

to Rs. 60,000/- and Rs. 15,000/- respectively, etc. These modifications were to be made effective through amendments to the various rules made under this Act. Some of these amendments like revision in the ceiling of durable and non-durable furniture and extension in the retention period of Government accommodation after the demise of a Member were to be made effective from retrospective dates.

Normally, the rules made under the provisions of this Act are made effective from the date of publication in the Gazette. Hence, the question of giving retrospective effect to some of these facilities was examined in consultation with the Ministry of Law and Justice. The Law Ministry has pointed out that Section 9 of the Salary, Allowances and Pension of Members of the Parliament Act, 1954 relating to the power of the Joint Committee to make rules do not have a provision for giving retrospective effect to the rules to be framed under the Act and, therefore, these rules if given a retrospective effect will *be ultra vires* of the Act of 1954.

In view of the above, it was decided to notify the rules with prospective effect and to consider the question of amending Section 9 of the said Act to make a provision to give retrospective effect to the rules after following the due procedures.

Sir, the amendments in the rules relating to revised constituency allowance, office expense allowance, etc. have since been notified by the Lok Sabha Secretariat with prospective effect and will be available to the hon. Members of Parliament with effect from 12th December, 2006.

**THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN
ADMISSION) BILL, 2006—*CONTD.***

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Narayanan, please conclude. Your time is already up. Kindly conclude in one minute.

SHRI P.G. NARYANAN: Yes, Sir.

The Government is going to give 27 per cent reservation to OBCs only out of the increased seats in the educational institutions. Sir, what about the existing seats? There is no reservation at all for OBCs in the total existing seats. Are you really rendering social justice to the OBCs? It is not. So, I demand that 27 per cent reservation to OBCs should be implemented out of our total existing seats.

In the Schedule, Sir, eighteen Government institutions are exempted from the purview of the reservation. All the eighteen institutions are getting cent per cent grant from the Central Government. So, the SC/ST and OBCs are prevented to get seats in those eighteen institutions. Is it justified, Sir? Do you think that OBCs and SC/STs are not intelligent? They are intelligent enough; they are well qualified enough. You don't want the OBCs and other weaker sections to become scientists. Sir, it is very unfair. So, these eighteen institutions of excellence should also be brought within the purview of reservation. Sir, this is my demand. But I know this Government will not do this because the Government has no political will to do the justice, sir, I do not know why the regional parties like the DMK and PMK, which are constituents of the UPA Government, are not opposing this injustice done to the OBCs. They are interested only in themselves. They have no time to think about the welfare of the commonman.

Sir, the Bill may be passed in this House, but the society will not forgive this Government for this injustice done to the OBCs. They will teach a fitting lesson to them at an appropriate time.

प्रो. राम देव भंडारी : माननीय उपसभाध्यक्ष जी, भारतीय संसद के इतिहास में माननीय मंत्री जी का नाम अमर रहेगा। देश के जो 80 प्रतिशत पिछड़े और दलित हैं, उनके लिए मंत्री जी ने जो यह बिल-केन्द्रीय शैक्षणिक संस्था (प्रवेश में आरक्षण) विधेयक, 2006 सदन में प्रस्तुत किया है, वह एक मील के पत्थर के रूप में स्थापित होने जा रहा है।

महोदय, मैं इस महत्वपूर्ण ऐतिहासिक विधेयक का अपने दिल की ओर पुरजोर स्वागत और समर्थन करता हूँ। मैं अभिनन्दन करना चाहूँगा माननीय मानव संसाधन विकास मंत्री, श्री अर्जुन सिंह जी का माननीय प्रधानमंत्री डा. मनमोहन सिंह जी का यू.पी.ए. की चेयरपर्सन मैडम सोनिया जी का और समस्त मंत्रिमंडल का, जिन्होंने देश के 80 प्रतिशत पिछड़ों और दलितों की आबादी के मन में आशा और आकांक्षा का संचार किया है। लोक सभा में यह बिल सर्वसम्मति से पास हुआ, मुझे पूर्व विश्वास है कि राज्य सभा भी इसे सर्वसम्मति से पारित करेगी।

महोदय, संविधान के निर्माताओं को इस बात का एहसास था, इस बात का अनुमान था कि आजादी का लाभ देश के चंद मुट्ठी भर लोग, जिन्हें हम तथाकथित बुद्धिजीवी लोग भी कहते हैं, अपनी ताकत और तिकडम से ले सकते हैं। जो बहुसंख्यक आबादी है, जिसमें गरीब, शोषित, वंचित, पिछड़े व दलित हैं, उनको उनके अधिकारों से वंचित किया जा सकता है। इसीलिए संविधान के अन्दर ही शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लिए 22.5% आरक्षण की व्यवस्था की गई

हैं, न सिर्फ नौकरियों में बल्कि ससंद और विधान मंडलों में भी उनके लिए आरक्षण की व्यवस्था की गई है।

महोदय, मेरा मानना है कि संविधान में पिछड़े वर्गों के लिए भी इस प्रकार की व्यवस्था हो जानी चाहिए थी, लेकिन देर हो गई और इसी कारण से उनके साथ अन्याय होता रहा। अभी काका कालेलकर आयोग की चर्चा की जा रही थी, यह आयोग 1953 में बना और 1955 में उसकी रिपोर्ट दाखिल की गई, मगर किसी कारण से वह रिपोर्ट लागू नहीं हुई। 1978 में बी.पी. मंडल आयोग बना। बी.पी. मंडल आयोग की रिपोर्ट को रखा गया और 1990 में, जब विश्वनाथ प्रताप सिंह की सरकार बनी, तब जाकर उसमें मंडल आयोग की सिफारिशों को लागू करने का निर्णय हुआ।

महोदय, इस देश में ऐसे लोग भी हैं, जब इस प्रकार सामाजिक न्याय की बात होती है तो हमेशा उसको तिकड़म और पंच में फंसाते हैं। दो साल तक वह सुप्रीम कोर्ट में झूलता रहा और 1993 में जाकर मंडल कमीशन की रिपोर्ट या अनुशंसाओं को लागू किया गया।

महोदय, राज्यों में भी कमीशन बने। मुझे याद है कि कर्पूरी ठाकुर जी, जो बिहार के मुख्य मंत्री थे, उन्होंने मंगेरी लाल आयोग बनाया और उस आयोग की अनुशंसा पर उन्होंने बिहार में पिछड़े वर्गों के लिए न सिर्फ नौकरियों में, बल्कि कॉलेजों में भी नामांकन के लिए आरक्षण का प्रावधान किया। महोदय, अभी जनार्दन पुजारी जी कह रहे थे कि माननीय अर्जुन सिंह जी को इस बिल के लिए न सिर्फ गालियां मिली हैं, बल्कि उनके पुतले भी जलाए गए। बिहार में भी वही हालत हुई थी, मुझे याद है कि बिहार में भी कर्पूरी ठाकुर जी की मां, बहन, बहू, बेटे तक को गालियां दी गईं, रेलें जलाई गईं, बसें जलाई गईं, अत्याचार हुए और पिछड़े वर्गों के घर जलाए गए। वी.पी. सिंह जी के साथ भी यही बात हुई थी कि वी.पी. सिंह जी की भी मां-बहनों को गालियां दी गईं, उनके पुतले भी जलाए गए।

मैं यह कहना चाहता हूँ कि जो मुट्टी भर लोग हैं और जिन्होंने 80% से ज्यादा आबादी की सुविधाओं को हड़प लिया है, इस देश की सम्पत्ति पर, शासन पर, शिक्षा पर, कला पर, संस्कृति पर उनका अधिकार है, मोनोपली है और उनकी मानसिकता हमेशा जो गरीब लोग हैं, दबे कुचले लोग हैं, उनके खिलाफ रही है। उनको किसी प्रकार की सुविधा दी जाए, वे इसके हमेशा खिलाफ रहे हैं और तरह-तरह की तिकड़म करके उसे रोकने का काम करते हैं।

महोदय, अहलुवालिया जी यहां बैठे हैं, इसे अन्यथा नहीं लेंगे, लेकिन जब मंडल कमीशन लागू हुआ तो एक पार्टी ने क्या किया, कमेंडल का रथ निकाल दिया। मंडल कमीशन को डायल्यूट करने के लिए कमेंडल का रथ निकाला और उस कमेंडल के रथ ने पूरे देश में क्या किया? आग लगा दी। महोदय, पूरे देश में साम्प्रदायिकता की आग लगा दी। उन्होंने बड़ा भारी नुकसान किया, करोड़ों

