

Pakistan TV does not allow even Lata Mangeshkar's songs to be played on their radio and TV. Last year, Madam, SITI has taken a sum of Rs. 350 crores from this country in terms of foreign exchange. Things do not stop here. They are violating all laws. In Delhi, even DESTJ is to carry its cables underground. These cable TV operators carry. Cables from one roof-top to another. These people have taken the law into their own hands. They are carrying their cables on street-light poles. This is an offence. The matter was referred to the Delhi High Court and the Delhi High Court said, "You cannot do it." There was an appeal to the Supreme Court. The Supreme Court had set it aside and said, "You cannot do it." But still they carry on and nobody prosecutes them. I would like to know whether this is because these people are powerful and are greasing influential palms. Madam, another aspect of the matter is that banks are financing money to these foreign TV channels but not to any of the local cable TV operators. Even our insurance companies are insuring assets etc. of SITI and Falcon but not of our own cable TV operators. This is a pretty serious matter. I am sorry that though Mr. Murdoch had a warrant of arrest in Bombay, when he came to Delhi, he met the Prime Minister. I wish the Prime Minister had not met him because this kind of things sends out a very wrong bad signal to the whole country. I would beg of the Government to come out clean as to why these people have not been prosecuted for carrying their cables on street-light poles and why they have been allowed to get away with the violation of law. On one occasion they attacked a person. The attacker was pursued and he sought security in the U.S. Embassy. The Association of cable TV operators have written to President Clinton himself to see that this kind of things do not happen. I hope the Government takes due note of the serious problems of cable TV operators.

Thank you, Madam.

Re. IMPLEMENTATION OF 69 PER CENT RESERVATION IN TAMIL NADU

SHRIMATI

JAYANTHI

NATARAJAN (Tamil Nadu): Madam, thank you for giving me permission to speak on this issue...*(Interruptions)*... No, I had made a special request to Madam. That is why I am thankful to her. She is accommodating me.

THE DEPUTY CHAIRMAN: Because at that point of time I was deputising for the hon. Chairman.

SHRIMATI

JAYANTHI

NATARAJAN: Madam, I would like to draw the attention of this House to a very important issue. Madam, the question of reservation has been agitating all of us for a long time. Now I am talking about specifically reservation for Backward Classes in educational institutions which is being done in Tamil Nadu. Madam, right from 1932 the State of Tamil Nadu has been one of the States which is a pioneer as far as the question of reservation is concerned. The first reservation began in my State as early as in 1932. For many decades, this 69 per cent reservation, i.e., 50 per cent for Backward Classes and 19 per cent for the Scheduled Castes and Scheduled Tribes, has actually been in existence in educational institutions in the State. Now, Madam, very briefly, without taking much time of the House, I would like to point out that after the judgement of the Supreme Court in the Mandal case where it said that the reservation should

not exceed 50 per cent, and the orders of the Supreme Court thereafter, it has not been possible to implement total 69 per cent reservation, i.e., 50 per cent for the Backward Classes and 19 per cent for the Scheduled Castes and the Scheduled Tribes. Now the Supreme Court says that we cannot implement it because of the decision in the Mandal case. In order to get over that decision of the Supreme Court, the Government of Tamil Nadu promulgated an Ordinance which was replaced by a law passed by the

Legislature making a reservation of 69 per cent i.e., 50 per cent for the Backward Classes and 19 for the SCs and the STs. That Act has also been placed in the Ninth Schedule which means, it is not subject to judicial review, which means it cannot be called into question on the ground of affecting article 31(b) on the ground of affecting any of the Fundamental rights. This was done in 1994 and it is in 257(a) of the Ninth Schedule. Now Madam, an anomalous situation has arisen; some private parties have approached the Supreme Court and the Supreme Court as recently as last month issued orders that even though the said legislation has been included in the Ninth Schedule, we cannot give effect to the reservation, and in effect nullifying the law passed by the Tamil Nadu Legislature for reservation. Madam, students are not able to get admission in educational institutions. The Government is not able to make admissions in medical colleges, engineering colleges, etc. Madam, the entire benefits of reservation are completely missing for the students in the State. Now the position is like this. The number of Backward Classes differs from State to State. In Tamil Nadu, according to the population in existence, it has been fixed at 50 per cent. It is impossible to have a uniform 50 per cent reservation for all the States or less than that. We enjoyed a total 69 per cent reservation for years before the Mandal case; totally peacefully; everybody had accepted it and this has served the interest of justice. Now, because of the anomalous situation and the orders of the Supreme Court, we are not able to implement this whole policy of reservation. This is the situation now. Even though that Act has been put in the Ninth Schedule, the hon. Supreme Court is looking into it. It has issued some directions. The State Government is facing a dilemma as it is not able to implement the reservation. So many children belonging to the Backward Classes are suffering for no fault of theirs. I call upon the Government to

