterates. This is because you

do not have the right commitment. Kerala had always occasions to have left Governments... (Interruptions).

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): You are suffering from selective amnesia.

SHRI P. M. SAYEED (Lakshadweep): Shall I remind you of one thing that your Government in Kerala promised to create ten lakh jobs, but not even a couple of hundred jobs have been created even after two years... (Interruptions).

SHRI THAMPAN THOMAS: What have you done in the matter of education? Education is a State subject.

So, what I am suggesting is that education should be free or at least the adult education should be free. You should take the responsibility. 60 per cent of the revenues of the Kerala goes for that purpose. So, there is no other way or no other means of income. Mr. Kishore has pointed out here how rotten the education system is. For admission into the Kindergarten, you have to pay, and money ultimately makes things right. If money is there you can have everything and if money is not there you cannot have anything. This system should be changed. In that sense, the Bill reopens eyes of the people on matters in this regard. But once again I say that this should not contradict with the interest of the class which is suffering.

SHRI HAROOBHAI MEHTA (Ahmedabad): The Bill appears to be very attractive on the first sight but it means a proposal to reserve seats only on the basis of economic weakness to the exclusion of reservation for the SC/ST and other backward classes. I am afraid it is difficult to support the Bill. Sir, in this connection, I shall first start with quoting Pandit Jawahar Lal Nehru. Pandit Jawahar Lal Nehru whose words are still a beacon light for us, stated the following. Mr. Chairman, Sir, Pandit Nehru while addressing

the Congress Parliamentary Party on 2nd Nov... 1954, in a situation not different this, stated :

"We talk about casteism and we condemn it as we should. But the fact remains that half-a-dozen or may be ten, so called superior castes dominate the Indian scene among the Hindus. There is no doubt about it. And if I talk about the removal of casteism don't understand by that that I want to perpetuate the present classification, some at the top, the other people at the bottom. If we don't equalise undoubtedly casteism will flourish in a most dangerous way."

In the 3000 years of the history of Indian society, the casteism, as it was has created different scenes of backwardness and forwardness among the castes. Some castes became backward or the rest of the society made them backward with the result that the Constitution has to enact Article 16 and 15 and other provisions of the Constitution in order to ensure reservation for the Scheduled castes and the Scheduled Tribes and other backward classes which are socially and educationally backward. Sir, I am afraid reservations only on economic criteria might also not stand the scrutiny of the Constitution because it has to satisfy the criteria of social and educational backwardness.

Sir, Gujarat has appointed a Bakshi Commission which after studying the castes and other interactions recommended 82 classes identified on the basis of caste to be treated as other backward classes with 10 per cent reservation. Sir, the Gujarat Government has enhanced the reservation from 10 to 28 per cent, though according to another Commission, Rane Commission, reservation should be proportionate to the population. So, it should be about 50 per cent but keeping in view certain expressions made by the Supreme Court the reservation was supposed to be enhanced to 28 per cent. Unfortunately the people of Gujarat could not absorb this. There was agitation. The Government

[Shri Haroobhai Mehta]

of India advised the Government of Gujarat that the present status quo should be maintained until a national consensus is arrived at on this point. Time and again we have requested the Central Government to take steps for securing a national consensus on this. I take this opportunity to request the Central Government to take expedient steps to have a national consensus so that what should be done with the Mandal Commission's recommendations and other provisions regarding the other backward classes, i.e. socially and educationally backward classes, a national consensus should be arrived at on this point. Sir, the Supreme Court also has an occasion to examine this. In fact the Supreme Court in one case says that the caste and class in this country are the synonyms. Sir, I would like to quote 1971 Supreme Court, page 230. The Supreme Court said like this :

"Caste has always been recognised as a class. There is no gain saying the fact that there are numerous castes in the country who are socially and educationally backward. Ignoring their existence is to ignore the facts of life."

Chief Justice Gajendragadkar observed in his judgment (1963 SC 649) :

"Class according to the dictionary meaning shows the division of society according to status, rank or caste. In the Hindu social structure caste unfortunately has an important bearing determining the status of the citizen..."