अरबों रूपये की सम्पत्ति जला दी गई, लोग आपस में लड़ने लगे। एक प्रकार का साम्प्रदायिक दंगा पूरे देश में फैल गया। महोदय, यह दोहरा चरित्र ठीक नहीं है। हम बिल का सदन में समर्थन करते हैं और सदन के बाहर उसका विरोध करते हैं। मुझे याद है कि एक पोलिटिकल पार्टी की नेता एम्स जाती रही। महोदय, एम्स में डॉक्टर्स का एक ऐसा समूह है जो आरक्षण विरोधी है और वे लगातार एम्स में आरक्षण विरोध की हवा बनाता रहता है और यहां समर्थन करने वाली पार्टी पीठ थपथपाने के लिए एम्स जाती है। महोदय, मैं कहना चाहता हूँ कि मुख में राम बगल में छुरी, यह जो आपका तरीका है वह तरीका ठीक नहीं है। महोदय, मैं कहना चाहूँगा कि ऐसे लोगों से जो आरक्षण का विरोध कर रहे हैं, यह 80 प्रतिशत आबादी जिस दिन सड़क पर उतर जाएगी, उस दिन आपका विरोध ठहरेगा नहीं, आपको भागने का रास्ता भी नहीं मिलेगा। इसलिए जो सरकार कानून बनाती है, उस कानून को आप मानिए। महोदय, मुझे याद है कि 1990 में जब नौकरियों में आरक्षण देने की बात हुई थी, तो कुछ लोगों ने यह तर्क दिया कि नहीं-नहीं उन्हें आरक्षण की जरूरत नहीं है, उन्हें शिक्षित बनाइए, उन्हें शिक्षा में आरक्षण दीजिए और आज जब शिक्षा में आरक्षण दिया जा रहा है तो कह रहे हैं कि यह भी ठीक नहीं है। महोदय, मैं कहना चाहता हूँ कि योग्यता और प्रतिभा किसी जाति विशेष की सम्पत्ति नहीं है। अगर यह बात होती तो बाबा साहेब डा० भीमराव अम्बेडकर भारत के संविधान के निर्माता नहीं होते, क्योंकि वे एक अनुसूचित जाति में पैदा हुए थे, महोदय, अगर हम शुरू से ही, प्रारम्भ से ही उन्हें अच्छी शिक्षा दे, उनका अच्छी तरह से पालन-पोषण हो, उनके रहन-सहन की व्यवस्था हो, तो कोई प्रश्न नहीं उठता है कि वे ऊंची जातियां या जो भी अभिजात वर्ग के लोग हैं उनके समकक्ष खड़े न हों, ऐसा नहीं हो सकता है। मगर होता क्या है, आप देहात में चले जाइए। वहां स्कूलों की छतें नहीं हैं, पढ़ने के लिए टाट तक नहीं है और यहां आ जाइए, यहां दिल्ली के स्कूलों में देखिए, आलीशान बिल्डिंग्स हैं, बड़े व बहुत अच्छे फर्नीचर हैं, पढ़ाने वाले बहुत योग्य शिक्षक हैं और हम जब कहते हैं, बड़े व बहुत अच्छे फर्नीचर हैं, पढ़ाने वाले बहुत योग्य शिक्षक हैं और हम जब कहते हैं कि इन दोनों को एक जगह खड़ा कर दीजिए, महोदय, मैं कहना चाहता हूँ कि राष्ट्रपति भवन का जो घोड़ा है और किसी तांगे वाले का जो घोड़ा है, उनको साथ-साथ दौड़ा दीजिएगा और जब तांगे वाले का घोड़ा हार जाएगा तो कहिएगा कि इसमें प्रतिभा और योग्यता नहीं है। इस देश में यही हो रहा है। यही हो रहा है कि एक तरफ हम अच्छी शिक्षा दे रहे हैं और दूसरी तरफ शिक्षा की कोई व्यवस्था नहीं है और दोनों को कहते हैं कि साथ-साथ चलो। अहलुवालिया साहब, प्रतिभा की बात कर रहे थे और कह रहे थे कि मातम मना रहा है। कौन मातम मना रहा है? देश की 80 प्रतिशत आबादी ने 60 वर्षों तक मातम मनाया है।(व्यवधान)... आपने “मातम” शब्द का प्रयोग किया था जहां तक मुझे जानकारी है।

श्री एस.एस. अहलुवालिया : एक मिनट, मैंने जिस शब्द का प्रयोग किया था, उसका आप अपभ्रंश पेश मत करिए। मेरा शब्द का प्रयोग था क्योंकि 1951 में जब यह संशोधन लाया गया, अगर इसका इम्प्लीमेंटेशन उस वक्त हो गया होता तो हमारे देश में जो इंफ्रास्ट्रक्चर उसके बाद बना

और जो इंस्टीट्यूट बने, उसमें इस बफर का ख्याल रखा जाता था। आज तनाव की स्थिति होगी, एक तरफ लोग दीवाली मनाएंगे और दूसरी तरफ जरूर मातम मनाएंगे। यह मैंने कहा था।

प्रो. राम देव भंडारी : यही मैं कह रहा हूँ कि कब दीवाली मनाएंगे और क्यों मातम मनाएंगे। देश की 80 प्रतिशत आबादी 60 वर्षों से मातम मना रही थी उसकी कोई चिंता नहीं थी आपको। वे सदियों से मातम मना रही थी। महोदय, मैंने आपसे पहले निवेदन किया था। स्थिति यह है कि आज भी दलितों को गाजे-बाजे के साथ शादी नहीं करने दी जाती है, आज भी घोड़ों पर नहीं चढ़ने दिया जाता है। अभी दो-तीन दिन पहले की बात है, मैं राज्यों का नाम नहीं लूंगा, वे सज्जन हैं, नहीं, अभी जो कुछ उड़ीसा में हुआ है वह देख रहे हैं आप।(व्यवधान)...

आपने देखा है कि उड़ीसा में दलितों के साथ क्या हुआ है। ऊंची जाति के लोग आंदोलन पर बैठ गए हैं कि हम दलितों को मंदिर में नहीं जाने देंगे। और अहलुवालिया साहब यह कह रहे थे कि आरक्षण यहां नहीं है, ऐसी बात नहीं है। दस-पन्द्रह(व्यवधान)...

श्री एस. एस. अहलुवालिया : अजीब बात है, अगर 80 प्रतिशत खुशी मनाएंगे तो 20 प्रतिशत तो दुखी होंगे।(व्यवधान)...

प्रो. राम देव भंडारी : क्यों दुखी होंगे ?(व्यवधान)...

श्री एस. एस. अहलुवालिया : क्यों उनकी बात नहीं की जाएगी।(व्यवधान)...

प्रो. राम देव भंडारी : क्यों दुखी होंगे?(व्यवधान).... उनको समाज की वास्तविकता समझनी चाहिए।(व्यवधान).... आरक्षण(व्यवधान)....

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) : भंडारी जी, मैं आपको टोकना नहीं चाहूंगा, लेकिन मैं याद दिलाना चाहता हूँ कि आपकी पार्टी के सात मिनट है, दो स्पीकर हैं। आपने 10 मिनट ले लिए हैं और आपकी पार्टी से दो स्पीकर हैं।(व्यवधान).... प्लीज कन्क्लूड नाउ।(व्यवधान)....

प्रो. राम देव भंडारी : उपसभाध्यक्ष महोदय, मुझे याद है जो आप कह रहे हैं। मैं एक-दो बातें, डा. राम मनोहर लोहिया जी की कहना चाहूंगा।(व्यवधान).... डा. राम मनोहर लोहिया जी ने कहा था कि राजा का बेटा हो या भंगी की संतान, सबको शिक्षा एक समान। उन्होंने एक बात और कही थी – जितनी संख्या भारी, उतनी उसकी हिस्सेदारी। लोहिया जी ने कहा था, लोहिया जी ने बांधी गांट, पिछड़े पावें सौ में साथ।

(उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) पीठासीन हुए।)

यह मैं नहीं कह रहा हूँ, इस देश के महान समाजवादी नेता डा. राम मनोहर लोहिया ने कहा था।(व्यवधान)....

श्री एस.एस. अहलुवालिया : अगर आर्टिकल 45 को 1950 से लागू कर दिया होता, तो यह सवाल ही नहीं उठता ?(व्यवधान)...

प्रो. राम देव भंडारी : आप जो बात कह रहे हैं, मैं आपकी बात का स्वागत करता हूँ। मगर आप दोहरे चरित्र की बात कह रहे हैं।(व्यवधान)... यहां तो आप समर्थन करते हैं और AIIMS में जाकर लड़कों की पीठ थपथपाते हैं। यह दोहरा चरित्र है।(व्यवधान)...

श्री एस. एस. अहलुवालिया : आप ऐसा मत कहिए।(व्यवधान)...

SHRI V. NARAYANASAMY (Pondicherry): Ahluwaliaji, please do not disturb him in his speech. ...(*Interruptions*)...

प्रो. राम देव भंडारी : महोदय, मैं एक बात क्रीमी लेयर के बारे में कहना चाहूंगा।(व्यवधान)... इस देश में क्रीमी लेयर कौन हैं? इस देश में क्रीमी लेयर वह है, तो अब तक इस देश की मलाई सारी मलाई को खाता रहा है। माननीय मंत्री जी बिल उस तबके के लिए लाए हैं, जिसे सभी तक मट्टा भी नहीं मिला है। महोदय, शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लोगों के लिए आरक्षण है, लेकिन अभी भी क्लास वन और क्लास टू में ये लोग 15-16 प्रतिशत से ज्यादा नहीं है। अगर आप मलाईदार तबका उसमें रखेंगे नहीं, तो यह 15-16 प्रतिशत आरक्षण भी नहीं होगा और तिकड़म और पेंच लगाकर के आने नहीं देंगे और कहेंगे कि कोई सुटेबल कैंडिडेट नहीं है, और उन सभी पोस्टों को जनरल कटेगरी में ट्रांसफर कर देंगे। महोदय, इसीलिए मैं माननीय मंत्री जी को बधाई देना चाहता हूँ कि उन्होंने बिल में मलाईदार तबका नाम की कोई चीज नहीं रखी है।

महोदय, मैं एक शब्द के बारे में मंत्री जी से अनुरोध करना चाहूंगा। इसमें एक सरटेन शब्द आया है। मैं बिल देख रहा था, "to provided for the reservation in admission to the students belonging to Scheduled Castes, Scheduled Tribe and Other Backward Classes to certain education institutions..." महोदय, यह आया है। इस शब्द का अर्थ स्पष्ट नहीं है। अगर शब्द का अर्थ स्पष्ट नहीं होगा, तो इस देश में इतने पेंच लगाने वाले बुद्धिमान लोग हैं कि वे इस शब्द के माध्यम से ही पेंच लगाकर उसको उलझाकर इसको होने नहीं देंगे। इसीलिए या तो इस शब्द को विलोपित किया जाए या इस शब्द के माध्यम से ही पेंच लगाकर उसको उलझाकर इसको होने नहीं देंगे। इसीलिए या तो इस स्पष्ट किया जाए या इस शब्द के बदले में कोई दूसरा शब्द रखा जाए। महोदय, मैं यह जो Institution of excellence हैं, इनके बारे में कहना चाहूंगा....।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : आपका टाइम ओवर हो गया है।

प्रो. राम देव भंडारी : महोदय, पिछड़े वर्ग के लोग भी देखें, शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लोग भी देखें कि इस दरवाजे के अंदर क्या है? कौन सा करिश्मा हो रहा है, कौन सा चमत्कार हो रहा है? इस दरवाजे को आप बंद मत करिए, उनके लिए दरवाजे को खोलकर रखिए। शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स और बैकवर्ड क्लास के लोगों के लिए दरवाजे खोलकर रखिए। आप इसको फेजवाइज लागू नहीं करे। यह सरकार बिल्कुल संकल्पित है कटिबद्ध है और मजबूत इरादे वाली हैं। आपने एक बार जो फैसला ले लिया है, उसको तुरंत लागू कर दीजिए, इसको फेजवाइज लागू करने की कोई आवश्यकता नहीं है।

