### PROF. SAURIN BHATTACHARYA:

... "In my case also, the same procedure should be followed." But, strangely enough, this letter written at the highest level between the Prime Minister and bis colleagues in the Council of Ministers, has found its way to the press. Whether it was a deliberate leakage or not, I don't know, but the Government is unable to keep its own secrets and tried to oast aspersions even on the almost highest dignitary in the country. That will be, Madam, the undoing of the country. Many bad things have been happening here. Let not ithe Prime Minister's name be referred to directly in this manner that his own mis-

### THE DEPUTY CHAIRMAN: Okay.

SHRI MENTAY PADMANABHAM (Andhra Pradesh) : Madam, .. . (Interruptions)

THE DEPUTY CHAIRMAN: No, Mr. Padmanabham, no. Don't make it a habit. You are a leader of a political party. You should not make it a habit to get up. Any other Member gets up, and you just get up! The permission was granted to him, not to you. Please take your seat.

SHRI MENTAY PADMANABHAM: This is a very serious matter.

THE DEPUTY CHAIRMAN: Howsoever serious this issue be, I am not allowing you. No, no. ... (Interruptions)

Nothing would be recorded. I want to be strict. Nothing would be recorded, please.

### SHRI MENTAY PADMANABHAM: \*

THE DEPUTY CHAIRMAN: Please. I am very serious. I am not allowing you.

### SHRI MENTAY PADMANABHAM: \*

THE DEPUTY CHAIRMAN: I am very serious. I am not allowing you. Even if you are serious, I am not allowing you.

### SHRI MENTAY PADMANABHAM: \*

THE DEPUTY CHAIRMAN: I am not allowing you to raise this matter.

#### SHRI MENTAY PADMANABHAM: \*

THE DEPUTY CHAIRMAN: No, it is not going on record. No.

#### SHRI MENTAY PADMANABHAM: \*

THE DEPUTY CHAIRMAN: You cannot. Mr. Padmanabham, you cannot raise it without my permission. It is not going on record. Sit down, please.

- V. Statutory ResoYution disapproval of the National Commission for Backward Classes Ordinance, 1993
- II. The National Commission for Backward Classes Bill, 1993—Contd.

THE DEPUTY CHAIRMAN: Now we are going to have the reply. Mr. Kesri will reply. I only want to make a request to the Members.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Madam, excuse me. Before you ask the Minister, I have to reply.

THE DEPUTY CHAIRMAN: Yes. Just a minute. That is the thing.

What I want to request the Members now is that there was a statement made by the Minister on the same issue.

# श्री सर्पय प्रकाश मालवीय (उत्तर प्रबंभ) दोनों अलग अलग हैं।

THE DEPUTY CHAIRMAN : We have got clarifications.

क्लैरोफिकेशंस उसी मों पूछ लिया होता जब भाषण कर रहे थे . . . (व्यवधान) बाद मों होरा टाट नाउ ।

श्री सुर्वर सिंह भंडारी (राजस्थान) : कोनों अलग अलग ह<sup>र</sup>ा

\*Not recorded.

## उपसभापति : आप जडाब देंगे। डॉलिए।

DR. JINENDRA KUMAR JAIN: Thank you very much, Madam.

उपसभापीत: जरा समग का ध्यान रखते हैए। आप इहत ही समझदार है, डाक्टर है, संक्षेप में अगर आप उसको कह दीने तो इहत अच्छा रहेगा।

# **डा. जिनेन्द्र किमार जैन** : आपने मुक्ते समझदार समझा, इस अपकी समझदारी का शक्तिया ।

Madam, I am thankful to the Members of this House for taking part in the debate on the motion of disapproval which was moved by me here, in this House. I was happy to find that there was an absolute unanimity in the entire House, and every Member agreed that there was need in this country for all of us to give preferential treatment to backward classes of our country and that there was need to do social justice. A majority of the Members, all the Members from the non-Congress (I) parties, 'also cited with documents and facts the insincerity of the Congress Government towards achieving this goal. I would especially like to mention the speech of a Congress-leader here, in this House hon. Shri Shiv Shankerji. His eloquence, his brilliance and his outstanding qualities as a parliamentarian are all well known to us. We have enjoyed many times the speeches made by him in this House.

SHRI P. SHIV SHANKER (Gujarat): I hope you are not embarrassing me.

SHRI H. HANUMANTHAPPA (Karnataka): Are you appreciating the speech or its contents? Do you agree with him? . . . (Interruptions)

DR. JINENDRA KUMAR JAIN: What I am appreciating here, Madam, is the greatness of this colleague of ours, that he rose above party-lines and said what needed to be said. I wish to make this point. Without the contribution of Shri Shiv Shanker, it would have appeared that this Partis merit had been partisan in pointing out the insincerity of the Congress

Government. The debate was enriched by the contribution of Mr. Shiv Shanker. That is why I am especially thankful to him for he rose above party-lines and spoke in favour of giving social justice. That should be the theme. We should all rise above parly-lines and do something which is due to our backward classes.

I am happy that most of the Members had agreed to this one point which I had made in my opening speech when the debate was initiated. Only one hon. Member. Shri Ram Jethmalani, did not agree on this point. While I had given my full support to the spirit and the need of the legislation, I had expressed my fear that the legislation that we are passing is an imperfect one and that it may again be challenged in courts on one ground or the other. As a result of this this process of social justice may be further delayed. I had staled that even the Mandal Commission's criteria were unscientific and flawed and that this was found to be so by the hon. Justices of the Supreme Court who had delivered this judgment. Mr. Jethmalani, whom I respect very much, is not here at the moment. He had said that my find was not correct. Madam, I have got here the full judgment. I have studied it. For the sake of record, I would like to quote from the record of the deliberation to show what I bad said was correct. Let me quote some of the paragraphs from the judgements of those hon. Justices of the Supreme Court. Juslice Kuldip Singh in a scathing criticism of the procedures followed by the Mandal Commission for identification of backward castes on pages 60-72 states:

"I hold that the identification of 3743 castes as the beneficiary-class for job reservations under Article 16(4), is wholly unconstitutional, invalid and cannot be acted upon."

Then he gives (i) to (ix) reasons why he arrived at that conclusion.