I do not want to go into the details now. But the situation being what it is, we have to continue with reservations. Although we would very much like to be an egalitarian society, three thousand years of our history has not allowed our society to be equal. Therefore, in order to do away with inequality created by our social structure in the past, we have got to bear with the situation and ensure that reservations would better the prospects of the backward classes, the Sche-

duled Castes, the Scheduled Tribes and other socially and educationally backward classes.

In this connection, I may also quote from Mark Galanter who has given a very beautiful analysis of the situation in India in his book entitled 'Competing Equalities'. I had an occasion to analyse the judgement of the Supreme Court given in the case of Vasant Kumar versus the State of Karnataka. I made a reference to it in a book entitled 'Dynamics of Reservation Policy' edited by myself and Prof. Has-mukh Patel, Minister of Education, Gujarat.

PROF. SAIFUDDIN SOZ (Bara-mulla) : We must have a copy of that book.

SHRI HAROOBHAI MEHTA : I will certainly give you. Mark Galanter says :

"The use of caste groups to identify the beneficiaries of compensatory discrimination has been blamed for perpetuating the caste system, accentuating caste consciousness, injecting caste into politics, and generally impeding the development of a secular society in which communal affiliation is ignored in public life. The indictment should be regarded with some skepticism. Caste ties and caste-based political mobilisation are not exclusive to the backward classes. The political life within these groups is not necessarily more intensely communal in orientation; nor are the caste politics of greatest political impact found among these groups. Communal considerations are not confined to setting that are subject to compensatory discrimination politics but flourish even where they are eschewed. Although it has to some extent legitimated and encouraged caste politics, it is not clear that the use of caste to designate beneficiaries had played a preponderant role in the

marriage of caste and politics. Surely, it is greatly overshadowed by the franchise itself with the invitation to mobilise support by appeal to existing loyalties. But the avowed and official recognition of caste in compensatory discrimination policy combines with the over-estimation of its effects to provide a convenient target for those offended and dismayed by the continuing reliance of caste in Indian life."

Galanter concludes :

"Compensatory discrimination embodies the brave hopes of India reborn that animated the freedom movement and was crystallised in the Constitution. If the reality has disappointed many fond hopes, the turn away from the older hierarchic model to a pluralistic participatory society has proved vigorous and enduring."

Here I may also point out as to what would be the effects of confining reservations only to the economically backward classes. From the stratum of economically weaker sections, people belonging to the already advanced castes in the society throughout our history will score over or overtake the economically weaker sections belonging to the backward classes. The inequality perpetrated in our society on account of its feudal structure in the past, will continue to flourish. Till the time that we are in a position to do away with the obnoxious effects of caste system and reach a reasonable degree of equality, no other thing is possible to be contemplated. Therefore, I take this opportunity to request the Central Government also to take some vigilant steps for ensuring further reservations in those States where there is already a provision for reservations and for reservations in those States where there is no such provision. It may be based on the recommendations of the Mandal Commission or any other suitable formula, including those backward classes which are identified under the principles already enumerated by the Supreme Court for

preferential treatment by way of compensatory principles.

With these words, I request the hon. mover of this Bill to reconsider his Bill. His purpose is laudable. He may consider whether it can be achieved by the formula proposed by him or on the basis of a formula already accepted by our leadership and our judiciary. Therefore, I respectfully request the hon. member to reconsider his move with regard to this Bill.

PROF. SAIFUDDIN SOZ (Baramulla):  
 Mr. Chairman, Sir, our friend Mr. Mehta is a knowledgeable person. He has made an elaborate speech. But unfortunately I also know something about the subject of reservation. I had the privilege of meeting Gajendragadkar Commission when we requested them in Jammu and Kashmir to determine the backward classes. Earlier there was a judgement in Mysore-Balaji vs. Mysore State in which the Supreme Court ruled that the reservation should be upto 50 per cent. It is because in some States the whole block of people wanted to have reservation. So, the Bill which is in our hands at the moment, wants us to adopt economic backwardness as the sole criteria. It is a very difficult subject.