महोदय, मैं एक बात सच्चर आयोग के संबंध में भी कहना चाहता हूँ। उसकी निराशाजनक रिपोर्ट मुसलमानों के बारे में आई है। सच्चर आयोग ने अगर उन्हें विशेष अवसर देने के लिए नहीं कहा है तो वे धीरे-धीरे और पीछे चले जाएंगे तथा उनकी निराशाजनक स्थिति बन जाएगी। इसलिए मैं यह निवेदन करना चाहता हूँ कि सच्चर आयोग की जो रिपोर्ट आई है, उसको देखते हुए, उसके आलोक में मुसलमानों के लिए विशेष प्रावधान किया जाए, उन्हें विशेष अवसर दिए जाएं। महोदय, निजी संस्थानों में भी आरक्षण का प्रावधान होना चाहिए क्योंकि सरकारी संस्थानों की तुलना में निजी संस्थानों की संख्या बहुत ज्यादा है इसलिए निजी संस्थानों में भी आरक्षण का प्रावधान होना चाहिए। मैं आपके माध्यम से न्यायपालिका से अनुरोध करना चाहता हूँ कि वह देश में सामाजिक परिवर्तन और समानता का मजबूत आधार बने, जिससे देश के कमजोर वर्ग के लोगों को सस्ता और सुलभ न्याय मिल सके। मैं सरकार से अनुरोध करना चाहता हूँ कि न्यायसपालिका का संचालन ऐसा हो कि देश के सभी क्षेत्रों का, सभी वर्गों का इसमें प्रतिनिधित्व हो, दलितों, पिछड़ों और अल्पसंख्यकों का भी प्रतिनिधित्व हो। महोदय, आरक्षण की सीमा 27 प्रतिशत से आगे बढ़नी चाहिए। भारत में 52 प्रतिशत आबादी पिछड़ों की है और लगभग 25 प्रतिशत आबादी दलितों की है। आरक्षण की सीमा जो पचास प्रतिशत है। उस सीमा को तोड़कर इस सीमा को आगे बढ़ाना चाहिए। अंत में महोदय, मैं कहना चाहता हूँ कि सामाजिक न्याय के सिद्धांत पर आधारित दलितों, पिछड़ों को शिक्षण संस्थाओं में आरक्षण देना, उन्हें उनका संवैधानिक अधिकार और हक देना है, भीख, या दान देना नहीं है। देश का यह भारी तबका जाग गया है और अपने संवैधानिक हक के लिए संघर्ष करता रहेगा। कोई बाधा उसे इस संकल्प से डिगा नहीं कसती। माननीय अर्जुन सिंह जी का नाम इतिहास में अमर रहेगा। दलितों और पिछड़ों के लिए माननीय अर्जुन सिंह जी हृदय सम्राट बन गए हैं। सभी दलित और पिछड़े इनके दीर्घ जीवन की कामना करते हैं। इन्हीं शब्दों के साथ, माननीय मंत्री जी का आभार व्यक्त करता हूँ और आपका भी आभार व्यक्त करता हूँ कि आपने मुझे समय दिया। धन्यवाद।

SHRI K. KESHAVA RAO (Andhra Pradesh): Thank you very much, Sir. Before I really start, it is a great day. Nonetheless, let me also express my

reservations and also my own sordid feelings for the simple reason, as *Bhandariji* says, it is not somebody's mercy that is coming. That is not any high-piece thing that they are giving today after sixty years, or, six decades of 11 our independence, or, 3,000 years of our struggle that there is some kind of a munificence that they are handing over to us. This has been the right which has been denied to the people for all these years. And, the Republic should give us the strength to get up. It is true that the backward classes both as individuals and as a movement have been asserting for this day and have got it today, but, nonetheless, with all kind of reservations and shortcomings that you have in the Bill. I was wondering, Sir, we have given unto ourselves a Constitution which starts by saying 'We, the people of India given to ourselves the Constitution' which promises to give you the equality and liberty, both social and whatever it is, and fraternity. Who are these people about whom we are trying to talk? Have we ever realised, I am trying to appeal to Ahluwaliaji, these people who wanted to build this nation as a sovereign nation to be known as 'India' that is 'Bharat'? We must understand that we inherited a stratified society, a hierarchical society, where caste is a reality, where not only caste is a reality, caste discrimination is a reality. The cruel discrimination to which we have been subjected to for 3,000 or 4,000 years is a reality. What do we do? Why do we get a sovereign nation at all? Why do we get a free nation at all? Why do we fight for freedom at all? Why do we fight for independence at all? If we have to only suffer the same bondages, same chides, there would not have been all this kind of freedom struggle. If we have struggle, it was only to build a nation with egalitarian polity that, we have thought, would give us a new social order. That social order we are thinking when we have come back to give and implement and transform the promises that we have made in the Constitution and also promised to bring in a legislation that will bring in that kind of a new polity. We have to think of the society which is stratified. That exactly is the background that we must look into when we are looking to this kind of social legislations, coming through concrete king. Although I am congratulating the Minister here and share the sentiments expressed by most of the people, as an activist of the movement, I have my own tears to shed. I have not been understanding why, all of a sudden, you have come out with a great promise, is withdrawn, even after Moily telling us that there is no question of getting back, and again the gentleman says that it will bulldoze the quotas Sir, I am trying to make this debate go beyond the debilitating stand-off between

merit and social justice. But I will take it up later. But, nonetheless, if we are to look at the society in which we live and understand and realise and also try to live up to our own promises made to the people during the freedom or later through the Constitution, we would realise that this kind of legislations are not only a must, but are inevitable also. Even the people who opposed, earlier, today know the inevitability of such legislations, though they may not immediately accept it. This really makes us realise to come to the background which Mr. Ahluwalia has said I have been listening to him with rapt attention because he was the only hon Member who had been trying to put some kind of critical evaluation to the entire thing. But I have not really understood what exactly he was trying to make except saying *muthibhar* people. If 78-80 per cent of the people are *muthibhar*, and 15 per cent are all that make this country, if that is the diversity, which always ensures equality, that is the diversity that makes a nation, then I am really sorry for the kind of promises that we have made to them, both constitutionally and in this august House.

SHRI S.S. AHLUWALIA. Can you yield for a minute'?

SHRI K. KESHAVA RAO Yes.

SHRI S.S. AHLUWALIA: In the initial remarks of my speech I said that whatever you were saying was about oppression of 3000 years, and then saying that they were deprived for the last six decades That proves my logic I said that when the first Constitution amendment came in 1951 why it was not brought at that time Why article 45 is not implemented till today *in toto* where we can educate our entire"population?

SHRI K. KESHAVA RAO: Thank you

SHRI S.S. AHLUWALIA: We are duty bound to do that *(Interruption)* You first accept that in the last 56 years you have not done this thing, and then you proceed.

SHRI K. KESHAVA RAO: I express.. *(Interruption)*. I think if I were to be right in my own expression, then I should have gone to your mind first If we have followed the 1951 amendment, there was no need for this amendment today. That is my feeling and that is my stand on it. In 1951, Pandit Jawaharlal Nehru brought clause 4 to Article 15.It ensures that any one who is socially and educationally backward could as well be brought in to this line. That is what I said For six decades, we have waiting for it.

SHRI S.S. AHLUWALIA: That was my logic.

SHRI K. KESHAVA RAO: That should not make Mr. Ahluwalia to say: Is it to divide the society? It is not to divide the society. It is an inclusive polity to which we are committed. It is an effort to bring all the people who are being thrown out, who are not even looked at all, whose tears cannot be seen by our eyes, and whose voice cannot reach you.

Sir, today, the Tribal Bill is coming in the afternoon. There are 3.8 per cent of the people living in those areas whom you have not seen. It is not motorable at all. And here, we come to power, and pass legislations in their name too. That is what exactly the conditions of the OBC today. We must understand this. I am not going to take much time. I would only say there are three questions before us today. One, I say this was long overdue Bill. This is something which should have come before us much earlier. This should have really strengthened the polity. When I say this only strengthens the egalitarian polity, I would say that you have raised three questions. One is: do these quotas rectify inequalities and what is the global experience? Sir, with some kind of experience and with some kind of authority and having been a Member of many Committees, which have been looking into these issues, including the OBC Committee, let me tell you one thing. If you look into the NCERT Reports or almost all other reports in the country on the subject, if you look into South Africa or any report in America, you will find that they vouchsafe for the fact the inclusiveness and trying to take the minority along will strengthen the quality of life, quality of education, and quality of the polity. I am not trying to quote from record. I have many things to tell you but constraint of time prevents me. But what I am trying to say with all possible emphasis is this. That having placed, having promised to bring some kind of an egalitarian society of inclusiveness, we need to look into these issues from a broader perspective. Why exactly I am hurt today is because having passed a unanimous constitutional amendment in this very House, months back, having expressed the will of the people of the sovereign through this House, we had to delay this measure. We had to delay the introduction of this Bill only because some people were shouting and dancing in the streets against the Bill. Whether there were 'event managers' who were managing them or whether they were mere 25 or 100 people—I don't know, but, they were young misguided people for whom we had to come back to this House, delaying the process Sir, don't you think, today, I have a right to ask in the

House: If you are thinking to stagger or phase the twenty-seven per cent reservation that you had promised to us, is it not necessary that such phasing can take place for the people who are already in the institutions? Give us a chance first so that we can be brought in first and they can come later. It is not thought of because nobody cries on our behalf; nobody shouts on our behalf. Only we cry, but that cry does not reach you. As Bhandary Saheb very rightly said, it is not about merely opening the gate. I am reminded of a great speech of Lyndon Johnson, which laid the foundation for affirmative action in America. He said that after unchaining a slave after sixty years, if you bring him to the starting line of a race and say: "You are free and join the race", and ask him to run and open the gates—Johnson said, opening the gate is not enough. Make him able to walk out of the gate is more necessary than opening the gates. It is not simply the legislation I want the psyche of this legislation to be understood; what exactly you are thinking. It is very true that we could not have reached to education at all. Sir, in a country where we could not have been touched the books, four thousand- years back, you expect us to compete with them, who are privileged. Still, we are competing, we are successful, thanks to amendment to the Constitution and later legislations or measures or liberal attitude that helped the situation to change.