Let me also quote the majority judgment, which was delivered by Justice Jeevan Reddy on behalf of Justice Ven-kafnchalliah he then was, Justice

Ahmadi and Justice Jeevan Reddy himself. Tt

"Maybe there are certain errors in actual exercise of identification, in the nature of over-inclusion or under-inclusion, as the case may be." It is on page 262. Then it goes on further to say: "However, the majority judgment chooses to gloss over this issue and refuses to go into detailed evaluation of the actual procedures followed by the Mandal Com-

I give another quote from the judgement:

"ft is not necessary to express anv opinion on the correctness and ade quacy of the exercise done by the Mandal Commission."

I am just trying to point out some of the follies that I hear. Then I quote from the judgment given by Justice Safaai. He says:

"Both the impugned orders issued by the respective Governments in 1990 and 1991 reserving appointments and posts for socially and educationally backward classes of citizens, obligation of examining if the identification of backward class by the Commission was in consonance with constitutional principle and philosophy of the basic features of the constitution and if the group or collectively so identified was adequately represented or not Which is the sine qua non for the exercise of the power under Article 16(4), are declared to be unenforceable." This is given on page 129.

Another quotation I would like to give is from Justice Thommen. He says:

> "Neither the impugned orders of the Government of India, nor the material relied upon by it, nor the affidavits fled in support of the said orders disclose proper application of mind by the concerned authorities to the principles stated above for valid identification or the backward classes or

citizens qualified for reservation in terms of Article 16 of the Constitution of India."

This is given in page 84.

Justice Sawant did not go into the merit at all. Justice Pandian was the only person who supported the criteria adopted by the Maaidal Commission. My concern, which is the concern now of the entire House after this debate is that considering the insincerity of the Government the legislation that we are passing today is an imperfect legislation. Even before this had been conceived, the Justices already raised issues where the criteria adopted by the Mandal Commission were not perfect. The whole issue was that when this whole country and the legislative Parliament wants that justice should be done to the backward classes and that including reservations may be done for them, then where we get caught is procedural implementation of our issues. If it was in the Constitution of India and the Constituent Assembly wanted justice to be given to them, 45 years have passed and we have not done anything about it so far. It came out eloquently during the debate here that this was on account of the insincerity of the Government, especially the Congress Party. Now, the Congress Party has come out with a legislation. My point is: Why should we pass this imperfect legislation? Many, Members have eloquently said that Justice Prasad's report was hurriedly prepared. It is imperfect and self-contradictory. With all these contradictions in the legislation that we are going to pass now, are we doing justice to the backward classes that we all say we want to do ? I would like to tell the hon. Minister that the entire House wants him to do what he says he will do. We will support him. But my appeal to him is that he should withdraw this imperfect legislation and come with a perfect legislation. Instead of getting decided these criteria by a small committee of persons, or one or two individuals, let this Parliament decide the criteria. Let us then give total support to the legislation. Some of my friends said: Let there be an amendment in the

Constitution. I am very thankful to my Shri Sangh Priya Gautam for his brilliant contribution to the debate. He has expressed his impassioned plea. He showed his anguish that he belonged to that class and felt that people after people had been doing injustice to this class. These backward people have shown their patience all along. I feel this country owes it to them to do a sincere job. By passing this imperfect legislation I am sure they will get bogged down with the judicial process. This legislation will be challenged in the courts. I think we will not be doing justice, which we intend to do. Although the Minister may take it as a prestige issue at this stage, yet I feel because we are all supposing his intentions, there is need for improvement in the legislation, which he wants us to pass. I suggest he should withdraw this piece of imperfect legislation and initiate another debate on it. I do not want to delay it for the next session. Do it next week. The entire House will discuss that criteria. If you want to bring in a Constitution amendment, I am for it. I am for everything you want to do to improve the quality of life of the backward communities, but my fear is that with the kind of legislation that you are passing, the undeserving people will get more. The undeserving ones because of their dominant character may take away what we are trying to give to the weaker sections. My feeling is that the

undeserving ones because of 1.00 P.M. their dominant character may

take what we are trying to give to the weaker sections. I do not want to give examples. But this is well known to everyone that in some of the States, the dominant communities have got themselves classified as backward castes. They are dominating the politics. They are dominating administration. Now because they are dominating, they are taking away what we are trying to give to the backward castes. This is my fear; this is my apprehension. With this plea, I thank you very much. I request the hon. Minister to reconsider his decision and the entire House will be with him including me to support his legislation, if he can take off the imperfectness of the

legislation which has come even before the conceptualisation and during this debate so brilliantly on the surface. Thank you.

कल्याण मंत्री (श्री सीताराम केसरी):
माननीय उपस्भापित महादया, मैं सभी
माननीय सदस्यों का आभार प्रकट करते हुए
सर्वप्रथम एक बात कहना चाहता हुं कि पिछड़ा
वर्ग आयोग और एक्सपर्ट कमेटी दोनों
दो चीजें हैं। एक बात और कहना चाहता हुं कि मंडल आयोग पर जो सुप्रीम कोर्ट का
जजमन्ट है, उसकी स्पिरिट और उसका जो
जजमेन्ट है, उसकी कियारमक रूप देने के
लिए हम प्रतिबद्ध हैं।

जहां तक आयोग के निर्माण के मृतासिक बातें हैं, कई बातें मुख्य रूप से आई हैं। माननीय जठमलानी जी नहीं है, उन्होंने इसे स्वीकार करते हुए कुछ संशोधन और कुछ अपने एप्रेहर्रेशंस की बातें कही हैं। उन्होंने कहा है कि सरकार पर कमीशन के निर्णय कार्मेडटेरी प्रभाव नहीं होगा। ऐसी दात नहीं है। आप क्लाज-15 देखें कि उनर सरकार कमीशन के निर्णय से मतभेद करोगी हो उसे लोक सभायाराज्य सभा में अहाना पड़ेगा, बताना पड़िया । हमके अलावा राम जेठमलानी जी ने इसमें बहुत दूर तक जाकर चर्चा की । जब से मंडल आयोग इस सदन में घोषित हुआ 7 अगस्त, 1990 को, मफो विश्वास है और याद है, हम सभी लोग उप-स्थित थे और मैंने मण्डल आयोग की इस शेवणा का बहात तगड़े ढंग से सपेट किया, था। मैं भी यह देख रहा हूं और ठोक ही कहा है हमार' सामनीय सबस्थों ने कि कई सालों सं यह विषय उभरता रहा है। मंत्रि-परिषद् में निर्णय हुआ, फिर लोक सभा में आया, काका कालेखकर कमीशन आया, किर 1961 भें प्रदेशों के बीच में आका, फिर उसके बाद 1989 में उसी आधार पर मण्डल कमीशन का टिर्माण हुआ। मण्डल कमीशन की लेकर बहुत कुछ आंदोलन हुआ, हमारे बच्चे इसमें धायल हुए, आत्मदाह दुख-दर्द का एक जातावरण पैदा फिर 13 अगस्त, 1990 को वी. पी. सिंह ेकी सरकार ने, सुप्रीम-कोर्ट में जब मह