Twenty years ago, the country was discussing the multiple criteria for determining backward classes so that reservation could be made in services as also in educational institutions. But we have failed to do anything concrete. With the result the reservation for Scheduled Castes and Scheduled Tribes--in many respects, these benefits went to the people, who according to this economic criteria, did not deserve it. It is a broad question among the *Brahmins*, that there may be many poor people. In the Rajput Community, in Jammu and Kashmir State, there are people who have nothing to eat, there are people who are poorest of the poor, in that community also. So the spirit of the Bill is correct. There should be a criteria based on economic backwardness. But it is very difficult because it is not achievable. So, when we determine backward classes, we shall

[Prof. Saifuddin Soz]

have to have a multiple criteria--social backwardness, economic backwardness, regional imbalances and so many other things.

Mr. Mehta was mentioning about the Mandal Commission, I would remind himself if he were here--that there was not only Mandal Commission but there were many other Commission which were instituted. They widened the net. In Jammu and Kashmir State there was one Wazir Committee. It widened the net so much so that if the Barber was to be bracketed in the backward classes community the Wazir Committee brought in *Sayees* also the highly educated community. So there was a great noise in Jammu and Kashmir State as to how could *Sayees* be bracketed as backward.

So the Mandal Commission or the other Commissions have widened the net and got many more people. Perhaps there was a time in the Seventh Lok Sabha when I would rise here in support of the Mandal Commission but now I feel, why the Government of India did not accept the recommendations of the Mandal Commission was so that the net was very wide and perhaps 60 per cent of the population of India would be brought in apart from Scheduled Castes and Scheduled Tribes, there would be 22 other backward classes.

So, you would bring in 60 per cent of the India's population and declare them backward and they would ask for reservation of seats in services and admission to various technical and other professional colleges. In my mind, there are two questions which are very vital. It is a Private Member's Bill, he will, he will withdraw it just now or it will be rejected. But I would request the hon. Minister because of his job, he has many irons in the fire--I do not how far he will go. But there are two issues which are very vital, and Mr. Chidambaram should apply his mind there. That is the real problem: how far will you go on reserving seats for backward classes, for SCs and STs? You

could give protection for some time. The Constitution perhaps wanted that, but you want that whatever the level of development, these reservations will continue. What will happen to the merit? Merit will be a casualty, and it will inflict an injury. Even the poorest of the poor students who will be brain, who will be capable, whose parents may do hard labour to educate them, will be nowhere.

There is a solution. Although this is a Private Member's Bill, and the Minister may not be giving attention to it, I request him to give attention to imparting competitive ability to people drawn from the backward classes. I am not opposing reservation for SCs and STs; but I am saying that many more people want to get into the bracket. We should refuse that, whether it is the recommendation of the Mandal Commission, or any other Commission. But economically poor people, people living in far-flung areas of India, people belonging to the so-called backward classes must be imparted competitive ability. We cannot just get them into the IAS and similar Services, for example, just because they are backward; but we have to take precaution. We can provide opportunities to them throughout the length and breadth of the country. We can have evening classes.

We can charge all the colleges in the country with the responsibility of running special classes for these children and giving them competitive ability. We can give them scholarship and get them to a level where they will compete with the best boys and girls drawn from the cosmopolitan cities like Delhi, Madras, Calcutta and Bombay.

The other problem which I will refer to the hon. Minister who has the capacity to understand, is this. As of now, he has a lot of sincerity; but one does not know. There may be so many problems, and his sincerity may get blunted. God forbid! As of now, I am sure he is a very sincere person. The second problem is that the census figures have been collected, but in certain areas, these are not

released. So, we do not know them; we grope in the dark. It is not his problem. It is Mr Panigrahi's problem, But he should tell him to give us the figures.