Now, I come to 'merit'. What exactly is the merit, that you are all drumming about? Is it the examination—a merit that you are talking about? Or is it the knowledge or is it some kind of my passing out of a test? I will talk about two-three things. If it is examinations, let me tell you; I am an academic myself. Thirty-three lakh people appear for four thousand seats in IITs. What do you think an examiner will look into the papers? Just imagine how would he look into the papers! There have been lot of deliberations on the type of examinations that we have. It is only luck that if questions that you know come in the question paper on that particular day and you are able to answer them, you get first class. Having the expertise of a subject that you have studied—if those questions do not appear, you are gone. The examination system has always fraught with these dangers and affect our standards. So, examinations do not give correct assessment and merit.

Now, coming to the Knowledge Commission, let the communications and information experts come and tell us that information and communication are all that make knowledge. Let my friend, Mr. Pitroda, know, without any disrespect to him, as a good friend of his, let me tell

him that information and communication are only a tool to knowledge and not the knowledge *per se*. His friend, Nandon, must also understand that it is wrong to say that if these two things are lacking, the knowledge does not exist. In the traditional India, various artisans have been looked upon in high esteem all through the history, because of their traditional knowledge—the artisan knowledge. They sustained the country through their knowledge. So, let us not mix up knowledge here with mere information.

Now, Sir, the third point about merit. Sir, today, one is seeking an entry into a school or college. A cut-off mark is already there. I have to have 55 per cent of marks to apply for an admission. Other man might have got 98 per cent. How he got 98 per cent and how I got 55 is already explained. I will tell you. Go and ask the examiner about the conditions of examination, in a village school or a high school. Having obtained the cut-off marks, if both of us are applying for admission, you give me a chance (*Time bell*) and give me training for five years, I will prove worthy. What do I do if I am pursuing an MBBS course? Both of us are answering the same question paper: both of us are writing on the same answer book; both of us are using the same kind of pen; and both of us are using the same room. Both of us are using the same desk. How, I started and how I went, is another question. This will take you to a very interesting thing, Sir. In the engineering courses in the Tamil Nadu and Andhra Universities, I will just give you a figure about Computer Engineering. The OC candidate got 97 per cent marks, the BC got 96 per cent marks and the MBC got 93 per cent marks. The figures run like that. Again, in Electronics, a candidate from the OC got 97 per cent marks, the BC got 96 per cent marks and the MBC got 92 per cent marks. In Electrical Engineering, they got 95 per cent, 95 per cent 91 percent marks.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Keshava, you have already taken 14 minutes. There are 4 more speakers from your party.

SHRI K. KESHAVA RAO: If you want me to sit down, I will sit down.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please try to conclude.

SHRI K. KESHAVA RAO: One question is, having crossed the merit barrier, let us come to what exactly you are thinking of the money. Everybody is trying to say the kind of expansion they are now envisaging through this Bill. Somebody says, it is Rs. 4,000 crores or Rs. 8,000 crores or 20,000

crores or 40,000 crores. Whatever it is, if NTs were to get Rs. 40,000 crores to expand their higher education only in the name that some Bill is coming in, that Rs. 80,000 crores are going to the OBCs to have special courses, I will try to remind Ahluwaliaji what Pt. Jawaharlal Nehru had said because he has referred to Pt. Nehru's words in those days when he moved that amendment, clause 4 to article 50. He said: They need more special concessions. This money could have gone or, at least, now, since you have already thought of this, try to think of equal amount, and some kind of adequate amount goes to a scheme which Members here have been asking for the children for the primary and secondary education. Sir, all that we need is, give us a good beginning, give us some training too, some facilities that you think you are entitled to, and you immediately think 'I am not entitled to'.

Mr. Vice-Chairman, Sir, I submit a last word. Today, everybody knows that a Bill is before us; everybody knows that a Bill has been passed by the Lok Sabha, yet the agitation goes on. for what? Their seats are protected, their position is protected, their very schooling is protected, yet they are agitating and they are in the streets. Why? It is because they do not want these sections to come and join the institutions like that. This mindset, this psyche, need to be fought. This Bill is not just giving me an admission to IIT, and today, I am taking the coloured papers to get me the admission, whether it is UPSC or IIT. IIT Ahmedabad still has coloured examination admission papers to give. My son, when he went to join that institute, I asked him not to join that institute. I said, better do any engineering. He has done it after having qualified it This kind of humiliation should not be there. That is what I am saying. Effacing the human spirit or getting subjected to this kind of hostilities will not do. Since the UPA Government, is committed as it is, to the upliftment of the poor in all walks of life, particularly education, let us join as Members of Parliament, as representatives of people, as people ourselves, as citizens, to see that the spirit of inclusiveness, the spirit of human fraternity which we have enshrined in the Constitution really shines. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Gandhi Azad. Please be brief. Actually, your time is only 4 minutes. If you can limit your speech within that time, I will be grateful.

श्री गांधी आजाद (उत्तर प्रदेश) : धन्यवाद महोदय, मैं समय का ध्यान रखूंगा। मैं केन्द्रीय शैक्षणिक संस्था (प्रवेश में आरक्षण) विधेयक, 2006 का स्वागत करते हुए, समर्थन के लिए खड़ा हूँ।

महोदय, आरक्षण कोई भीख नहीं है, यह एक भागीदारी का मामला है। आरक्षण कोई एहसान भी नहीं है, यह एक संवैधानिक अधिकार है। मेरी राय में तो यह आरक्षण बहुत पहले हो जाना चाहिए था। मेरी राय में आरक्षण में हुई देरी के लिए सत्ता-पोषक दलों को प्रायश्चित भी करना चाहिए। आरक्षण मनुस्मृति की देन है। इंसान और इंसानियत का गला घोटा गया था एंवम मानवता का हनन किया गया था। संविधान के शिल्पकार बाबा साहब डा. भीमराव अम्बेडकर ने आरक्षण का संवैधानिक अधिकार देकर, उसकी व्यवस्था करके इंसान और इंसानियत की बहाली की और कराहती हुई मानवता का उद्धार किया। मेरी राय में इस देश के हर नागरिक को आरक्षण का समर्थन करना चाहिए और समर्थन ही नहीं, पूर्ण सहयोग करना चाहिए। असहयोगी साथी, मेरी राय में, संकीर्ण मानसिकता के पोषक है।

महोदय, बाबा साहब डा. अम्बेडकर ने सेपरेट सैटलमेंट की आवाज लगाई थी। उस समय कांग्रेस के लोगों ने कहा था कि 10 वर्षों के अंदर हम आरक्षण पूरा कर लेंगे और इस देश में ऊंच-नीच, छोटा-बड़ा, छूत-अछूत की जो खाई है, उसको समाप्त करने का उन्होंने वादा भी किया था, किन्तु मुझे खेद के साथ कहना पड़ रहा है कि आज आरक्षण सही नीयत से पूरा नहीं किया जा रहा है, बल्कि तथाकथित सत्ता के पोषक लोग आरक्षण द्वारा अपना संरक्षण करने का काम कर रहे हैं। मेरी राय में सामाजिक विषमता का यह जहर जब तक देश के किसी भी कोने में विद्यमान है, तब तक आरक्षण की व्यवस्था लागू रहनी चाहिए। इसीलिए मैं मान्यवर श्री कांशीराम जी के उस नारे को उद्धृत करना चाहता हूँ, जिसकी आज इस देश को जरूरत है, -जाति तोड़ो. समाज जोड़ो।

मान्यवर, योग्यता के पक्षधर लोगों से मैं सवाल करना चाहता हूँ कि डोनेशन के द्वारा जो ऐडमिशन होता है, यह कौन सी योग्यता का आधार है? पैसे के बल पर योग्यता का दम भरने वाले डाक्टर पैसे के लिए कैंची और तौलिया पेट में छोड़ने का काम करते हैं और पैसा, पुनः दिया जाता है तो वह कैंची-तौलिया पेट से बाहर निकलता है, अन्यथा पैसे के अभाव में मरीज को जान भी गंवानी पड़ती है।

महोदय, भारत को दुनिया के देशों की लाइन में खड़ा करना है। और भारत को गौरवशाली राष्ट्र बनाना है तो केवल शिक्षण संस्थाओं में आरक्षण देने से काम बनने वाला नहीं है। मेरी राय में आरक्षण और जगहों पर भी देने की जरूरत है। इस विधेयक में भी 18 संस्थानों को आरक्षण से वंचित रखा गया है, इन संस्थाओं में भी आरक्षण देने की जरूरत है। देश के हर क्षेत्र में – कृषि, इंडस्ट्री, निजी क्षेत्र, शिक्षा, उच्च शिक्षा, व्यापार डीलरशिप, न्यायालय और अल्पसंख्यक संस्थानों

तथा विधान परिषद और राज्य सभा में भी आरक्षण देने की जरूरत है। महोदय, इसीलिए मैं समझता हूँ कि आज देश को मान्यवर श्री कांशी राम जी के इस स्लोगन की भी जरूरत है, उन्होंने कहा था — जिसकी जितनी संख्या भारी, उसकी उतनी भागीदारी। इस स्लोगन को अमल में लाकर भारत की प्रगति सुनिश्चित की जा सकती है और भारत का निर्माण किया जा सकता है।

इसी आशा और प्रत्याशा में, मैं अपनी तरफ से और अपनी पार्टी, बहुजन समाज पार्टी की तरफ से, इसका समर्थन करते हुए चन्द पंक्तियों को सुनाकर अपनी बात समाप्त करना चाहता हूँ। यह योग्यता का दम भरने वाले व्यक्तियों के लिए है कि :-

तुम मेरे हाथ-पांव बांधकर कहते हो
कि आगे दौड़ आओ।
पहले मुझे अपनी बराबरी में आने दो
फिर चलाओं योग्यता के तीर मुझपर,
यह तीर मेरे सीने से टकराकर
लौट जाएगा तुम्हारे श्वान मुख में,
वीर एकलव्य के तीर की तरह।

धन्यवाद।

THE VICE-CHAIRMAN (PKOF. P.J. KURIEN): Thank you very much, Mr. Gandhi Azad, for confining to the time. Mr. Ravula Chandra Sekar Reddy. Your time is also four minutes. Please try to finish within four minutes.

SHRI RAVULACHANDRASEKAR REDDY (Andhra Pradesh): I will try, provided the House cooperates.

THE VICE-CHAIRMAN: I will ensure that.