भाभला आया तो. उसमें एफिड़ेविट भी दिया । इस ६व के बाद हमारी सरकार ने भी 25 सितम्बर, 1991 को काल काइटोरिया, इकोने मिक काइटोरिया के आधार पर, चूंकि हमारे से निफेस्टों में जो कि वर्ष 1991 में बनाथा उसमें यह घेतिबत था इसलिए दल की घोषणा के अनुसार, उसमें लाया ।

महोदया, उसके बाद कुछ बातें और उठी है कि सुप्रीम कोर्ट के पास केस बहुत से भसले पर नहीं लिया गया । एसी बात नहीं है। एक एस.सी., एस.टी. का प्रश्न आया तो हमार बकील ने कहा कि यह आपका विषय नहीं है, यह मंडल कमीशन का है। मैं उनसे नियंदन करूंगा कि इस जजमेंट को प्रीतरहसे पढ़ लें। आप लेग तो सभी विद्वरुजन हैं, विद्वान है, हम कम पढ़े-लिखे हैं, मगर इन सारी बातों की हम आपसे कहना चाहते हैं।

महोदया, यहां तक आयोग की बात है। सुप्रीम: कोर्ट के निर्णय के अनुसार ही यह पिछडा वर्ग आयोग का निर्माण स्टंच्टरी अर्जिनन्स के रूप में हुआ और अब बिल के रूप में यह आपके सामने हैं। इसका काम काइटोरिया निर्णय करना नहीं है, इसका काम यह भी नहीं है कि जो लोग, जो जातियां इसमें आलरेडी बन चुकी हैं, उसकी छांट दां, मायने उसको फिर से बहुत से नए हरह रों, जैसे काका कालेलकर कमीशन था या मंडल कमीशन था, उसके अंतर्गत नहीं है । यह तो सुप्रीम-कोर्ट के निर्णय के अनुसार इसको ज्यादा अधिक पाण्ट है और ने सुचियां यनी हैं उसमें कौन क्या है, कौसे हैं, क्या है, इसको संबंध में है, इनक्ल्युजन और एक्सक्ल्जन का है।

यहां तक एक्सपर्ट कमेटी के निर्णय के म्ताबिक कहा गया, यद्यपि वह एक्सपोर्ट कमेटी इसमें आता नहीं है, मगर फिर भी मैं चाहता हूं कि एक्सपोर्ट कमेटी में वह सब अच्छे टोग रखे गए, पब्लिक सर्वियः कमीशन के चेयरमैन जो अनुसुचित जाति के हैं मिस्टर एम. एल. साहारो, मिस्टर प्रसाद रिटायर्ड हाई कोर्ट के जज . मिस्टर कष्णनन , जो सभी

दल को मान्यताओं के अनुसार, मैं नाम नहीं लंना चाहता, सभी लांगों ने कहा कि इनका रहुना जरूरी हैं। डो सेक्रटेरी वेलफेयर हमारे रहें हैं उनको भी मैंने रखा और मिस्टर मजिठिया, जो रविन्यू के चैयरमैन रह चुकी हैं, यह लोग उसमें रखे गए। इसलिए यहां तक उनकी योग्यता, चरित्र का सवाल है, उनकी इंटिग्रिटि का प्रश्न है, वह प्रश्नों सं उत्पर हैं। फिर भी, इसलिए मुझे कहना पड़ा, चुक्ति उनकी योग्यता पर, उनकी नेकनीयती पर, उनकी ईमानदारी पर कोई आरोप न आए, इसलिए मैंने सफाई दो, और कोई चीज नहीं है।

मेरे मित्र संघ प्रिय गौतम जी ने एक दो प्रध्न उठाए हों। मैं चाहता हां कि मंडल रिपोर्ट पर जो जजमेंट आया है, उन्स्रेचत जाति और जनजाति के जजमेंट पर आया है, उसके मुतालिक दोनों को अलग रखना चाहिए। इसीलिए मैं ने 22 दिसम्बर, 1992 को लोक सभा में और 23 दिसम्बर, 1992 को राज्य सभा में एक वक्तव्यः दिया था। मीने कहा था--सर्वोच्च न्यायालय का जो अनसर्चित जाति, जनजाति के मामले में भी लागुहाता है, सरकार उनके हितों की सुरक्षा के लिए हर संभव कार्यवाही करेगी । मैं पनः अपने इस संकल्प को दोहराता हुं। मैं साफ बोलता हुं। मैंने दिया था उस दिन वक्तव्य, आप उठाकर दोख लीजिए, कि यहां तक अनुसूचित जाति, जनजाति का प्रक्त है और उनके प्रमोशन में आरक्षण को रखने का प्रश्न है, मैंने कहा था कि यह डिस्टर्ब नहीं होगा और मौने सभी प्रदोशीय सरकार को यह लिखकर भेज दिया है। श्री जिला शंकर ने, इहात विद्यान आदमी हैं, जज रह चुके हैं, मिनिस्टर रह चुके हैं, मित्र भी है।... (व्यवधान) . . . मेरे सभी मित्र ही और मी बताना चाहता हूं कि 🛺 (व्य**वधान**). 🗸

श्री संघ प्रिय गौतम (उत्तर प्रवेदा) : अब अलग-अलग खेमे में हैं, आए दासरी तरफ हैं, वेदूसरे समे में हैं।