Yesterday, the Prime Minister inaugurated a programme. Today, we were in the Consultative Committee for the Ministry of HRD. I referred to this there. There is a Mission for the promotion of literacy, and there is an assertion that in the 21st century, we should not go with this much percentage of illiterates. Somebody said there was a possibility, viz. that 50% of India's population will enter the 21st century as illiterates. But my challenge is that that figure is wrong. We shall enter it with much more substantial population, because the drop-outs rate at the elementary stage is 68%. So, these programmes and the Mission are good. The intention of the Prime Minister is very good; so also that of the Minister of Human Resource Development. But we are not taking concrete steps to arrest the trend of drop-outs in the primary school system, as also the promotion of literacy for the rural sector.

So, the figures relating to literacy in respect of religious minorities and other socially backward classes are not available. The census figures have been collected, but they are not released. Therefore, as far as religious communities are concerned, we must know pointedly the literacy figures for Hindus, for Sikhs, for Muslims, for Parsis, Jains etc.

We must also know separately the literacy figures for Delhites, SC&ST or Harijans as a whole so that wherever Government of India requires a pointed attention, that attention can be organised. So, through organised literacy programme whatever programme you will envisage, you should know where pointed attention is required. Then you should impart competitive ability and organise a big

effort for that; and in the meanwhile, all of us want him to withdraw this Bill because it has generated some interest. Actually, the Government of India should come forward with a comprehensive Bill on this subject. Thank you.

SHRI SRIBALLAV PANIGRAHI (DEOGARH): Mr. Chairman, this Bill presented by our honourable friend, Mr. Misra is no doubt a controversial Bill, but, at the same time, a thought provoking one on a very delicate and sensitive subject. The feeling that is there in a section of the population has been reflected in this Bill, the feeling that is growing in a section, is that they are not getting encouragement from the government sometimes in a legitimate way in the matter of receiving education, in the matter of also getting into government services. In the field of jobs and education, they do not get due attention. But as is rightly observed by some of the previous speakers, our society is one where there are imbalances and inequalities. In such a society, naturally, for overall or balanced development, we have to go in for some reservation; and naturally, this reservation should be in favour of comparatively weaker sections, weaker people, economically weaker, socially weaker.

16.50 hrs.

[SHRI SHARAD DYGHE *in the Chair*]

Thanks to the framers of our Constitution for their foresight. Without such reservation, such special treatment meted out to these SC&ST people. As you know, SC&ST people, quite many of those people were regarded as untouchable and quite inhuman treatment was being meted out to them. With such treatment and with such state of affairs, naturally we could not think of even an integrated country. Had it continued like that, naturally that would have posed a threat to the very integrity and solidarity of this country? Not only these terrorist activities pose a threat to the solidarity of the country but there are other considerations also and this is definitely one. So, it is good. After 49 years since Independence

there has been some improvement in our society; and particularly in this community, SC&ST many people have stood to gain; they have been benefited out of the policy. They have established themselves.

17.00 hrs.

But painfully, what is observed is that some such people who have established themselves by taking advantage of this policy who have also some sort of obligation to their brethren which I believe, some of them are not performing. Many of them are not performing. They should also help their friends and others in this community to come up, to grow. But at the same time I make it very clear that this policy of reservation should continue up till the SC/ST people reach a certain reasonable level and thereafter it can be reviewed, as to what should be done, whether to continue that policy or that can be withdrawn. This is not the time, definitely to think in terms of withdrawal of this policy of reservations. That would only have serious repercussions also and it would defeat the very objective of establishing a democratic socialistic society. Our objective in a socialist society is to go in for socialism and naturally the socialist society has to face inequalities in different spheres, in different fields and as you know, due to historical reasons, due to traditions, we have inherited this caste system which is prevalent and we have inherited that. This caste system is definitely an outcome of the conspiracy of the vested interests. The caste system that we have inherited, that we have now has its origins centuries back and it has to be fought out. Further we have to remove the untouchables. How can we think a section of people as untouchables and keep them like that? Even today, although we have advanced we have done a quite amount in this direction, in spite of that even today wells are not accessible to some people in some areas, temples also are not accessible to them, they do not have the right of entry into them. All these things are going on. But at the same time, I would like to say that from what Mr. Mishra has probably tried to spell out in this bill, that there is discontentment simmering and growing among the people,

the poor people and poverty is not confined to SC/ST people alone. Poverty is spread over different castes, other communities also. Admitted. In Orissa.....