SHRI RAVULA CHANDRASEKAR REDDY: Mr. Vice-Chairman, Sir, I rise to support this Bill. This Bill provides reservation to the backward classes; whereas our Constitution provides reservation to the socially and educationally backward classes. My party is committed for the uplift of weaker sections, more particularly of SCs, STs and backward classes. This Bill provides reservation in Central educational institutions to the extent of 15 per cent for Scheduled Castes, 7.5 per cent for Scheduled Tribes and 27 per cent for OBCs. As a matter of fact, reservation to OBCs has already been provided in my State. When my leader, Shri NT. Rama Rao was the

Chief Minister in Andhra Pradesh, he not only provided reservation to the backward classes in educational institutions, but also in the local body elections for the first time in the country. No other State has provided reservation for OBCs in the local bodies in the country. For the first time, my leader late NT. Rama Rao, did it in Andhra Pradesh.

Sir, the enactment of law is one thing, but its implementation is the most important thing. I would like to know from the hon. Minister: "You are getting this legislation passed, but what will happen to its implementation?" Last week, in Andhra Pradesh, in an incident nearly 100 students belonging to the Left Party were beaten up very badly. They were demanding...

SHRI PRASANTA CHATTERJEE: We are always beaten up.

SHRIRAVULA CHANDRA SEKAR REDDY: But still you are supporting them. They were beaten up very badly for the simple reason that they were demanding scholarships. On the one hand, you have come forward with this legislation and on the other hand you are not providing the required facilities to them.

THE MINISTER OF STATE IN THE MINISTRY OF MINES (DR. T. SUBBARAMI REDDY): There was some lack of communication.

SHRI RAVULA CHANDRA SEKAR REDDY: Do you want to communicate through beatings? (*Interruptions*).

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please address the Chair.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, he is a Minister. He should be ashamed that student were beaten up in Andhra Pradesh for scholarship.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please address the Chair.

SHRI RAVULA CHANDRA SEKAR REDDY: He wants to champion the casue of.. (*Interruptions*).

SHRI V. HANUMANTHA RAO: Sir, I myself have condemned this incident. (*Interruptions*).

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, I appreciate that he has condemned this incident. But the hon. Minister says, "There was lack of communication". He wants to communicate with the people through beatings.

SHRI V. NARAYANASAMY: Sir, the hon. Member should speak on the subject. He should not deviate.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, it is definitely part of the Bill. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You say what you want to say. Don't look at them. You address the Chair. Don't react to them.

SHRI RAVULA CHANDRA SEKAR REDDY: I am not deviating. The Bill provides reservation to the OBCs in Central educational institutions. What is the intention of the Government to strengthen them? Sir, there is a provision for providing money to the States to give scholarships to OBCs. What has happened to that money? They are diverting this money to some other schemes. We raised this issue in the Assembly. We raised it on different platforms. But the Government is not responding to that. The welfare programmes have gone to the winds in Andhra Pradesh. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Don't try to take up this issue.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, I am willing to share the information.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): They don't want to say anything. You make your point. (*Interruptions*). Mr. Narayanasamy, Please sit down. You can reply when your chance comes.

SHRI V HANUMANTHA RAO: Sir, there are a lot of other issues. Why is he deviating from the subject?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You can reply when your chance comes.

SHRI RAVULA CHANDRA SEKAR REDDY: I request them to take action against the erring people. Now I would like to quote some statistics.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You address the Chair. Don't address them.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, they are diverting my attention. I get inspiration from them.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Don't get diverted Please don't divert his attention.

SHRI RAVULA CHANDRA SEKAR REDDY: In 2005-05, 3,30,650 OBC students applied for scholarships and the Government of Andhra Pradesh sanctioned 16,275 scholarships.

SHRI K. KESHAVA RAO: Sir, I am on a point of order...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Under what rule? *(Interruptions)* You quote the rule...*(Interruptions)* You are within your right to raise a point of order, but under what rule? *(Interruptions)*

SHRI K. KESHAVA RAO: Not quoting the rule does not take away my right to intervention...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): If you want to raise a point of order, then, you should quote the rule... *(Interruptions)*

SHRI K. KESHAVA RAO: If he is quoting some figures, he must inform the House whether he is quoting it rightly or not.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You have made your point. Now, sit down. And, that is not a point of order. Mr. Reddy, please address the Chair and try to conclude. You speak on the Bill, and please don't get distracted.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, this is a part of the Bill. What is the intention of the Government in bringing forward this Bill? The number of scholarship given to students was 16,275 and the number of pending applications is 3,14,375...*(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Why are you getting distracted? You address the Chair. You are unnecessarily inviting trouble. Don't do that. There is not time. That is what I am worried about. The Bill has to be passed by 4.00 p.m.

SHRI RAVULA CHANDRA SEKAR REDDY: sir, being the PCC President, I thought he might advise his own Government. Instead of beating the people and shooting at the students, let them be provided with scholarships. This year, only 4.92 per cent of the students were given scholarship, and you try to claim that you are the champion of OBCs! Is it an achievement after about 60 years of independence? They are in

[18 December, 2006]

RAJYA SABHA

Government both at the Centre and in the States. I demand that there should be an inquiry about the diversion of funds meant for OBC, SC and ST students. The money is being diverted to some other programmes, and they are taking commissions out of the funds so diverted. *...(Interruptions)* I do stand by the figures...*(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please take your seat.. *(Interruptions)* Mr. Reddy, your time is over. You have already taken eight minutes.

SHRI RAVULA CHANDRA SEKAR REDDY: Take out the time of interruptions..*(Interruptions)*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Ravula Chandra Sekar, issues concerning States would be arised by the MLAs in the State Assembly *...(Interruptions)* You kindly listen to me *...(Interruptions)* Your time was for four minutes, and you have already taken eight minutes..*(Interruptions)* You are a senior leader, and don't behave like this.

SHRI RAVULACHANDRA SEKAR REDDY: The Government of India is providing funds to the State Government, but they are diverting the funds. I demand that there should be an inquiry into it. I also demand that there should be an evaluation of programmes sponsored and financed by the Government of India. This fund is being diverted for some ulterior motives. This is my allegation.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, take your seat. Your time is over, you have already taken eight minutes instead of four minutes.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, Take out the time of interruptions.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay, one minute more.

SHRI RAVULACHANDRA SEKAR REDDY: This is not the case of this year alone. Last year also, they gave scholarship to only 11.24 per cent of the OBC students. Is it an achievement? For this, the Members of that side are praising the Minister. I am unable to understand this. Students are agitating on the streets; they call on the CPI(M) for their support. Last Friday, the stdents, supported by the CPI(M), were beaten badly, and they

3.00 P.M.

were admitted into hospitals. And you make loud speeches here appreciating the Minister as if everything has been done. Certain things have been done only on paper, but they have not been implemented in practice.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, please conclude.

SHRI RAVULA CHANDRA SEKAR REDDY: I request the hon. Minister to see to it that the funds are properly utilised, and it reaches the targeted people. With these words, I conclude.

श्री अली अनवर (बिहार) : उपसभाध्यक्ष महोदय, अभी जिस विधेयक पर चर्चा चल रही है, इसके बारे में कई माननीय सदस्यों ने कहा है कि देर से लाया गया है, मेरा भी ऐसा ही मानना है, लेकिन यह भी मानना है कि यह आधे मन से लाया गया है। आधे मन की बात मैं इसलिए कर रहा हूँ कि आपको याद होगा जो पिछला संविधान संशोधन है, वह इसी बात को लेकर के आया था कि निजी क्षेत्रों में आरक्षण लागू किया जाएगा, लेकिन बड़े दुख की बात है कि यह जो विधेयक आया है उसमें निजी क्षेत्र के शैक्षणिक संस्थानों में आरक्षण की बात नहीं है।

महोदय, आप जानते हैं कि जो सरकारी शैक्षणिक संस्थान है, तालीमी इरादें हैं, उनकी तादाद बहुत कम है, ज्यादा निजी क्षेत्रों में ही है और वहीं पर यह आरक्षण लागू नहीं किया गया है। हालांकि यह जो विधेयक आया है, इसका हम अपनी तरफ से, अपनी पार्टी की तरफ से समर्थन करते हैं, लेकिन इस पर ऐतराज भी जाहिर करते हैं कि इसको निजी क्षेत्र में लागू नहीं किया जा रहा है।

महोदय, इसी बात को आगे बढ़ाते हुए, हम कहना चाहते हैं कि जो माइन्नारिटी के तालीमी इरादे हैं, एजुकेशनल इंस्टीट्यूशन हैं, उनमें इसको लागू नहीं कर रहे हैं। हमारी यह गुजारिश है और हम पूरे सदन का ध्यान इस ओर खींचना चाहते हैं और माननीय मंत्री जी नहीं है, लेकिन उनके दल के दूसरे माननीय मंत्री जी और माननीय सदस्य बैठे हैं, उनका हम ध्यान खींचना चाहते हैं कि एक बहुत बड़ी नाइन्साफी, एक बहुत बड़ा अन्याय आप कर रहे हैं। मुसलमानों का जो पसमांदा तबका है, जो ईसाइयों का पसमांदा और दलित तबका है, उनके इरादों में, हम यह मानते हैं कि आर्टिकल 30 में माइन्नारिटीज को अपने तालीमी इरादे खोलने और चलाने का हक प्राप्त है। हम उसके पक्ष में हैं कि उनका माइन्नारिटी स्टेटस बरकरार रहना चाहिए। लेकिन इसका मतलब यह कतई नहीं है और कोई भी संवैधानिक बाधा नहीं है कि उस इरादे को, जिस माइन्नारिटी ने खोला है, उसको उस संस्थान में आरक्षण इरादे हैं, उनमें उस माइन्नारिटी के जो पसमांदा तबके हैं, ओबीसी के लोग हैं, कल को वे दलित में जाएंगे, सच्चर कमेटी ने भी माना है कि उनके अंदर भी दलित तबका है। वह दलित

तबका मुसलमानों के अंदर भी है ईसाइयों के अंदर भी है, तो उसको वहां आरक्षण मिलना चाहिए। यह बहुत बड़ी नाइन्साफी हो रही है। हम तो बहुत तकलीफ के साथ यहां तक कहना चाहते हैं कि कोई भी गैर-मुस्लिम या गैर-ईसाई इतना बेरहम और इतना बेदर्द और इतना अन्यायी नहीं होगा, जितने कि अपने मजहब के मानने वाले लोगों के दलित और पसमांदा तबकों के साथ, उनके इरादों में उनको नकारा जाता है।

