

the view of the political parties and State Governments.

RE: STATEMENT BY MINISTER

**On the States of Implementation of
Mandal Commission
Recommendations regarding
reservations.**

SHRI CHANDRA JEET YADAV: (Azamgarh): Sir, this is a deliberate delay on the part of the Government. It is more than a year now that the Government Committed in this House. Every time the Congress manifesto is referred to here but even after more than a year the Government has not taken any step. In his first speech in this House on the President's Address, the prime Minister announced that he will try to arrive at a national consensus by consulting leaders of all the political parties. But, now the Minister says that Government is now thinking to call a meeting. I charge the Government of this deliberate delay and for adopting this anti-backward class approach. Therefore, Sir, the Government should immediately call a meeting of the leaders of various parties.

Similarly, the Government has also not submitted to the Supreme Court - they have issued only one notification - as to what will be the criteria of the reservation provision for socially, educationally backward classes and also for other backward classes. This is against the provisions of the Constitution. I would say that deliberately they have clubbed both the provisions together. There is every possibility that the Supreme Court will strike it down. In an earlier verdict the Supreme Court said that there should be 50 per cent reservation and 50 per cent recruitment should be done by open competition. But now if they make this provision of 10 per cent reservation of other economically backward classes, it will make 60 per cent reservation which goes against the earlier verdict of the Supreme Court. I think for this need a Constitutional amendment.

We have no objection to give 10 per cent

reservation to other economically poor people. These people also deserve recruitment in the services; they are also unemployed and Government must do something for them but it needs Constitutional amendment. Therefore, Sir, I request you to allow a full-fledged discussion on this. This is a major national issue. Therefore, I request you to allow a full-fledged discussion on this.

MR. SPEAKER: We will take it up in the Business Advisory Committee and find out if it is possible.

[Translation]

SHRI RAM VILAS PASWAN: (Rosera): Mr. Speaker, Sir, the primary concern of our discussion is not as to what decision will be taken by the Supreme Court on the case pending with them. The hon. Minister is a senior Member of the House and also comes from a backward class. The Congress Party has been saying this thing since 1980 that they are electing national consensus on it. We have been making a demand on it since then. At that time also I had said that if the Government did not have clear intentions it should be frank to declare that it is not in favour of Mandal Commission. They have been keeping the report on the shelf only together dust. I want this clarification from the Government....

MR. SPEAKER: If I allow you to seek clarification from the Government, I will have to allow others also.

SHRI RAM VILAS PASWAN: Sorry, it is not a clarification, Mr. Speaker, Sir, I would like to bring to your Knowledge that the Government had clearly said in the Supreme Court on 4th December that the concept of economic criteria will be made clear positively by 28th January and thus the hearing on the petition filed to challenge the reservation policy by the Government was postponed till 28th January. The Court, however, directed the Central Government to clarify the economic criteria by the next hearing, and that the court will not wait any further if the Government failed to do so.

Mr. Speaker, Sir, I would like to bring to your notice that the Chief Justice Shri Kaniya, who you referred to, wanted to know from the Additional Solicitor General, Shri Altaf Ahmed as to what the Government had decided in regard to economic criteria for reservation and why the clarification to be given in the court on that day was not given. The Government has made a commitment that it would furnish requisite information by 4th December. On 4th December when the Supreme Court questioned the Government's failure, Shri Ahmed said that the information regarding the decision of reservation on economic criteria would be....

MR. SPEAKER: Paswan ji, all this has been already discussed in the Court. We agree to your suggestion that a discussion should be held on the matter. I said that it would be referred to Business Advisory Committee.

SHRI RAM VILAS PASWAN: I am going to conclude in a sentence. At this Shri Ahmed said that the Government would propose the court of their decision certainly by 25th January and that since the Government has been concentrating on deciding the economic criteria, it would finally be submitted to the court positively by 25th January.

Mr. Speaker, Sir, my submission is that this statement was given by the Government in the court but not to speak of January, it is already August by now and the Government has not been fulfilling its promise. What we decided was that we would not make any reference to the matter which is sub-judice. We level charges on the Government that it has always been backing out from its commitment it made to the court and that it does not have good intentions. Therefore, I want a full-fledged discussion on the issue so that we may express our views in this regard. At the same time I would allege that the Government is not in favour of the welfare of the backward classes and thus it does not want to implement the recommendations of Mandal Commission.