*(Interruption)*

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : I raise a point of order. There is no opposition at all in the House.

SHRI T. BASHEER : There is no member from the Opposition.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : What kind of opposition is this? It is so irresponsible! They have no duty towards this House.

SHRI T. BASHEER : Actually it is a disrespect to the House, by the opposition.

SHRI SRIBALLAV PANIGRAHI : In Orissa, the percentage of people below the poverty line was as high as 65 at one point of time and the total SC/ST population is of the order of 38 per cent. So, naturally if SC/ST people are considered as very poor people, or under the poverty line, about 26 per cent of the people in other communities also would be there, of the Sawarna caste people are there coming under the poverty line. Something has to be done about these people in the field of education and employment, of course, there is an unholy attempt all the time going on to bring in more and more castes under the SC/ST list in the Constitution. It should be prevented. Genuine people only should be there under the SC/ST community list and they should get the benefit as guaranteed to them under the Constitution. Several schemes have been introduced for their benefit and the benefits should flow to them. But, at the same time, in some States, some political parties and some State Governments through back door, just for

the sake of political popularity and political gains, try to bring in comparatively high castes, who do not deserve to be brought under the SC/ST community list. This should be prevented. We should be vigilant about this.

In fact, poverty is our enemy, casteism is our enemy and exploitation is our enemy. We have to fight it out. Unless poverty is eradicated, we cannot move in our cherished direction of socialism rapidly.

The introduction of Navodaya schools in the rural areas is a welcome measure. The rural poor talented people, who cannot go to the urban good schools because of poverty, get good type of education now through these schools. Providing financial assistance from the Government for their stay in the hostel is a welcome feature. Such facilities should be extended to all the poor people regardless of caste and community so that there is no scope to complain against the Government for showing discrimination. The financial difficulty facing the guardians to send their children to the schools will have to be looked into. We have to take steps inadequate measure as quickly as possible in this regard.

Our Prime Minister has given a clarion call to fight out poverty and unemployment very recently in Madras during the AICC meeting. The Government is determined to eradicate poverty and provide employment to the unemployed. Several steps have already been taken in this regard. "One family one job" Scheme should be accepted and put to implementation. If this scheme could be properly implemented, then much of the bickering and discontent that is going on in different sections of the population on account of reservation policies restricting the scope of their employment, will disappear.

Sir, I do not want to take much of your time. I would rather request the Government that they should think in these directions and implement "one family one job" scheme immediately. We have a provision of univcrsalisation of primary education. But there are certain

difficulties in its implementation. Because of poverty, there are drop-outs. How can that be prevented? Whether food should be served in schools and whether some financial assistance should be given to those boys who attend the school, all these points ought to be considered. But in the matter of providing jobs, at least there should be one family one job principle. This principle should be accepted and implemented.

With these words, I thank you for giving me the time.

SHRI SHANTARAM NAIK (Panaji) : I, under no conditions, accept any of the propositions mentioned in this Bill. First of all, it appears that the Mover of the Bill has not taken into consideration the background under which this country has adopted a Constitution and provided for an in-built reservation policy. It was not just for anybody's whims and fancies that the provisions with respect to the reservations were introduced in the Constitution of India. But there were long deliberations by eminent scholars and legal luminaries which brought before their eyes the entire picture of the country and it is because of that this policy or considerations of SCs & STs was adopted. Not only that; after the enactment of the Constitution, one of the clauses was specifically added which provided in article 15.

"Nothing in this article or in clause (2) of article 29 shall prevent the State from making any provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

This was added by the Constitution (First Amendment) Act, 1951, So whatever things which were there in the Constitution were further strengthened by this general amendment to article 15 of the Constitution. If Ram Nagina Mishraji by this Bill seeks to do away with this, he must first tell us whether throughout these decades the policies which were continuing were totally wrong, that we have gone

[Shri Shantaram Naik]

astray, that we should not have given these reservations and that these reservations have brought ill-affect in the country. On the contrary, if the Government of India, particularly the Congress Party had not carried out these provisions of the Constitution, one does not know what would have been the fate of SC&ST people. I fail to understand how, in spite of his being a Congress man, he does not understand it for any other narrow considerations. I would urge upon him not to think in a manner he is thinking because this thinking is perhaps reflected in the Bill.