महोदय, मैं आपके नोटिस में लाना चाहता हूँ कि क्या वजह है कि जो अलीगढ़ मुस्लिम विश्वविद्यालय है, उसमें आज तक एक भी ओबीसी का मुसलमान वहां वी.सी. नहीं हुआ। वहां एडमिशन से लेकर के, वहां टीचिंग स्टाफ से लेकर के, नॉन-टीचिंग स्टाफ में, उनके साथ काफी नाइन्साफी होती है, दूसरे हिन्दू भाई भी उतनी नाइन्साफी करते हैं। वे भी भगवान से और खुदा से थोड़ा डरें। ये सारी सीटें चाहे-वे ईसाइयों के हों, चाहे वे सिखों के हों, चाहे वे मुसलमानों के हों, इनमें पैसे का कारोबार चलता है। ये इंजीनियर और डाक्टर की सीटें 20-25 लाख में बेच देते हैं इनको क्या संविधान ने आर्टिकल 30 में इसीलिए संरक्षण दिया हुआ है कि आप अपने इदारे खालेंगे और चलायेंगे।

महोदय, ये सरकार से अनुदान भी लेते हैं। समय-समय पर जो माइनारिटीज इंस्टीटयुशन्स हैं, सरकार उनको ऐड देती है और ये ऐड लेते हैं। कई संस्थान फुली ऐडिड हैं। कई ऐसी हैं जो पार्शली ऐडिड है, लेकिन जो संविधान की मूल भावना है, उसका वे अनादर कर रहे हैं, उसका मजाक उड़ा रहे हैं, उसकी खिल्ली उड़ा रहे हैं। आप इतरा रहे हैं, यह संशोधना लाकर और यह विधेयक पेश करके। हम आपसे कहना चाहते हैं कि आधे मन से जो काम होता है, उसका जो आप फायदा चाहते हैं, वह फायदा भी आपको नहीं मिलने वाला। महोदय, इसका यह भी मतलब हुआ कि मुसलमान समाज पर, ईसाई समाज पर, सिख समाज पर सामाजिक इंसाफ का जो कानून है, सामाजिक इंसाफ का जो तरीका है, उसको आप क्यों नहीं लागू करते हैं? केवल हिन्दू समाज के लिए सामाजिक इंसाफ और सामाजिक न्याय शब्द नहीं बना है। यह तमाम समाजों पर लागू होना चाहिए और आप अगर इसके जरिए कुछ मुट्टी भर elite लोगों को, जो upper strata के लोग हैं उनको खुश करने के लिए करना चाहते हैं क्योंकि सारी पार्टियों में वहीं लोग घेरे हुए हैं, गणेश परिक्रमा की तरह अपने नेताओं को घेरे रहते हैं, आपको गुमराह कर रहे हैं। ...**(समय की घंटी)**... हम कहना चाहते हैं, अर्जुन सिंह जी मौजूद नहीं है हम उनकी पार्टी के माननीय सदस्यों से भी कहना चाहते हैं कि बिहार में पिछले चुनावों में हम लोगों ने जो वहां के पसमांदा मुसलमानों ने और पिछड़े मुसलमानों ने जो इबारत दीवार पर लिखी है, उसको पढ़ लीजिए। हम आपसे पूछना चाहते हैं कि मुट्टी भर लोगों के लिए आप गज हारना चाहते हैं या थान हारना चाहते हैं ? 80 प्रतिशत जो मुसलमान हैं, उनकी ...**(व्यवधान)**...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : अनवर जी, कनक्लूड कीजिए ।

श्री अली अनवर : उनके साथ नाइंसाफी हो रही है। उस नाइंसाफी को दूर करने के लिए हम चाहते हैं कि आप अभी घोषणा करें कि जो माइनोंरिटी के एजुकेशनल इंस्टीट्यूशंस हैं, उनमें भी उस माइनोंरिटी के, जिस माइनोंरिटी के लोगों ने उसको खोला है, उस माइनोंरिटी के लोगों को हम रिजर्वेशन देंगे, तभी हम इसको पूरा मानेंगे और आपकी नीयत तभी दुरुस्त मानी जाएगी। बहुत-बहुत धन्यवाद ।

DR. CHANDAN MITRA (Nominated): Mr. Vice-Chairman, Sir, I seek your indulgence because every time I get up to speak, usually, you are on the Chair. Sir, please be considerate ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You see, I will caution you that your time is seven minutes. ...*(Interruptions)*...

DR. CHANDAN MITRA: I will try to conclude within that. Sir, I must also say that what I am going to say, very few others in this House will say. Therefore, I seek your indulgence. Sir, I rise to oppose this Bill in totality. This Bill should not have been brought. The earlier amendment too, which I had the privilege of voting against, should not have come because it is a divisive measure, which should not have been introduced after so many years of Independence. Sir, the introduction of new quotas, creating new categories, so many years after Independence and even so many years after the passage of the Mandal Commission's recommendations is totally uncalled for because apart from everything else, it shows the total failure, lack of commitment of the political class in this country to genuinely uplift the conditions of the poor and the backward of all communities in India.

Sir, in the Constitution, we made a solemn pledge. The solemn pledge was made that within ten years of the promulgation of the Constitution, the Government of India would undertake to provide free primary education to all children born in this country till the age of 14. Sir, more than 55 years after the promulgation of the Constitution, this pledge remains unfulfilled. And because we have failed to carry out this sacrosanct duty which we pledged in the Constitution, today we are looking for shortcuts and politically gainful ways of trying to circumvent this pledge. I demand an answer, Sir, from the Government, and those who have been in power: why is it that the primary job of providing education to every child born in this country since

Independence has not been completed. Why is it that the literacy rate in this country is still below 70 per cent, if you take men and women together? Why is it that the countries which became independent after we became independent have achieved 95, 99, 100 per cent literacy? Why have we failed to carry out this basic task, Sir? Having failed to do this, we now look at how to introduce quotas, reservations and create divisions in the society on grounds of caste, creed, community and so on and so forth. Is this the way we can help democracy prosper and grow in this country, Sir?

Sir, according to estimates made by various experts to upgrade primary education in this country and bring primary education levels in schools across the country in rural areas, tribal areas, backward areas, it would cost the Government Rs. 50 lakh crores! Rs 50 lakh crores is not a small amount, I agree. But, the expenditure we incur annually in various areas, only if we channelise the wasteful expenditure that happens properly, only if the quantum of money allocated to education in our GDP were doubled, this figure would be achieved. The focus should have been on this and I would say that even at this late stage the Government should reconsider its entire approach to uplift the backward and under-privileged communities, and to bring them at par with those who have been privileged. The answer is not quotas. The answer is to upgrade everybody, to provide equality of opportunities to people across the board so that everybody comes up to a certain level and is capable of competing with the best in the country.

Sir, the introduction of new quotas after 55 years of the promulgation of the Constitution does not take into account the empowerment that has, in the meantime, happened in the communities. We all know, Sir, that it has happened. What is the need today to introduce these quotas when empowerment, we all know, has happened across the country and know that it is happening with every passing day. The empowerment is happening, Sir. Because, economic development has touched, maybe not satisfactorily but it has touched, the lives of people in the rural and backward areas also

Sir, right at the outset, in the Constituent Assembly, the maker of our Constitution, the great Dr. Babasaheb Ambedkar, described quotas as a crutch and said that nobody should be dependent on the crutch beyond a point of time. The crutch is only to enable people to stand on their own

feet, to walk on their own feet, and eventually the crutch has to be withdrawn. Dr. Ambedkar was of the view that after ten years the quotas should be reviewed and withdrawn. Now, instead, Sir, quotas after quotas are getting added because it is a very convenient political shortcut which fetches votes, but in the process, creates a caste consciousness and a division in the minds of the people, which no progressive democratic country ought to have.

Therefore, Sir, I would say, since I know that protest of the few is going to be steamrollered by the political parties, I would appeal to the Government, nevertheless, that please think of introducing some provision, whereby even after we introduce quotas, review and where you find that communities have been uplifted, or families have gone across the line of deprivation, you introduce a provision...

SHRIV. HANUMANTHA RAO: You enjoyed for several years and you say ...*(Interruptions)*... They have enjoyed it for several years. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, please. Please sit down. He has the right to say. ...*(Interruptions)*... he is expressing his view, not your view. Why are you worried?

DR. CHANDAN MITRA: Therefore, I appeal to the Government to consider introducing a provision to review and wherever necessary dereserve categories also so that newer people can, perhaps, get this benefit. Since this is going to be introduced and accepted anyway, at least, introduce a provision that those who are being brought under the ambit of this reservation now could, perhaps, be entitled to quota benefits for two generations, and, after two generations, the same family should not be entitled for quota provisions anymore.

We are told, every time we demand an economic criteria, that the Constitution does not allow it. Sir, Constitution has been changed more than a hundred times! Why cannot the Constitution be changed once more to provide for economic criteria so that the poor and backward of all communities, not just select communities, are entitled to some of these special enabling benefits? Sir, instead of considering this, why is the caste criterion drilled in again and again? Sir, my final observation is about the exclusion of minority institutions. As my colleague before me, who is not

in the House just now, has very eloquently talked about this what is the meaning of excluding certain minority institutions from the purview of this? So, why should this happen? They run some of the best institutions in the country. And Government institutions which are specifically for the uplift of the minorities are also very good institutions. If you are going to allow this and enforce this in other institutions, why are minority institutions are being left out? I know, Sir, when the Unaided Institution Bill comes, which the Minister is threatening to bring very soon, even that is going to have this provision 'to exclude'. Sir, before all this happens, I plead with the House, with all the Members and with those who are policy-makers, please consider all these implications of this runaway system of quotas based on caste. Sir, please consider introducing the provision of de-reservation, please consider introducing the economic criteria so that the poor and backward of all communities, irrespective of religion and caste, benefit from it. Thank you.