भी सीताराम कोसरी : हमारे सहयोगी हैं, हमार मित्र हैं, हमार आदरणीय हैं, हमार

पूजनीय हैं, हमारे सब्कुछ हैं, मगर मैंने अगपसे कहा, आपने जो कहा, उस पर मैंने कहा कि हमारे और उनके बीच में कोई अंतर नहीं है। राजनीतिक परिस्थितिया आती ह, चली जाती ह<sup>ै</sup>, सामाजिक सबंध और भागत्व भाव ज्यों का त्यों बरकरार रहता है। अगर उसमें कही पर अवरोध होता है तो हम दोनों का दोष है, राजनीतिक और रामाजिक जीवन का दोष नहीं हैं। तो मैं एक बात और कहना चाहता हुं कि मेरी मानसिकता पर, मेरे उद्देश्य पर और नीयत पर विश्वास कोजिए और इसलिए मैं कहता हूं विश्वास कीजिए कि मेरा यह विश्वास है, काँल है कि पिछड़ी जाति, दलित जाति और मैं कहना चाहला हूं कि हर समाज में, हर धर्म में पिछड़े और निर्बल वर्ग है, उनकी ओर हम सभी का ध्यान जाना चाहिए, अगर सामाजिक विषमता का अंत करना है, लडना है। सत्ता और दल, ये गरीब और निर्बली की सेवाकाकाम है, सत्ताऔर दल उद्देश्य नहीं हैं। आज से 63 साल पहले जब मैं राजनीतिक जीवन में आया, में इस उद्देश्य से नहीं आया था कि मैं किसी दल विशेष का पदाधिकारी होउहंगा। मैं एक बलिदानी के रूप में आया था कि अंग्रेजों से लडना है और साढ़े सात साल अंग्रेजों के कारागार में मैं रहा हूं। आज फिर मैं आपसे निवेदन करना चाहता हुं कि कमियां हो सकती है, हमें बताइए, मैं स्वीकार करूंगा चाहे इसके लिए जो भी हमें मुकाबला करना एड़ें। मैं प्नः कहता हुकि जी एक्सपर्ट कमेटी का है, उस पर भी बहस होती चाहिए क्यों कि गरीकों का मसला है, किसी व्यक्ति का, दल का मसला नहीं हैं, यह राष्ट्रीय मुद्दा हैं। एक दीज मैं और निवेदन करना चाहता हों कि बीद्धिक स्तर पर गरीबों की लड़ाई, मञ्जूमों की लड़ाई, मूक प्राणियों की लड़ाई, दिसतों की लड़ाई, पिछड़ो वर्गी की लड़ाई, अल्पसंस्थकों की लड़ाई, ये मुक और स्लीपिंग समाज की लड़ाई लड़नी हैं, इसमें हम बृद्धिजीवी हमेशा बृद्धि से, ज्ञार से टकराकर इनके काज की पीछे करते आए हाँ ! इसलिए घेरा आपसे निवे**द**न हो। कि इस मेरी प्रतिबद्धता पर इत्मीना। कीजिए कि मंडल कमीशन के संबंध में सुप्रीम कोर्ट का

जो निर्णय हुआ है, उसका मैं अक्षरशः पालन करू गा और मैं आपको आश्वस्त करता हूं कि उसी दिशा मों, उसी इंडिट मों, उसी पृष्ठभूमि में, मैं पिछड़ा वर्ग आधोग का दिल लाया हुं आपके सामने ।

दूसरे, जहां तक मैंने कहा, एक्सपटी कमंटी की जो रिपोर्ट है, उस पर भी बहस काजिए। मैं कहता हूं कि उसमें खामियों को बताइए, मगर जिन लोगों ने उसे किया है, उनका एक अप्ता इष्टिकाण है, उनकी र्इमानदारी है, व काबिल आदमी है, मगर काबलियत में आप हमेशा देखें कि एक कोर्टका जलमेंट दूसरा कॉर्ट बदलता है। इसका मतलब यह नहीं कि एक कोर्टका अंज कमजोर हैं, दस्सरे कोर्ट का जज मजबूत हैं। या दूसरे कोर्ट का जज कमजोर है और इस कोर्ट का मजब्त है। योभ्यता में टकराव होते हैं, विचारों में महभेद होता है, तकों में मतभेद होता है मगर किसी के तक का जो तार्किक गुण है या बौद्धिक गुण है उसको हम ही कहाँ कि उसमें कुछ दम नहीं हैं, इसके पीछें कोई औचित्ये, भैं नहीं मानता। भौ इतना ही कहांगा। एक चीज और मैं कहांगा।

श्री संघ प्रिय गौतम : केसरी जी, उनके बारो में यह नहीं अहा कि वह इभानदार नहीं ह<sup>र</sup>ा . . . **(स्थव**धार्न)

श्री कीसाराम केसरी: आपने नहीं कहा है. 🍴 । आपने नहीं कहा है ।

श्री भी शिव संकर : किसी ने नहीं कहा

श्री सीताराम केसरी : आधने नहीं है। हमारे पास जो चीजें हैं, सब बता रहा हुं । सारी बार्ते कैने कह दीं, सारी चीजों की मैंने आपके साधने रख दिया । जो स्द्रदो उठे होँ, भौ उनका जवाब दांगा । भौने पृष्ठभूमि बताई है। हन्मनतप्पा साहब ने एक प्रश्न उठाया है कि क्या क्रीमी लेयर अनुसूचित जाति और जनजाति पर लाग् होगी ? उस जजमेंट में जैसा मैंने पढ़ा हैं, कहीं इसका उल्लंख नहीं हैं। इसलिए लाग् होने का कोई प्रश्न ही नहीं है। जैन साहब ने कहा है, जो सुप्रीम कोर्ट के मंजारिटी जजेज ने निर्णय दिया है, वह दूसरा है, जिन जजेज के बार में आपने किया है, इह अलग है। मैं पुनः कहता हूं, चूकि वह फौजदारी विषय आपने पढ़ा हुआ है। बड़ी मृश्किल से आज अवसर मिला है, समय मिला है कि बिल आज आपके सामने पेश कर दूं, चूंकि समय कम हैं, एंसी परिस्थिति में मैं यह कहांगा कि सुप्रीम कोर्टका जं मजारिटी अजेज ने जजमेंट दिया है, उसी को हमें लागु करना है और जजंज की बातों को हम लोग जरूर सम्मान और इज्जत करते हैं परन्तु बाइन्डिंग जो होता है वह है। इस दिशा में मैं एक बात और कह दूंकि जहां तक लिस्टों का सवाल है, 13 अगस्त, 1990 का जो एफिडें बिट हैं, यह 7 अन्नस्त की जो घोषणा है, उस समय एक लिस्ट की चर्चा हुई है। वह लिस्ट को अलावा जो 14 प्रदेशों में उसका कामन लिस्ट है। करीबन 12 या 13 स्टोट ऐसे हैं जहां कि लिस्ट नहीं है। उनको मैंने उस समय पत्र लिखकर कहा कि आप अपने स्टोट को लिस्ट बनाकर फरिन हमारे पास भेज दीजिए।