Secondly, what is this Bill? Provisions of the Constitution are there. By introducing a plain Bill no provisions of the Constitution can be nullified. It is neither an amendment of the Constitution nor an amendment to the article of the Constitution. It is a simple Bill to provide for reservations for economically weaker sections. What are the consequences of his Bill? It will not stand the test of any of the provisions of the Constitution. The Constitution is very specific on this. It will not stand the law of reservation contained in this article which I have quoted, and subsequent articles. Therefore, even without admitting this proposition, if he wanted to say something which is against the present Constitution or would like to amend the reservation policy, he ought to have brought a Bill to amend the Constitution, not a Bill of the nature which he has sought to bring. Secondly, in the Statement of Objects and Reasons, what does he say? "This basis of reservation is creating hatred and dissatisfaction among the people." In fact, he is saying that reservation should be there for economically weaker sections and he is also pleading for some sort of reservation. If reservation *per se* creates some sort of dissatisfaction among the people, what guarantee is there that the reservation which he is trying to seek will not do the same thing. Therefore, this is a contradiction in itself. It is not very clear in the Statement of Objects and Reasons what are his intentions. Specifically, as I said, he has not said whether we have gone wrong totally by following

the provisions of the Constitution in the past.

Another aspect which I would like to stress is that why the country had to adopt the reservation policy is basically because of—we have to admit unfortunately—the way the higher class is to treat our Harijan brothers. One has to admit it. The treatment they used to get and they are still getting is undecipherable. I will say without any hesitation that my view has more strength than any of the views expressed here, for one reason. In my State, Goa, I have hardly one per cent Scheduled Castes. I am not in any case affected so that I have to plead a case for my political existence or something like that. As you know, Sir, Goans are treated as affluent people. So, it is not a case. Secondly, in Goa whatever Scheduled Caste population is there, we do not have that sort of treatment which we find with Scheduled Caste people in States like Bihar or Madhya Pradesh. There are no such complaints basically and substantially. Therefore, such problems are not there. Yet I see and I hear about my Scheduled Caste brothers in other States. My view is formed on the basis of what I hear from the rest of the parts of the country, not from the part of my State. I have strictly no such problem and we do not have such problems. Therefore, I am saying that my view is more unbiased and I am placing my views in an objective manner.

Secondly, I would like to say that whatever reservations exist today, they are framed by the Government on the basis of the provisions of the articles contained in the Constitution. On that basis the Government frames recruitment rules, prescribing reservations. But many times it happens that it is the courts which give guidelines to the Government to fix percentage in a given case, say, forty per cent, fifty per cent, to which I strongly object, because what should be the reservation in a given case should be the concern of the Government, should be the decision of the Government, whether it is a State Government or the Central Government, but not of a court of law. A court of law can only say whether a particular reservation violates any of the provisions

of the law or of the Constitution. They cannot lay down, for instance, that in a particular case there should be a fixed percentage, say 50 per cent or 40 per cent. But unfortunately, many courts have done it. Therefore, I would urge upon the Government—in fact, once before also I asked to this effect—that in case the courts fix any percentage, it is the Government which should intervene and it is the Government which should fix.....  
*(Interruptions)*

MR. CHAIRMAN : Now, the time allotted for this Bill is expiring. I would like to know whether it is the pleasure of the House that the time may be extended by one hour more for this Bill.

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN : The time for this Bill is extended by one hour. Mr. Shantaram Naik, you may proceed now.

SHRI SHANTARAM NAIK : Sir, I was speaking regarding reservation. As far as reservation and fixing of percentage is concerned, it is the prerogative of the Government either in the States or at the Centre that if any courts fix any percentage for this purpose and if it is not in the interest of the society, then the Government should interfere to fix the percentage. That is my submission.