take up this issue very seriously, to come and make a statement whether they are going to help us. If necessary, Madam, I call upon the Government for bringing about a constitutional amendment. I am not aware what avenues are there to get out of the situation created by the orders of the Supreme Court, but I would like the Government to respond to this and immediately solve the problem of so many children who are not able to get admission based on the reservation policy. Thank you, Madam, for your patience.

THE DEPUTY CHAIRMAN: Shri V. Kishore Chandra S. Deo.

SHRIMATI JAYXNTHI NATARAJAN: Madam, one minute.. (*Interruptions*)...

SHRI S. PETER ALPHONSE: Madam...

SHRIMATI JAYANTHI NATARAJAN: Madam, he has also given notice.

SHRI G. SWAMINATHAN: Our party has also given notice. ..(*Interruptions*)...

THE DEPUTY CHAIRMAN: First Mr. Alphonse and then Mr. Margabandu would speak on the same issue. ..(*Interruptions*)...

SHRI S. PETER ALPHONSE (Tamil Nadu): Madam, 69 per cent reservation is in vogue in Tamil Nadu. Whenever the academic session begins in the month of May or June, our students face problem. By an interim order, the Supreme Court has directed that you can enhance the number of seats. For example, by 50 per cent of reservation, the Backward Class students get 80 seats in an engineering college. What the Supreme Court says now is you increase the number of seats.

Every year on *ad-hoc* basis we increase the number of seats but what happens to education? A medical college is meant for a hundred students or 125 students. Now according to the direction given by the Supreme Court, every year we have

been adding 200 to 300 students. If it goes on for five years, there will be a stage where no student can be admitted in a medical college. Another aspect, Madam, is, the Tamil Nadu Government is a party in the case before the Supreme Court. Already a Constitutional amendment has been made. We do not need any Constitutional amendment now. What we want from the Government of India is that it should join the case as a party in the writ petition with Tamil Nadu which is a party, and direct the Attorney General to appear for the Government of India and support the case of Tamil Nadu. That is our request.

SHRI R. MARGABANDU (Tamil Nadu): Madam Chairperson, it is rightly said by Smt. Jayanthi Natarajan and Shri Peter Alphonse. Our party, the AIADMK fully supports the plea. As a matter of fact, the AIADMK party got the 69% reservation passed in the Tamil Nadu Assembly, got it passed in the Parliament, and it was assented to by the President, and included in the Ninth Schedule of the Constitution. After inclusion in the Ninth Schedule, it gets immunised. However, that matter has been taken to the Supreme Court, and the Supreme Court is beginning to give a number of varying versions about that. As a matter of fact, the Supreme Court has given a verdict that the reservation should not exceed 49%. We had filed it before the Supreme Court. Likewise, the DMK-Government now has approached the Supreme Court. About two days back the Supreme Court gave a verdict that it should not exceed 49%. The verdict says that the seats can be increased. Even by increasing the seats it would be not possible to accommodate students with in that 69%. We, the AIADMK, pressurise this Government and appeal to this Government to make a Constitutional amendment to give a Constitutional guarantee. We hope that this Government which is fighting for the cause and uplift of the backward class people, will take up this cause and see to it that a legislation is passed in the larger

interests of the backward class people who are more in number in several parts of India. The ratio of the backward class people varies from State to State. In Tamil Nadu they are more in number. In order to satisfy the backward class people this legislation had been passed. I appeal to this Government which has taken a vow to uplift and improve the lot of backward class people that they can safeguard the interests of the Tamil Nadu people by supporting the 69% reservation. The Government itself should participate in the proceedings of the court case and support the cause of the Tamil Nadu. With these words, I conclude.