[English]

SHRI A. CHARLES (Trivandrum): The hon. Members from the other side have charged this Government. So, I may please be given a few minutes to put the record straight. I belong to backward community and if some benefits go to the backward community, naturally, I will feel happy. The whole problem, had been created by the former Prime Minister. He is here. He took the decision to implement the recommendations of the Mandal Commission. He deliberately did not include in the list, a list of communities who are eligible for reservation. Sir, I make this charge against the then Government. He has not only not given the benefit to the backward community - because he had opened the Pandora's box - but he had also betrayed the whole backward community in this country. The Mandal Commission's recommendations contained, a list of 3743 communities. If he had taken the decision to give reservation to these 3743 communities, I would have congratulated him. But instead of doing that, what he did was to give a *suo motu* statement. It came suddenly from the Heaven and the backward communities were ignored totally. It was not an order. I am totally unhappy that the backward communities were betrayed.

What the *suo motu* statement contained was that it was difficult to prepare a new list. So, it had to go to the court of law. So, the former Prime Minister had deliberately opened the Pandora's box and he did not prepare the list. Therefore, the whole thing had got delayed.

I would plead with the Government to prepare a new list so that the reservation to the backward communities, who belong really to backward sections, are given the benefit. (Interruptions)

MR. SPEAKER: You make short points, otherwise, it would become a full-fledged debate.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, the statement which the Government has just made on this has proved our charge we had levelled on the Government. The Government did not plead the case on 7th in Supreme Court. Just now, Shri Ram Vilas Paswan has said clearly that the case was not pleased and now the Government is awaiting the decision of the Supreme Court to implement it according to its own criteria, so, the Government will await the decision of the Supreme Court to fix the criteria. Shri Charles has said something to straight the record that Shri V.P. Singhji made a mess of it and today they have got an opportunity to improve the situation, then why have they not done anything to improve the situation, if in reality there was some mess. Because there was no mess, they seek to create it and they do not want to implement the recommendations of the Mandal Commission, rather they want to bury for good that spirit and that recommendation. This is the reason they did not plead in the Supreme Court and they have added the economic criteria to it which is against the spirit of the Constitution and on this basis, they have added economic criteria for reservation for upper castes, so that on these two counts, the entire notification with regard to reservation is rendered null and void by Supreme Court decision. The first count is that the total reservation has gone beyond 50 per cent and the second count is that in Articles 15(4) and 16(4) of the Constitution nothing is specified about economic criteria.

They have been exposed today. Mr. Speaker, Sir, we shall make a demand from you that a full-fledged discussion be held in the House so that the entire situation may become clear.

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Speaker, Sir, when we win elections and come here, we swear by the Constitution and take a pledge that we will not take any action against the Constitution unless an amendment is made to the Constitution here. From what I have read in the Constitution

and in the Article under which the report of the Mandal Commission has been submitted, there is no such amendment made to it as yet. I would like to say that by the time an amendment is not made to the Constitution, it will be the violation of the Constitution, it will be the violation of the Constitution to add economic criteria to it, The economic criteria is not enshrined in the Constitution but it will be acceptable by all if the Supreme Court decides in favour of incorporation of such criteria in the Constitution. (Interruptions)

MR. SPEAKER: We are not discussing it. We are going to allot you time for discussion afterwards.

SHRI TEJ NARAYAN SINGH:(Interruptions) I would like to tell the Government that it is most necessary to protect the Constitution. The Government should not violate the Constitution. 85 per cent people are having emotional attachment with the report of the Mandal Commission. I would like to submit to the Government that the report of the Mandal Commission be implemented.