DR. PC. ALEXANDER (Maharashtra): Sir, because of the limitations of time I will not go into the question whether reservation is justifiable or necessary. I will not go into the issue raised by my learned friend who spoke just before me about the need for resorting to other measures to meet the objective that is sought to be achieved. As far as I am concerned, as far as this Bill is concerned, this is within article 15(4) and 15 (5). We recently amended the Constitution and it provides for reservation in the educational institutions. But the point I wish to make today is the Bill, it is introduced, is defeating the very purpose of the amendment of article 15 and insertion of article 5.1 will devote my speech entirely for that issue. What is it what we are striving to achieve? It is to provide equal opportunity for the Scheduled Castes, the Scheduled Tribes, and the Other Backward Classes who have suffered educational backwardness, social backwardness for long years. What is that we are trying today with this subject in view? You reserve 27 per cent and allow the creamy layer to be getting the benefit of this 27 per cent. I venture to say before this House with the long experience as administrator of educational policies and programmes and of social service policy and reforms that if this Bill in this form is implemented, the really deserving poor backward class members will never get the benefit of this Bill. Have you ever gone into the question why they are not able to get into the IIMs or IITs or engineering or medical colleges easily? The root cause of this is that they are not able to send

their children to right schools, to the good schools. They can afford to send them only to-poor schools, which have no teachers, no laboratories, no libraries, no playgrounds, and which have no building sometimes. And why they come out with very poor results, they are expected to compete with the others belonging to the affluent sections of the OBC who are able to send their children to St. Columbus School or Cathedral School in Bombay or any such places, arrange for special tuition for their children. Sir, I venture to suggest, to say, to prophesise that at the end of a couple of years, you will find the children of the richer classes in the OBC group, the children of the IAS and IPS officers, judges, lawyers will benefit more because the 27 per cent will be reserved for their children and the poor OBCs will continue to be disadvantaged because they will continue to fail to get the qualifying marks to compete when there is not written test. If there is a written test, they will fail to pass. The real programme should be, while providing for reservation of 27 per cent for OBC, say it is strictly for the poor people, the less advantaged among them and use the money that is intended to develop the OBCs and the backward classes to make them come to the good schools and to provide them aids and assistance to ensure that they come out well in the examination. Instead of carrying for their education, instead of ensuring that they are able to have a level-playing field when they pass out of the schools, you are just saying 27 per cent is for OBCs. You can make platform speeches and you will fool these innocent and ignorant people. They will also be told by their peers, "We have got from the Parliament 27 per cent reservation for you" while the reservation will be safely in their own pockets. This is what is going to happen and I wish to make this position very clear. Take the case of Muslims of which are heard a lot today. The poor people among the Muslims, the weavers and others have been included in the OBC group. Take the case of Christians, the converts from Scheduled Castes and Scheduled Tribes. They have been put in the OBC group. I can assure you, these poor Muslims and poor Christians who are now in the OBC group will continue to be poor educationally and socially because they are not going to get the benefit of it. My second point, Sir, is, we are going ahead with a Bill which is clearly violative of the directions and decisions of the Supreme Court. You can tell me well that direction or that decision was with reference to admission in Government services. But the principle in which the Supreme Court delivered the judgement is very important. The principle was that it violates article 14, equality before law and equal protection of

law and the Supreme Court went to the extent of saying the unequals cannot be treated as equals and therefore, article 14 is violated. So, that principle is valid. If it is valid for Government services, it is valid for admission to education institutions. What is sauce for the goose, as the Englishmen say, is sauce for the gander also knowing pretty well that this is going against the decision of the Supreme Court. We have gone ahead simply saying that '27 per cent reservation but Creamy Layer is included'. I heard a very cynical argument in favour of this and that is 'we know this is against the Supreme Court ruling, ultimately, let the court say that this is wrong. This is a very nasty way, if I may say so, a very unkind, very uncivilised way of just exploiting, getting political advantage from the situation. Of course, the Supreme Court may over a period or after some time say that, this is *ultra vires*. You may put it in the Ninth Schedule because they say that it is already in the Supreme Court judgement that it is against the basic structure of the Constitution. What will you do then? I am running short of time and therefore, I will very quickly finish off with two or three more points which I will mention. Sir I don't understand why hundreds and thousands of crores are being spent for adding...

SHRI JANARDHANA POOJARY: The Supreme Court has said in its judgement that it is not against the basic structure of the Constitution.

DR. P.C.ALEXANDER: I am not yielding.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): He is not yielding. He is not yielding. (*Interruptions*) He is not yielding. You can note down.

DR. PC. ALEXANDER: You can argue with anybody. I am only quoting from the judgement. Sir, this spending Rs. 17,000 crores or whatever amount is needed for adding the seats in the Engineering colleges, IIMs and NTs is reversing our priorities. If you have the money for education, spend it on schools Spend it on the rural areas for primary schools; spend it on the schools, which are poorly starved in the urban areas. Instead of doing that, you spend it by adding to the numbers because you want to appease the so-called poorer sections in the higher castes. So, we have taken care of you and you tell the backward classes we are taking care of all of you. This is where we land ourselves in trouble. We have cash resources. They should be spent where priorities are fixed clearly in our eyes and we don't want to do that. I ask you one question. The hon. Minister should reply to

me if he has time. Why should we dismiss the recommendation of the Standing Committee? It says that if 27 per cent quota is not filled up with the OBCs, it will go to the affluent sections in the OBC, it can go to the creamy layer within the OBC. It will not go to others. It is such a sensible recommendation, But, we said 'no' read in the newspapers that the Chairman of the Committee—I don't know; it is called by a funny name—Mr. Veerappa Moily...

SHRIMATI BRINDA KARAT: It is the Oversight Committee.

DR. PC. ALEXANDER: Yes, it is the Oversight Committee. I always laugh at the name of this Committee within myself. Mr. Moily has gone on record that he has recommended against the creamy layer. When we appoint Committees and when we have the Standing Committee, we accept whatever is convenient from their recommendations and omit whatever is inconvenient. This is not the way when we have to deal with the fate of the poor classes of the OBCs and SCs/STs. I want to go on record. I am not against keeping the creamy layer entitled as far as the Scheduled Castes or Scheduled Tribes are concerned. It will take a little more time for them to separate creamy layer. We should appoint a Commission to identify the OBCs in the country. So, appoint a Commission to identify the criteria which is needed for deciding the creamy layer. Instead of facing these tasks, we find easy loopholes, and create in that process more loopholes in the law and in the Bill. Thank you.

SHRISU. THIRUNAVUKKARASAR (Madhya Pradesh): Thank you very much, Sir, forgiving me this opportunity.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): But, be brief. You have to be brief.

SHRI SU. THIRUNAVUKKARASAR: Sir, I will touch only a few points. First of all, this delayed justice of the last sixty years is now being made as not a denied justice by passing this Bill, at least now.

Sir, I rise to support the Bill. But, at the same time, I want to give a few suggestions as well. Due to lack of time, I don't want to make lengthy speech, Sir, some hon. Members have already mentioned about the logic behind fixation of 27 per cent. What is the logic behind 27 per cent for OBCs? Sir, the total population of the OBCs in the country now is between 60 per cent and 65 per cent. If you take Tamil Nadu, it is 90 per cent; the

average can be 80 to 85 per cent. Even based on the recommendations of the Mandal Commission, 54 per cent are backward in the country. Now, it has reached between 60 per cent and 65 per cent. So, conveniently, we can say that because of the judgement of the S.C. we are fixing it at 27 per cent. My first objection is to the limitation of reservation at 27 per cent. It should be increased. And, for this amendment to the Constitution should be made. The reservation should be in proportion to the population of not only OBCs, but also SCs and STs which are 15 per cent and 7.5 per cent respectively. The total reservation should match with population and the amendment should be made to the Constitution accordingly. Secondly, we have already wasted a lot of time. We have already wasted one year. It should have come last year itself. I do not know the reason why we wasted last one year. Sir, in the Bill, as some other Members have also mentioned, in the third line, the word, 'certain' should be deleted. At page 3, section 4, sub-clause (b), it is mentioned: "the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule of this Act". Sir, I want that sub-clause (b) should be deleted. Sir, full 27 per cent reservation should be implemented at one go; at one stretch. I do not know why you are implementing it in three phases and want to implement it in over a period of three years. It should be implemented in the year 2007 itself.

There should not be any reduction or dilution in the reservation of quantum of seats for the Scheduled Castes, the Scheduled Tribes and the OBCs irrespective of increase in total number of seats. So, in the total existing seats reservation is there. In the additional seats, if you dilute it, then, where is the question of implementing reservation? So, there should not be any kind of reduction or dilution in the number of seats increased. This is the second point.

The benefit of reservation to SCs, STs, and OBCs should be extended to all the private, religious and linguistic minority educational institutions. It should be applied to all the institutions; all linguistic minority educational institutions and all minority institutions. If anybody goes from one border to another border, i.e. from Andhra border to Karnataka border, from Karnataka border to Kerala border, and start institutions, they get full privilege. In a medical college, they get 100 or 150 seats. So, you cannot touch it. There is no reservation in the linguistic minority institutions. This is the third point.

The fourth point is this. There is exemption to 18 institutions of excellence. I do not know what is the logic behind it. Why do you want to give exemption? Do you mean to say that eighty per cent of the total population do not have brains or intelligence to go to all these research institutions or institutions of excellence? When will you allow them to go to these institutions? How long are you going to deprive them of their rights?

Sir, reservation is not a concession, but, it is the constitutional right given to the economically weaker sections of the society. It is not a concession. So, all these 18 institutions which are mentioned in the Bill should be deleted. They should be open to SCs, STs and OBCs. (*Time-bell*).

Sir, I will mention only one or two points. After fixing the numbers in percentages, there are chances for the people to go to the High Court or the Supreme Court. Recently, in the last year, in the last exam of the UPSC, the Backward Class people belonging to the SC, ST and OBC category were denied seats in the merit list. As a result, in all the 47 seats in IAS, IPS and in the first class service of this country they were denied seats and it was reported in many newspapers also. The Government has not done anything to address this problem. The same kind of problem may also arise in the future also.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude now.

SHRI SU. THIRUNAVUKKARASAR: In the merit list also SCs, STs and OBCs should be included to get involved with the others on merit. Sir, this is another thing you have to take into consideration.