Secondly, Sir, with respect to reservation or otherwise or any service rules, the recruitment rules, should be clear enough so that no problems are created to any person, may be a person who is benefited by the reservation or any person who is not benefited by the reservation. If the recruitment rules are clear, nobody would go to the court of law. It is very essential because if you see the analysis of pending matters in various courts, more than 50% of the cases would not have been filed simply because the recruitment rules were not clear. But everybody fights for his right and if this percentage is not to his satisfaction, he will fight. But if the recruitment rules are made clear, 30% of the cases would not pending in the courts, 50% of the persons would

not have gone to the courts. But whatever may be the reservation policy, I would humbly request that these rules may be made clear.

Another aspect which I would like to bring to the notice of the mover of the Bill is that in the country, there is a right-ful impression that those who are against the Scheduled Castes people are against granting them any reservations in jobs. They put the plea of economically weaker sections of the society who are not considered for jobs and other facilities. About the economically weaker sections, Sir, if you go and see the Government of India and various State Governments, you will find that they have adopted from time to time various financial schemes, although there are no specific provisions for reservations in various financial schemes in all the areas for the purpose of economically weaker sections and in those schemes if you see, the only criterion basically is the income of the person. That is which comes under economically weaker section. Most of the schemes which try to bring the level of any person to higher status, are coming under financial considerations. Therefore, it is not that this aspect of finance with respect to elevating the status of our people had not been considered altogether. In fact, in the jobs we do not have this criterion. Mr. Haroo-bhai has considered that the caste and the economic weakness go together. You will hardly find any person belonging to Scheduled Caste as a rich person. It has not been so. If anybody today has come up in his life, it is because of the reservation which we have kept and because of the opportunity which we have given to him. And now we the higher classes are tending to point out saying that 'look, he is owning a car' or that. 'Some is an IAS officer' and so on. But basically and substantially we must admit that the Scheduled Castes and the economically weak are synonymous terms. Therefore, considering all aspects one has to say and everybody, I think, at the end of this debate, perhaps Ram Nagina Mishra] also, will admit that this policy of reservations has to be continued. Wisdom lies when our people, legal luminaries, the veteran Congressmen, I would say, basically, who had fought for

[Shri Shantaram Naik]

the purpose of incorporating the Articles in the Constitution, their wisdom should not be challenged by Mishraji. Mishraji otherwise would say what Pandit Jawaharlal Nehru said, what Gandhiji said and what Ambedkarji said. But do you think that they were not rational? Do you think that they had no applied their mind? You will have to say that all those people were wrong. Therefore, Mishraji, in the interests of the people of this country, you should withdraw this Bill.

[Translation]

SHRI VIR SEN (Khurja) : Mr. Chairman, Sir, you have given me the opportunity after a long wait. The hon. Members, who have spoken upto now, do not belong to the scheduled caste. This Bill is very reactionary and it denotes narrow mentality. This Bill indicates jealousy against the benefits provided by the Constitution to those people who were exploited for centuries I feel that this Bill violates the provisions of the constitution also. Besides, it is also against the policy of our country and the philosophy of 'Father of the Nation', Mahatma Gandhi, Before moving the Bill, its pros and cons have not been considered. The effect of this Bill has also not been kept in view. I would say that this Bill denotes parochialism.

When the Constitution was framed, certain provisions were included in it, which indicate the entire thinking at the time of drafting of the constitution. There was a provision which stated that everyone will have equal status in this country. There will be no discrimination on the grounds of caste, religion, race or sex. Why this provision has been made in the constitution? This provision was made because in reality there was discrimination in our society on the basis of caste, class etc. In order to remove all this discrimination, this provision was made in the constitution, otherwise, there was no need of this provision. I would like to remind you that on the last day when the debate in the constituent assembly came to an end, Dr. Ambedkar had said that in future,