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अब्मोरा आपसे निवेदन है कि जितही दोरी और विलम्ब हो चुका है, उसको मद्दे नजर रखते हुए और मंडल कमीशन की रिपोर्ट पर सुप्तीम कोटों का जो जजमींट हो चका है, उस जजमेंट पर जिस तरह से मैं ने अवनी प्रतिबद्धता आपके सामने प्रकट की है उसको पूर्ण रूप से कियात्मक रूप दोने की और ग्रह भी मैंने कहा है कि एक्सपर्ट कमेटी की बहस जब यहां होगी और उसमें जें। अच्छी सुझाव होंगे इन दि लाईंट आफ सुप्रीम कोर्ट्स जजर्मेंट, डफनेटली हम उसके अनेसार सुधार करोंगे। एक बात हमारे शिव शंकर जी ने कही कि उनसे मैंने राय नहीं ली। मैंने हमेशा कहा है और आपसे हमेशा व्यक्तिसगत राय लेने के लिए तैयार हां। हम कभी भी एसे

नहीं रहे हैं कि राय नहीं लें। सभी लोगों से राय लेना चाहते हैं। आज भी हम कहते है कि जिन लोगों की अपनी राय है, हमें भोज दें। दोखिए, एक चीजु मैं बृतलाता हुं। एक मीटिंग अभी होनी है, एक्सपर्ट कमेटी में मैं बुलाने वाला भी हूं, सभी दलीं के जो लोग हैं उनसे बात करके, एक्सपर्ट In the कमैटी में औं उनके सझाव होंगे। background of the Supreme Court.

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हमें कोई एतराज नहीं होगा कि हम उसको माननं में हिचिकिचाहट दिखाएं। इन शब्दौं के साथ मैं जैन साहब से निवंदन करूंगा कि वह अथना प्रस्तान नापस लें और सदन इसी बिल को परित करे।

श्री सन्दर सिंह भंडारी: मुझे मंत्री जी से स्पष्टीकरण चाहिए । आपने प्रसाद कमेटी के ऊपर डिबेट की बात कही । प्रसाद कमेटी के स्टेटमेंट पर अभी कुछ स्पष्टीकरण मांगने की बात है। तत्काल आप कुछ स्पष्टोकरण द<sup>ी</sup>गे या डिबंट में अलग सम्य इस बात के लिए रखा जाएगा । मैं इसके बार में सरकार की वात जानना चाहता हुं।

क्षी सीताराम केंसरी: भंडारी जी, मैं चाहुंगा कि वह अलग हो। उस पर विस्तार से बातें होनी चाहिए । कीमी लेयर है, बैकवर्ड है, मोर बैकवर्ड है, ये दो∹ीन चीजें हैं। आप जानते हैं कि 13 अभस्त, 1990 का जो है, उसको स्प्रीस कोर्टने कहा कि इसको मानेंगे। फिर उन्होंने कहा कि वैकवर्ड और मीर बैक-वर्ड कर दो । फिर उन्होंने ऋीमी लंधर की बात कर दी। यह जरा संचिने की बात है। इसलिए मेरा अखसे नियंदन हैं कि एक्सपर्ट कमेरी पर अलग से डिबेट करोंगे। इस बिल को हो जाने दीजिए। आपका कमीशन वनने जारहाहै। देखिए,, मैं एक्स-पर्ट कमेटी को पहले लेता मगर मझे 10 तारीस को मिला और 15 तारीस ड<sup>3</sup>डलाईन थी सुप्रीम कोर्ट की । अगर हम नहीं दोते तो हम समझते हैं कि हम अपने कार्य की प्रतिबद्धता से च्युत हो जाते।

शीसुन्दर सिंह भंडारी: लेकिन कशीकन करोग क्या जब तक सफाई नहीं होंगी?

श्री सीताराम केसरी: कमीशन आप कर तीजिए, पास कर लीजिए, बाद में आपकी सारी चीजें आ जाएंगी। इन शब्दों के साथ में निवेदन करूंगा कि जैन साहब अपना प्रस्ताव वापस लें और सदन इस विल को पास करे।

ज्यसभाषीतः जैन साहब, विद्जा कर रहेहैं? भाषणान करके ऐसे ही विद-ड्राकर लॉ, अगर कर रहेहैं तो।

श्री जिनन्द क सार जैन : में विदड़ा फरू गा । But, Madam, Mr, Kesri is a very senior politician. Whatever he has said—I am sorry to make a frank admission here-I have not been able to understand because he has only said that everybody agreed to what he had said. During the debate points were made by various Members that what he was proposing was an imperfect legislation. The request was to improve and remove those imperfections, those faults in the legislation but he kept silence on that. As far as I am concerned, I made in my statement why I moved my motion of disapproval. I told the hon. Minister in the House that as far as my party is concerned, we will support any or every measures which is aimed at ameliorating the conditions of the Backward Classes. So, I will withdraw. But that will not be sufficient, that will not be enough for us to do this. My warning to the Minister through you, Madam, is that what he has brought forward is not a legislation which will stand, which will deliver us the goods. Now Mr. Kesri says, he will do it. We all know that he is not going to be there all the time. He may change the Department tomorrow. There may be some other Minister or some other person. (Interruptions). . .

SHRI S. JAIPAL REDDY (Andhra Pradesh): There may be some other Government.

DR. JINENDRA KUMAR JAIN: When we pass this, this legislation is going to stay in the statute book. The permanency of the statute book and this legislation is much more lasting than the Government. I don't question the sincerity of Mr. Sitaram Kesri. Member after Member complimented him personally. In spite of the insincerity of the Congress party he is the one who has been able to take it along. I congratulate him and compliment him. But my problem is that what he is asking this House to approve is not enough. It is imperfect. It is faulty. It will get bogged down in the procedures. That is why, after generating the unanimity of !he House, what he is going to give to the nation is not a good piece of legislation. With these words, I wish the backward classes, in spite of the insincere Government, will be able to seek whatever justice is due to them. Madam, I withdraw the motion.

The Statutory Resolution was, by level, withdrawn.

THE DEPUTY CHAIRMAN: I shall now put the motion moved by Shri Sitaram Kesri to vote. The question is:

"That the Bill to constitute a National Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2: DEFINITIONS.

THE 'DEPUTY CHAIRMAN: There are two amendments by Shri S. Madhavan.