SHRIMATI JAYANTHI NATARAJAN: May I make a small correction, Madam? Reservation for backward class is 69% and for Scheduled Castes and Tribes it is more than that. I just wanted to correct.

THE DEPUTY CHAIRMAN: The record should be corrected. How much is it?

AN HON. MEMBER: Total is 69%. 50% for backward class., 18% for Scheduled Castes and 1% for Scheduled Tribes. The total is 69%.

SHRIMATI JAYANTHI NATARAJAN: Thank you, Madam, for your patience.

THE DEPUTY CHAIRMAN: I am happy that there is a healthy co-operation'.

SHRIMATI JAYANTHI NATARAJAN: It is an issue that concerns all of us. Madam, the Government should respond. A Minister from Tamil Nadu is there. He should respond.

AN HON. MEMBER: The Minister should take up the issue with the Prime Minister.

THE DEPUTY CHAIRMAN: Just I complimented you that you were cooperating on this issue. Please continue to cooperate.

SHRI S. PETER ALPHONSE: Madam, you can direct the Government on this issue..(Interruptions)...

THE DEPUTY CHAIRMAN: I cannot give any such direction. I have never given any direction to anybody to appear before the House, and, I am very happy if Members appear in this House on their own. ..(Interruptions)... So, you have made your comments and expressed your concern about the students. If there is some kind of a difficulty or anomaly or some other legal difficulty, the Government will take care of that. A number of Ministers are here. They will convey it to the Government.

Madam, this is a very serious issue which I

श्री प्रकाश अम्बेडकर: आप भी स्टूडेंट्स के बारे में कह रहे हैं। ध्यान से बोलिए।

RE. SEGREGATION OF STUDENTS IN A DELHI COLLEGE

श्री प्रकाश यशवन्त अम्बेडकर (नाम निर्देशित):
मैडम, मैं ध्यान से ही कहूंगा।

am going to raise regarding the Delhi University College. The Delhi University conducts a course of Bachelor of Business Studies. There are nearly 120 students in this course. The selection is made on an all-India basis. Madam, during the group discussion that takes places, the major topic that is discussed is whether there should be reservation or not.

This is one issue. Secondly, Madam, there are three divisions in the First Year Course which are known as 'A', 'B' and 'C'. In the 'A' class there are SO students, in the 'B' class, there are 40 students and in the 'C' class, there are 24 students. Madam, this process has been going on for the last three years where, in every class the students are not being treated on an equal basis but on a different basis. Madam, my point is..(Interruptions)...

THE DEPUTY CHAIRMAN: There is something which is really urgent. The women-Members of Parliament have to go for something urgent. So have I to go.

SHRI PRAKASH YASHWANT AMBEDKAR: Madam, in these three divisions every year 24 students are selected from the SC and ST category. But none has been selected so far from the Other Backward Classes. Madam, in Class 'C' every year a group of SC/ST students are clubbed together. In this Class 'C' there are only 24 students. Madam, this is what I say this is amounting to segregation of students between general and SC/ST. This is a process by which for the last three years the College, as I know, has been doing one thing, that is, only two or three students are passed out every year in the First Year. The rest are failed. The remaining two or three students who pass out are accommodated in the Second Year and the Third Year. I do not know whether the Delhi University will go on with this process or whether they are going to start a new process. Madam, this is a very serious matter where discrimination has been sought to be made between students not on merit basis. They are selected on an all-India basis. The criterion for selection is the same. There is no such thing as you call relaxation for the SC/ST students. There is no relaxation at all for SC/ST students. They come on their own merit. And even after coming on their own merit, they are made to sit in a separate class which is known as Class 'C'. In that class, as I know, for the last three years, there are only 24 students who are there and they are not allowed to mix up. Madam, this is a process by which students coming from the SC/ST category are not only being discriminated against, but they are also made to run away from the classes because they have failed in the first year. And after they fail in the first year they fail in the second year also and then they are rejected.

1.00 P.M.

Madam, I would like the Government to respond on this matter. This is one form of discrimination which has been made and I wish that the Government