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Mr. Speaker, Sir, the statement made by the hon. Minister has aggravated our worries. I shall not touch the points raised by our colleagues. While supporting them, I would only say that it has caused worry we were afraid that this kind of a game will be played and delay make take place. The assurance given in January to elicit opinion of the political parties has not been fulfilled till today. When will the opinion be elicited is not known and in the meantime the Supreme Court will deliver its Judgement. After the Supreme Court has delivered its Judgement, a decision, will be taken here and after that decision, if someone moves the Supreme Court, it is merely a matter of getting entangled in an unending process. You said that there would be discussion on it. Without elaborating on it further, I would like to know when is the Supreme going to deliver its judgments and when are you going to hold a discussion? You allow discussion in this very session so that we are able to make all of our points.

MR. SPEAKER: Five or six Members of your party have already spoken. I have said that a discussion will be held to hold a discussion on it, if you speak, how will it go on them....(Interruptions)

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur).... (Interruptions) From the statement of the Government, it seems that the intention of the Government is not clear...(Interruptions)

[English]

MR. SPEAKER: Yes, on a different point. Not on this issue. I do not want to hear on this issue....(Interruptions)..... No, otherwise, it is going out of control.

(Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV: The Government has made its intentions clear, and it wants to adopt an evasive policy.

MR. SPEAKER: The manner in which we try to do something, you disturb that manner....(Interruptions)

[English]

MR. SPEAKER: Do you understand that? I have said that I would take up this matter in the Business Advisory Committee and try to see whether the time is available. I have not said that we will not take it up and in spite of that you are insisting, as no one else has to say anything else on anything else.

(Interruptions)

[Translation]

SHRI LAL. K. ADVANI (Gandhinagar): Mr. Speaker, Sir, the hon. Minister said in his statement that

[English]

"We are prepared to hold discussion

with political parties in respect of the economic criteria"

[Translation]

But they gave us the information that a discussion with Chief Ministers has already taken place. What was that discussion and whether any consensus has emerged in it or not, may we know it, and what have the Chief Ministers said in respect of their respective States. I believe that this issue is very important and at the time when we were supporting the Government of Shri Vishwanath Pratap Singh, I believe that it might be in their knowledge that in our manifesto, we had supported the view to give assurance to backward classes broadly on the basis of the Mandal Commission. We were not opposed to it. We had added some points to it which are related with it, in the notification issued in September and then this points was not mentioned in your manifesto. I would like to say that those who support the backward classes and want to take advantage out of it, should understand from the experience of 1990-91, that conflict alone will not do any good to them. The national consensus that emerges there to the possible extent and the follow up action, will benefit the backward classes. On this basis, what has a representative of a backward class from the Congress Party said just now carries weight. Otherwise, it would not have taken 'two years' and your leadership would have benefited those classes. Why was it not done at that time, what was the reason that only we will throw light on it in detail, when the discussion takes only place. But today the Government should clarify it, it is not correct for the Government to avoid it. My submission is that whenever there is a discussion, we should be given information, we should be told us to what opinion had emerged at the discussion with the Chief Ministers.

SHRI VISHWANATH PRATAP SINGH: I would like to tell hon. Advaniji for his information that at that time there was no question of leaving anyone. In the first phase, the people who were recognised as backward classes in their respective States, and about

whom there was consensus, and those who figure in the Mandal Commission List as well these are common. It was confined to that and it was done at the Centre in first phase so that there may not be any controversy.

schemes of reservations are being issued separately."

SHRILAL. K. ADVANI: I did not wish to say anything on this subject but at the time when Vishwanath Pratapji was the Prime Minister, he has the information that the day on which he was going to make announcement, not only I but the other colleagues who are sitting here and whose support the Government enjoyed at that time, also said that there was no need for hurry and some advice should be taken on this issue. He had given a reply at that time as to why he was constrained to make hurry, because it was his internal problem.

That was the indication given in September. It did not come out. The Supreme Court repeatedly asked for the criteria. In the Supreme Court it has been read out, and also in the present statement of Shri Sitaram Kesri, it is there:

"The court was informed that Government would take a decision on the economic criteria after consulting the State Governments and political parties and after evolving, if possible, national consensus on the subject".

SHRI RAM VILAS PASWAN: There should be no hurry but the Congress should not delay it further as well.