SHRI S. MADHAVAN (Tamil Nadu): Madam, the list of backward classes is prepared by the Government, not by the Commission. Every State has got its own list. There are differences between the State list and the Central list. I would like to know whether the Government is going to consult the State Governments

before finalising the list of backward classes. For example, the first amendment of the Constitution came because of a case from Madras. A reservation order passed by the Tamil Nadu Government necessitated an amendment of the Constitution in 1951. The Government of Tamil Nadu has already written to the Government of India to implement the provisions of reservation in educational institutions run by the Government of India. But no reply has been given by the Minister. In regard to "creamy layer" there is one clause about the ceiling on land. The criterion is mentioned in the "creamy layer". The ceiling on land differs from State to State. The Government of Tamil Nadu has got 15 acres and Kerala has got below 15 acres. I want that this clause must be amended. I want that the State Government must be consulted before the list is prepared.

श्री सीताराम केसपी: यह सोंद्रल सींव-सेज का है। स्टेट गवर्नमोंट को भी हम लोगों ने लिख दिया है कि जब कोई तबदीली हो, हमको इंडिलेट करी और इसमों कोई फर्क नहीं है। जहां तक कीमी लेयर की बात है वह एक्सपर्ट कमेटी के लिए हैं, कमीशन की बात नहीं है।

THE DEPUTY CHAIRMAN: Mr. Madhavan, are you withdrawing your amendments?

SHRI S. MADHAVAN: Madam, 1 withdraw the amendments.

Amendments (1 & 2) were by leave, withdrawan.

THE DEPUTY CHAIRMAN : I shall 'now put Clause 2 to vote.

The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 : CONSTITUTION OF NATIONAL COMMISSION FOR BACKWARD CLASSES.

THE DEPUTY CHAIRMAN: There is one amendment by Shri Madhavan.

SHRI S. MADHAVAN: Why does the Government want to restrict the post of Chairman only to retired Supreme Court judges? People are afraid of Supreme Court judgements. There is one Clause that the man must have knowledge of backward classes. Is there availability of backward class people among retired Supreme Court judges? In the case of Supreme Court judges, the Clause is not clear. I want to know from the Government whether the Government will appoint only the backward class people from among the retired judges of the Supreme Court.

I request him to withdraw.

श्री **सीतारा**स **केसरी** : डिप्टी चेशरमैन फहोदया, यहां बैकवर्ड क्लासेज और नान-बैक्बबर्डक्लासेज का प्रश्न नहीं है। जिस समय आरक्षण का प्रश्न वाया था 1932 में गांधी जी को टाइम में विधान निर्माती परि-वद में स्वर्ण लोग थे जिनमें डा. शामा प्रसाद मुकजी, पं. जवाहरलाल गेहरू, दुर्गा-बाई, डा: अम्बेदकर और सरदार वल्लभ आइ पटोल। उसके बाद आप देखिएगा कि के. एम. मंत्री वर्षरह सब ने समर्थन किना। आप सप्रीम कोर्ट में ले लीजिए ये सप्रीम कोर्टका जजमें ट 5 में हैं उसमें भी बड़ी जातियों के लोग है बात यह है कि कमिट-मेंट का आदमी है कि नहीं, whether the intellectual is pro-poor or not, committed or not.इस पर ज्यादा मन्हांसर करता है। चाहे बह पिछड़े वर्गका क्यों तहा, अगर उसकी अप्रेच पो-रिच है तो मूझे नहीं मझे चाहिये जो हो-पअर हो, चाहिये ( प्रे:-बैकवर्डहा

The amendment was, by leave, withdrawn.

Clause 3 was added to the Bill.

Clause 4(Term of office and conditions of service of Chairperson and Members.)

THE DEPUTY CHAIRMAN: We shall now take up clause 4 of the Bill. There are two amendments, 4 and 5 by Shri Madhavan.

SHRI S. MADHAVAN: Madam, I beg to move:

4. "That at page 2, lines 37-38, be

5. "That at page 3, lines 1-2, the words "and stands so declared by a competent court" be deleted."

#### The question was proposed

SHRI S. MADHAVAN: Madam, this is not an elected post. It is a nominated post. The Government of India nominates members and Chairman. In routine drafting the word 'moral turpitude' is included. Now Government nominates a man and after nomination he goes to jail, what will happen? Why does the Government want to say whether he goes to jail for moral purpose or immoral purpose? Does it mean that Government will continue him as a member even after he undergoes imprisonment and if it is proved that it does not amount to moral turpitude? The hon. Minister knows that moral turpitude has not been defined at all. Different High Courts have given different judgements on this word. It is a nebulous word. Unlike legal norms. moral norms are somewhat nebulous.

The expression "moral turpitude" is not defined anywhere. No absolute standard can be laid down for deciding whether a particular act is to be considered as one involving moral turpitude. This is the observation of the High Courts. The term "moral turpitude" by its very nature is somewhat nebulous because it involves examination of an action in the light of the prevailing moral norms. They can vary from time to time, from society to society and even from individual to individual. This is the observation of the High Court judgement. Will the Minister take care so that people who underwent imprisonment are not allowed to continue as members of this Commission?

THE DEPUTY CHAIRMAN: You can go to jail for agitating. But that will not disqualify you. There is difference bet ween going to jail\_\_\_\_ (Interruptions) ...

श्री सीताराम केसरी : महादेशा, कमीशन के सदस्यों की नियक्ति में कई चीजें दोखनी अनिवार्य है। एक बात है आचरण । क्योंकि कमीवान में निगक्त, किसी सदस्य पर अगर पहले से किसी तरह की नजर जनता की है या देशवासियों की है, उसका अच्छाकाम भी लोगों का संशय की द्यांट दोता है। इसलिये कमीशन नियक्ति में तत्परता और अलट्नेस इस तरह के सभी प्रकार के विचार निश्चित रूप से रहाँगे। उसकी छवि रहाँगी कि यह प्रो-एअर हैं, प्रो-बैकवर्ड हैं, का पक्षधर है, इा बातों को मददनजर रखते हुए पूरा किया जायेगा । जहां तक छिवि का प्रदेन हैं, चरित्र का प्रदन हैं, आचरण पर निहिचन रूप से कोई वहीं होता चाहिए, एसे लोगों को होनाचाहिया । दोनों हैं। आपने यह जो अमेंडमेंट दिया है. अतराध है उसका वापस ले लें।

SHRI S. MADHAVAN: This is not before appointment. This is after appointment. That is my point. After appointment if a member goes to jail...

थी सीताराम केसरी : चाहे विफार । या आफ्टर हो, किसी भी स्टोज एमें लोग पाये जायोंगे. जायों में 👍

The amendnment was, by leave, withdrawn.

Clause 4 was added to the Bill.

PROF. SAURIN BHATTACHARYA (West Bengal): Madam, I could not follow what the Minister said. . . (Interruptions.) ....