there will be a great difference in the day-to-day life and law. Although every citizen of this country will be equal in the eyes of law, but in practice things would be different. In practice, there will be prejudices and discrimination in every day life. This broad question was raised at that time and even after 36-37 years of enforcement of the constitution, there is no change in the situation. I want to lay stress on the fact that untouchability and discrimination have rather increased after independence. Perhaps among the illiterate people, these feelings have diminished to some extent, but all the educated and high ranking Government officials discriminate against them. At the time of recruitment in various jobs, most of the candidates are rejected on the plea that they are unfit. While the real cause behind it is that they belong to scheduled caste. There is no provision for reservation of seats for doctors in military services. In one instance, a doctor who belonged to scheduled caste and knew that no reservation benefit was to be given to such candidates, wrote 'No' against the column relating to scheduled caste while filling up the form after appearing in the examination conducted by Public Service Commission. So, that individual was selected while all others, who declared themselves as scheduled caste candidates were rejected as there was no reservation. But afterwards, when the fact came to light, he was dismissed on the charge that he concealed the facts. Would it be proper to discontinue reservation for scheduled castes and scheduled tribes when corruption and injustice is rampant at every point and Government officers have adopted this type of attitude towards them? It may be a coincidence that I happened to be a member of U. P. Public Service Commission for 6 years, and I have examined character roles of many people. The high officials make same entry or the other in character rolls of the scheduled caste candidates at every step on flimsy grounds when one is being considered for promotion. The character rolls used to be frivolous. In one case, I observed that on the one hand, it was mentioned that his performance is good but on the other hand, they write "Requires gooding" and on that basis he was rejected. When I

had been in Public Service Commission, I observed in one case where an employee was eligible for promotion in accordance with the rules after completing five years substantive service. But this duration was enhanced to seven years in order to deprive the scheduled caste candidates of their promotion. I was told that in one case 23 vacancies were to be filled with scheduled caste candidates which ultimately reduced to only three due to the enhancement of provision of period of substantive service from five to seven years. In the circumstances when prejudices play the major role in the selection, promotion and in character roll entry in respect of scheduled caste and scheduled tribe candidates, you should consider whether reservation is necessary or not? A person can expect justice from an officer incharge of the selection process, if he happens to be honest. But what is the alternative when corruption and injustice is rampant at the initial stages itself. What can one hope when the judge or an officer incharge of selection himself is corrupt. Why was this system adopted? Constitution makers were aware of the fact there will be partiality and corruption and thus some sort of compulsion was necessary to be introduced. Some people are of the opinion that the feelings of other people are hurt in this manner. 25 per cent of the total population comprises of scheduled castes while the provision of reservation is just for 15 per cent. We want our right on the basis of our population. We will not tolerate any corruption in this regard. The Government does not try to understand the repercussions...*(Interruptions)*...Let them hear. They are the real listeners.

[English]

MR. CHAIRMAN : You may continue next time. Now we go to next item, Half-an-Hour Discussion.

[Translation]

SHRI VIR SEN : Sir, I wouldn't let the bell ring, it's wrong. I have not yet mentioned my main point. *(Interruptions)*

KUMARI MAMATA BANERJEE : You would continue next week.

SHRI VIR SEN : It is just 5.30 P. M. and this discussion is to go upto 6.00 P. M.

[English]

MR. CHAIRMAN : Now, we go to next item, Half-an-Hour Discussion.

Kum. Mamata Banerjee.

*(Interruptions)*

17.35 hrs

HALF—AN—HOUR DISCUSSIONS

[English]

Problem of Unemployment

KUMARI MAMATA BANERJEE (Jadavpur) : I am grateful to Hon. Speaker because he is kind enough to allow this discussion.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER) : Not to me!

KUMARI MAMATA BANERJEE : I am coming to say that. I am also grateful to the hon. Minister because he accepted our Demands.

Unemployment problem is one of the chronic problems of our country and our country is facing very crucial times from the unemployment point of view.

I would like to congratulate our Prime Minister because in the AICC Session he has given a call for 'Bekari Hatao'. I welcome this slogan.

But I would like to suggest to the hon. Minister that this slogan should not remain a slogan. We want proper implementation so that our country can get proper results through this slogan.

It is said that due to problems of population growth, sick industrial units, closed industries and so many other