The question is very specific. It was not in January. In September the Government said that it would issue them separately. It was not done. The Supreme Court asked for it. The Government gave an assurance to the Supreme Court.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): At the moment, we are not discussing what Shri Vishwanath Pratap Singh should have done or should not have done as the Prime Minister. The question is, that this Government made a solemn announcement in September 1991.

"In the meanwhile, the government have completed the consultations with the State Governments and UT Administrations."

I am again reading the statement.

THE MINISTER OF STATE OF THE MINISTRY OF POWER (SHRI KALP NATH RAI): Solemn;

"The technical issues relating to the determination of economic criteria arising out of the deliberations of the Conference of Chief Ministers/Governors/Lt. Governors have been examined."

SHRI SOMNATH CHATTERJEE: Was it not a solemn announcement? This is the Minister, Sir; (Interruptions)

Every aspect, according to me, has been done.

Well, to some Ministers it was not a solemn announcement and to some, I believe, it was a solemn announcement. We took it as a solemn announcement coming from the Government, that—

Now, the only plea taken is that the consultation with the political parties has not taken place. But one very important thing, the Government does not seem to have any mind of its own.

"That criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any of the existing

AN. HON. MEMBER: What is their proposal?

SHRI SOMNATH CHATTERJEE: That is precisely the point. On what important

issues, would the Government like to have the views of the political parties? Merely trying to put the ball in the court of the other political parties will not help. The question, has this Government a mind of its own on this issue? They have no mind on many of the other issues. We know. We pointed it out from time to time. More often than not, they have no idea as to what they are doing, or how to face situation. But this is a very vital matter and the whole country is concerned. There is no question of the importance of this matter being minimised. Therefore, it is high time that the Government acts here when so much exercise according to them has been done. They assured in September 1991 that they were going to issue the criteria. Today we are again told that the coming inter Session will be probably used for this purpose. I do not know whether that is possible because some will be available and some will not be available. Then they will say "Sorry, we could not do it. Let us see it in the next inter session". Let them say open and honestly that they are now depending on the Supreme Court. Let them have the courage to say that. They do not have the courage to say that. They are now depending on the Supreme Court being bailed out and, therefore, they are trying to delay the matter. It is high time that the matter is finalised as soon as possible. We have also said that the backward sections in this country do need help. There is no doubt about it. They are being victimised and they are at the receiving end for too long. Let us not continue this situation further.

[Translation]

SHRI VIRENDRA SINGH (Mirzapur): Mr. Speaker, Sir, one or two days ago, I had requested to hold a detailed discussion on Barcelona Olympics. The poor performance and failure of our country in Barcelona Olympics is a shameful thing also, because a country which is having such a large population could not even get a single medal. Even the much smaller countries like Mauritius and Surinam have also bagged medals. The very root cause of the poor performance of India should be discussed. Whatever it may be and the performance of the sports authorities should also be reviewed.

The people who are managing the sports are neither associated with it nor they have any knowledge. Our hon. Minister of Water Resources, Shri Vidya Charan Shuklaji has never been associated with any sport and he do not know anything about it, then how he can give guidance to the sportsmen? The problems can not be solved by remaining on these high posts.

Mr. Speaker, Sir, the defeat in the Barcelona Olympics has not only maligned the image of the country, but it is also a setback to the dignity of the country. I would like to request to take action against the persons who are responsible for tarnishing the image of the country. The natural spirit of games found in rural areas is not given due recognition and their skills are never regarded suitable for sports meets and the players selected for this purpose are from urban areas and the selectors are also from urban areas. This situation can be improved if people from rural areas given chances and this national dignity can be maintained. I hope that the Government will consider this matter seriously and hold a discussion on it. (Interruptions)

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I support Shri Virendra Singh because Shri Limba Ram also belongs to rural areas who could do something but we will also have to find out as to what happened to other persons who were meritorious.

[English]

SHRI SRIKANTA JENA (Cuttack): Mr. Speaker, Sir, there should be a special discussion on Barcelona Olympic Games. There also Mandal and Anti-Mandal are operating... (Interruptions)

[Translation]

MR. SPEAKER: I shall give a chance to those who have played cricket...

(Interruptions)

SHRI SATYANARAYAN JATIYA (Ujjain): Mr. Speaker, Sir, I would like to