THE DEPUTY CHAIRMAN: The Mimster very clearly said that anybody whose character. . . (Interruptions). . . Order please... (Interruptions) ...

PROF. SAURIN BHATTACHARYA: I mean, if I launch an agitation against the Welfare Minister himself and go to jail . . . (Interruptions)... I will lose the post of Chairperson if he so appointed me. . . (Interruptions)...

THE DEPUTY CHAIRMAN: That will not be considered. That is what he wants to say. Your character will not be involved. . . (Interruptions) ... It doesn't mean yours is bad character. . . (Interruptions) . . .

PROF. SAURIN BHATTACHARYA: It should be recorded.

THE DEPUTY CHAIRMAN: Yes, it is part of the records from the Chair that you are a good person. .. (Interruptions). . .

Clauses 5 to 1 were added to the Bill.

Clause 8 (Procedure to be regulated by the Commission.)

THE DEPUTY CHAIRMAN: Now, we shall take up clause 8 of the Bill. There is one amendment by Shri S. Madhavan.

SHRI S. MADHAVAN : Madam, I beg to move :

6. "That at page 3, line 36, *after* the word "behalf" the words "or duly authorised by the Commission" be *inserted*."

The question was proposed.

SHRI S. MADHAVAN: Madam, I want to seek one clarification from the hon. Minister. All orders of the Commission have to be authenticated by the Member-Secretary or the Member-Secretary can authorise any other officer. Here, in this kind of a commission, there is likely to be a dispute among the members. If the Member-Secretary is also a Member and he is absent, then nobody else can authorise any other person. In that case, how is the Commission going to implement its order? So, my amendment is. the Commission must have the power to authorise any of the officers of the Commission to authenticate the orders of the Commission.

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU): Madam, these powers are very much within the rules and the Member-Secretary can authorise any other member. There are four members in the Commission. So, there is no problem in that. There will always be a member.

THE DEPUTY CHAIRMAN: Has it been taken care of?

# श्री सीताराम कोसरी : अगर मेम्बर नहीं है तब प्रोसीडिंग जो है,

The procedure will be laid down by the Commission.

SHRI S. MADHAVAN: The Bill itself is very clear. You cannot frame the rules against the provisions of the Bill when it becomes an Act. It clearly says, "... the Member-Secretary or any other officer authorised by the Member-Secretary..." What will happen if that member is not there?

There may be a dispute between the Member-Secretary and the other members of the Commission. So, my point is, the Commission's order must be authenticated by any of the officers of the Commission authorised by the Commission and not by the Secretary.

SHRI SITARAM KESRI: Madam, that is there.

THE DEPUTY CHAIRMAN: That is what he said, "it is there."

SHRI TINDIVANAM G. VENKATRA-MAN (Tamil Nadu): Each member may hold a different view. What will the position if the members are at four corners?

. SHRI SITA RAM KESRI : There will be four members of the Commission and one will be the secretary. The members will be nominated by the Government. . . (*Interruptions*)

SHRI TINDIVANAM G. VENKATRA-MAN: I am on the aspect of decision. Suppose, four members have four different

viewpoints and there is no meeting point. Who will take the final decision? Whose opinion will prevail?

THE DEPUTY CHAIRMAN: Let the Commission be formed. Then, if there are any difficulties, the Minister will come before the House. You are putting the cart before the horse.

श्री संताराम केसरी: जहां तक चार मेम्बरों में मतभेद अगर हतेगा तो इस संबंध में कमी-शन एक प्रोसीजर तय कर लेगा कि डिफरन्स आफ ओपिनिदन किस तरह रखा जाए। फिर आ करके यह एक्डर्सिन होगा।

SHRI S. MADHAVAN : Madam, I would like to withdraw my amendment.

The amendment was, by level, withdrawn.

THE DEPUTY CHAIRMAN: I shall now put clause 8 to vote.

Clause 8 was added to the Bill.

Clauses 9 to 19 were added to the Bill.

Clause 1, the Enacting Formula, and the

Title were added to the Bill.

SHRI SITARAM KESRI : Madam, 1 move

"That the Bill be passed."

The question was proposed.

SHRI H. HANUMANTHAPPA: Madam,...

THE DEPUTY CHAIRMAN: I have got two other names on the third reading. So, Mr. Satya Prakash Malviya and Mr. Saurin Bhattacharya, are you withdrawing your names from the third reading in the light of the paucity of time and the urgency of the Bill

PROF. SAURIN BHATTACHARYA: Madam, you have given me a character certificate as a good person. And on Friday, this good person was excluded from the discussion on this Bill all of a sudden without any notification, so to say. There fore, I would like to take just a few minutes,

THE DEPUTY CHAIRMAN: Would you also like to say something?

SHRI SATYA PRAKASH MALAVIYA : Yes

THE DEPUTY CHAIRMAN: I will call you also.

PROF. SAURIN BHATTACHARYA: Madam, I should say from the side of my party that I support the reservation in jobs for other backward classes or as it is called, for the socially and educationally backward classes, including the provision that preference should be given to those who are economically backward.

Now the way the thing has been resolved by the Supreme Court has perhaps created further confusion instead of clarifying it, using the term 'creamy layer'. Now perhaps this 'creamy layer' will be removed which is at the top and which is at a healthy part of it. But I do not know how these individual persons will be enumerated. Certain criteria—not an objective criteria, I would say-has been stated here and the Supreme Court insisted that after completion of this identification of the 'creamy layer' should this policy of reservation be implemented. How long will it take? I want to know whether the Welfare Minister or the Government has any time-frame for this. That is one aspect.

The other aspect, Madam, is regarding reservation as such. Reservation to the Scheduled Castes and Scheduled Tribes has not yet been subject to such conditionalities even though in certain cases income limit is there. But fortunately or unfortunatelywhether indiscrimination is involved thereby or not, I do not know-in the case of Scheduled Castes and Scheduled Tribes, the Supreme Court, in the form of an obiter dicta, did say that even the Scheduled Castes and Scheduled Tribes would be subject to the 'creamy layer' theory who should first be identified and excluded and then it would be extended in their cases also. But reservation is one part of it. It was a matter of a decade within which time it was expected that social backwardness would be removed by taking energetic

steps to bring up all the citizens at one level. In our country, Madam, reservation has been the answer to all social evils and social ills. Every one supports this reservation. In the case, of earlier reservation also, the Constitution is continually amended by consensus, but the basic issue, that is, the improvement of the socially backward classes, lagged behind, being a burden on the country as a whole. How do we take away from it and get out of it? That is the problem, Madam.

Thank you.

THE DEPUTY CHAIRMAN: Mr. Hanumanthappa.

SHRI H. HANUMANTHAPPA: Madam Deputy Chairman, caluse 9 (1) is the crux of the Statement. After long years of waiting and after so much of an exercise, this Bill has come and we have high hopes in Sitaram Kesriji in implementing this. Fifty two per cent of the population of this country have much hope on this Commission and are expecting too much from the Government. Unfortunately, the power conferred on the Commission is only to delist and enlist the castes, nothing beyond that. So, I had requested in my earlier speech to give some powers to it. Who will monitor this? Will the 27% be given to these people? Who has to look after this? Once the National Commission for Backward Classes comes into being, the Department will not look at it. It would say, there is a Commission and that will take care of it. But, under this Commission, there is no power to verify as to who is getting this, whether it has been really given or not, whether the advertisements will come out or not, whether the applications will be called or not, whether they will be called for interview or not, and whether this reservation is implemented or not. There is nobody to look into this aspect, and there is no such power under this Commission.

Madam, I had requested in my earlier speech to add some more powers, instead of just delisting and enlisting the castes under Clause 9(1). Give some more powers of supervision and monitoring. Will the Government come out with certain

amendments to this Bill? We will pass it. But, as we go on, certainly the Commission requires certain more powers so that the real purpose of giving reservation to the Backward Classes is served.

THE DEPUTY CHAIRMAN: Some more teeth.

• SHRI JAGESH DESAI (Maharashtra) : More teeth and some more powers also.

श्री सत्य प्रकाश मानवीय : उपसभावित महोदया, इसमें दो प्रकार से पिछड़े वर्षी की सूची वियार की जाएगी। एक तो यह अधिकार आयोग को दिया जा रहा है, जो अयोग के फंग्शंस में हैं---

- "9(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or underinclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.
- (2) The advice of the Commission shall ordinarily be binding upon the Central Government.'

#### फिर आगे सेक्शन 2 (1) में कहा गया ह\*ै :---

- "II(1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.
  - (2) The Central Government shall,, while undertaking any revision referred to in sub-section (1), consult the Commission."

तो मेरी समझ में यह सूची तैशार करने का काम किन-किन जातियों को इसमें शामिल किया जाए या किन-किन जातियों की इसमें क्षं हटाया जाए, यह दोनों काम साथ-साथ चलोंगे। जो आयोग को अधिकार दिया

गवा दी, आयोग अपने कर्ताबा का पालन करने के बाद सरकार को अपनी राय देगा अपे कि सर्वोच्या सरकार को अपनी राय देगा अपे कि सर्वोच्या स्थान के निर्णय में कहा गया है। इसमें यह प्रावधान किया गया है कि जो कुछ भी आयोग अपनी राय देगा वह साधारण तौर पर सरकार पर बाध्य हांगी। दब केन्द्रीय सरकार जा सूची तैयार करेगी अपेर अपयोग भी सूची तैयार करेगा । मरी समझ में यह विराधाभास है। इसको मंत्री जो जरा स्पष्ट करेगे कि एक ही काम को अलग-अलग केन्द्रीय सरकार भी करेगी और कमी- अलग केन्द्रीय सरकार भी करेगी और कमी- अन भी करेगा, यह कैसे चलेगा?

उपसभापित महादेया, "उद्देश्यों और कारणों के कथन" में एक छोटो सी गलती है जिसमें सूधार कर लिया जाए। आपने जहां अंग्रेजी में परमानेट बाडी लिखा है दहां हिन्दी में इसके स्थान पर स्थानीय निकाय छप गया है। मेरा निवेदन है कि इसको स्थायी निकाय कर दिया जाए। स्थानीय निकाय का मतलब लोक्ल बाडी होता है।

उपसभाषित : ट्रांस्लेशन की गलती हैं। मालतीय जी हिन्दी के बहुत बड़े यिद्वान हैं, यदि वह कह रहें हैं तो मानना ही चाहिये।

श्री सीताराम केंसरी : उपसभापीत महा-दया, जहा तक भट्टाचार्य जी और माननीय सदस्यों ने एक्सपर्ट कमेटी को कहा है वह तो किमी लेयर का प्रश्न एक्सपर्ट कमेटी के अंतर्गत जैसे मैंने पहले कहा है, आयोग का, विध्यक का और एक्सपट कमंटी का निणंग अलग-अलग हैं। दूसरा मालवीय जी ने जो प्रक्न उठाया था यह आयोग सुप्रीम कोर्ट के निर्णय के अनुसार है, 340 के बनुसार नहीं हैं। इसलिए इसका टोथ बहुत ज्यादा है, हर चीज पर इसका (नर्णय मान्य होगा । ाह ठीक **है कि अगर सरकार नहीं** मानेगी, क्रिफर करोगी, तो उसको लोक सभा और राज्य सभा में आना पड़ेगा, सदन में बताना पडोगा कि क्या स्थिति 💕 । 16-151 RSS/94

ज्यस्थानि : हनुमन्तप्पाजी का भी वदाव हो गया ।

Now, the question it:

"That the Bill be passed."

The motion was adopted

THE DEPUTY CHAIRMAN: As We have got Railway Budget and a couple of Ordinances to discuss, a statement was made by hon. Sitaram Kesriji regarding socioeconomic criteria for exclusion of 'creamy layer' from other backward classes. There are about 15-16 clarifications to be asked. As Kesriji in reply to Mr. Sunder Singh Bhandari has said that he would like to have a fresh discussion on this issue, I request the Members that if they withdraw iheir clarifications, whenever he brings it for a proper discussion, we can then raise those matters, because seeking clarification! now would be overlapping the discussions we will have later. So, have I the permission of the

SHRI H. HANUMANTHAPPA: You have our permission.

SHRI P. SHIV SHANKER: The matter may go before the Business Advisory Committee for a fresh discussion on the expert committee report.

THE DEPUTY CHAIRMAN: The Parliamentary Affairs Minister will put it up before the Business Advisory Committee. So I have the permission of the House that we will have no clarifications. I do everything with the permission of the House.

Now, with the permission of the House, we will have discussion on the Railway Budget.

SHRI V. NARAYANASAMY (Pondicherry): You take the permission of the House for granted.

SHRI P. SHIV SHANKER: Why de you doubt us?

THE DEPUTY CHAIRMAN; Mr. Strang.

अपनी गाड़ी को स्टोशन से खाना करिया।