Finally, Sir, a suitable legislation should also be there to monitor and implement this legislation. As far as these amendments are concerned, there is no provision to monitor these, or, to control these, or, to take any kind of action against the defaulters. So, Sir, some provision should be there in the law to control the officials and authorities who want only violate the reservation provision. (*Time-bell*) Sir, these are my viewpoints and these should be taken into consideration by the hon. Minister. Thank you.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I thank you for having given me the opportunity to support this historic legislation, the Central Educational Institutions (Reservation in Admission) Bill, 2006, as

has been said by Shri Ianardhana Poojary. Sir, the Government has taken a bold decision by bringing forward this Bill in this Session of Parliament. Sir, it is the commitment of the UPA Government that the people who are socially and educationally backward — the Scheduled Castes the Scheduled Tribes, the OBCs and the minorities—will be given priority by this Government. I am very happy that the commitment made by the UPA Government has been fulfilled by the hon. Prime Minister, the hon. Congress President, the hon. Minister of Human Resource Development and all our other constituents, especially, Dr. Kalaignar, Dr. Ramadoss, all other leaders, Shri Lalu Prasad Yadav, and also, the Left Parties. All of them have fulfilled that commitment to the people of this country... (*Interruptions*)... Sir, cutting across Partylines, hon. Members of Parliament are supporting this Bill. I am very grateful to all of them. Sir, the demand for reservation of 27 per cent, if we go through history, was a struggle by the oppressed class against the privileged class. Now, Sir, I would like to say that this amendment by the hon. Minister is only the tip of the iceberg. We have a long way to go. It is not that we have achieved it by way of right; only by fighting with those forces, slowly and one by one, the oppressed class has got this advantage. Sir, I would like to tell the hon. Minister my own experience. Sir, in educational institutions in the Southern States, because of the reservation that is available to the SCs/STs and OBCs, a child belonging to a poor family, whether a boy or a girl, whose father is a labourer, gets admission in medical colleges; they get admission in the engineering colleges. This is the social justice. It is not the privilege of only the people who are upper strata in society. They have got that advantage. But, today, when these people come and say that, "Sir, my child has got admission in the medical college", we feel proud about that. This is what our country needs. The people who are in the lower strata of society should also rise and should be able to compete with the other people. For that, opportunities have to be given. Therefore, Sir, I submit that a level-playing field should be there. For those communities, there should be a level-playing field. The people who are the privileged class go to convent schools, they get higher education; then how can a boy or a girl who studied in a village or a college which is Government-owned, compete with the people who got higher education, better education, or, convent education. Therefore, I say, Sir, that this Bill would bring a level playing field between the people who are in the upper strata of society and who are in the oppressed class. Sir, when the hon. Minister—because Poojaryji

read — announced that he will bring a legislation in this House, I know that various kinds of remarks were made by media and also other sections of the people. Sir, the one thing I know is that 80 per cent of the people in this country have to be given recognition.

Now, the hon. Minister has taken this step. We know, Sir, when Shri V.P. Singhji had brought forward a measure to give 27 per cent reservation to these people in getting employment in Government and public sector undertakings, etc., how he was opposed. Everybody knows how his Government was thrown out. Now, it was only the Congress Government which implemented the 27 percent reservation in providing employment opportunities. ...*(Interruptions)*... No; he could not implement it. His Government was thrown out. But it was the Congress Government, under Narsimha Raoji, which implemented it. It was he who implemented it. It is on record; it was done by the Congress Government. I would like to make that very clear.

Sir, I have got two-three things which I would like to tell the hon. Minister. Sir, while implementing this provision in the institutions of higher learning, kindly see to it that the reservation is given in one go. That is what I want. If there are 100 seats, give 27 per cent to OBCs, 15 per cent to SCs and 7.5 per cent to STs. Kindly give it. Let us not wait for the Veerappa Moily Committee's report. That will dilute the whole thing. I want the hon. Minister to consider it.

Sir, a lot of arguments have been made. Dr. Alexander who is a very seasoned leader and also a very good bureaucrat, was arguing against giving reservation to the creamy layer. I would like to bring to his notice the observations made by Pandit Jawaharlal Nehru while framing the Constitution. When the discussion was going on in the Constituent Assembly, Dr. Ambedkar and Pandit Jawaharlal Nehru made an observation about the creamy layer concept. They said, "the Indian Constitution identifies the backward classes on the basis of their social and educational backwardness and has purposely excluded the term "economic criteria" and said that it will dilute the concept of social justice for which reservation is implemented." This is what Pandit Nehru and Dr. Ambedkar said. Therefore, Sir, the concept of creamy layer is only an illusion to exclude those communities from getting the benefit of reservation. This is a ploy created by a section of the society in this country to see that the people

who belong to the lowest strata of society, whether they are SCs/STs or minorities, do not come up. This is a ploy created by a particular section of the society. They created a wedge in order to see that these communities do not come up. This is the thing that has been done.

Sir, though the Standing Committee has made certain observations, I am very happy that the hon. Prime Minister, the hon. Minister, the hon. Congress President and all our UPA leaders decided that the concept of creamy layer should not be there. They saw to it that the people who belong to the lowest strata of the society, the OBCs, the SCs, STs, should get 27 per cent reservation. I welcome the step that has been taken.

[MR. DEPUTY CHAIRMAN *in the Chair.*]

Sir, I would like to add one more thing. What Shri Thirunavukkarasar has said is also a fact. Under Section 4, the Government is excluding some of the institutions. I want the hon. Minister to consider this. Why do we exclude some of these institutions? These people should also compete. They should also be given opportunity. They will also come up. Today, Sir, kindly see who are the people who are fairing well in IAS or IPS. When opportunity is given, they will prove themselves. The people belonging to SCs/STs, OBCs and minorities will prove themselves. They were not given the opportunity by one group in this country. Now, when the shackles are being broken, they are agitating; they are instigating the students to agitate. That is what is happening today. Sir, I am pained to say that only ten per cent of the population wants to rule this country. That will not happen. There is going to be a revolution in this country.

Therefore, Sir, I support the Bill as moved by the hon. Minister. I want the hon. Minister to consider some of the amendments brought forward by me. He may bring it after some time, so that the lowest strata of the society will get the advantage. Thank you very much, Sir.

MR, DEPUTY CHAIRMAN: Hon. Members, this debate has to be concluded by four o'clock as has already been agreed. All the political parties have exhausted their time. ...*(Interruptions)*... Those who have not exhausted their time, I will give them an opportunity. I am telling this about those political parties which have exhausted their time. ...*(Interruptions)*... You are not a political party in the sense that you come under 'Others'. ...*(Interruptions)*... No; Mr. Malaisamy, your party's time is over. I am sorry.

All those parties which have exhausted their time, I am afraid, I will not be able to accommodate them because another Bill, namely, the Tribal Bill, has to be taken up. Now, Shri Sanjay Raut. ...(*Interruptions*)...

PROF. P.J. KURIEN (Kerala): The Congress Party has not exhausted its time.

MR. DEPUTY CHAIRMAN: The Congress Party is left with only ten minutes.

PROF. P.J. KURIEN: So, I can have five minutes.

MR. DEPUTY CHAIRMAN: You need to cooperate if we have to complete the agenda. I would request all of you to cooperate.

DR. K. MALAISAMY (Tamil Nadu): Sir, I am ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Even 'Others' will be given a chance according to the time available. You will have to please adhere to the time limit. Mr. Sanjay Raut, you have three minutes.

DR. K. MALAISAMY: Sir, I have given my name.

MR. DEPUTY CHAIRMAN: You have given your name, but your party's time is over. You know that it is according to party's time, Dr. Malaisamy.

श्री संजय राउत (महाराष्ट्र) : श्रीमन्, मैं आपका आभारी हूँ कि आपने मुझे बोलने का समय दिया। डॉ. पी.सी. अलेक्जेंडर साहब ने जो भी बातें कही हैं, उनके बारे में सदन को विचार करना चाहिए। श्री नन्द किशोर यादव जी ने अपने भाषण में कहा कि अगर चुनाव न होते तो इस विधेयक पर कभी चर्चा न होती, यह वोट बैंक की राजनीति है। जो बात प्रो. राम देव भंडारी जी ने कही है, वह भी बहुत महत्वपूर्ण है। उन्होंने कहा है कि प्रतिभा और योग्यता किसी जाति विशेष की मोनोपली नहीं है, अगर ऐसा न होता तो डा. बाबा साहब अम्बेडकर संविधान के निर्माता न हो पाते। हमारा भी यही मानना है, लेकिन फिर भी आज हिन्दुस्तान की पूरी राजनीति हमें आरक्षण की शरण में जाती हुई दिखायी दे रही है।

मेरी पार्टी, शिव सेना दलितों या पिछड़ों की आज की स्थिति से सहानुभूति रखती है। जंगल में जो आदिवासी जानवरों से भी बदतर ज़िदगी जी रहे हैं, उनके प्रति भी हम हमदर्दी रखते हैं। उनका विकास होना ही चाहिए, लेकिन आज जिस प्रकार से आरक्षण की राजनीति चल रही है, हम उसका विरोध करते हैं। यह देश के लिए अच्छी बात नहीं है। जो देश की सरकारी शैक्षणिक संस्थाएँ हैं, खासकर जो इंस्टीट्यूट सरकारी खर्च से चलते हैं, उनमें अब ओबीसी के लिए 27 फीसदी नया

आरक्षण हो जाएगा। मेरा ऐसा मानना है कि इस निर्णय से देश जातीय आधार पर बंट गया है। छात्र इस निर्णय के विरोध में रास्तों पर उतर आए हैं और सरकार छात्रों पर लाठियां बरसा रही हैं, टीयर गैस छोड़ रही है, लेकिन उन आंदोलनकारी युवकों की जो भावना है, उसे भी समझा जाना चाहिए, किन्तु सरकार उसे समझने की कोशिश नहीं कर रही है। जो छात्र आरक्षण के विरोध में उतर आए हैं, उनका साफ कहना है कि सरकार के इस निर्णय के कारण देश के मैरिट का पतन हो रहा है।

सबसे बड़ा मुद्दा यह है कि आजादी के 60 वर्ष के बाद भी हम सबको आरक्षण की जरूरत क्यों पड़ रही है। अगर हम पूरे विश्व की बात करें तो हमारे देश में नौजवान लोग सबसे ज्यादा रहते हैं, उनमें 36 फीसदी जनसंख्या 20 से 40 वर्ष के लोगों की है, इसका मतलब यह है कि यह देश पढ़ना चाहता है और मैरिट पर काम करना चाहता है। लेकिन क्या नई आरक्षण नीति से इस युवा वर्ग के सपने सच हो जाएंगे ?

सर, बार-बार यहां पर संविधान की बात की जाती है, जिसे डा. बाबा साहब अम्बेडकर ने बनाया है। डा. बाबा साहब अम्बेडकर महाराष्ट्र से थे और मैं भी महाराष्ट्र से ही आया हूँ, इसलिए मुझे उनके विचारों के बारे में पूरी जानकारी है। लेकिन अपने निजी स्वार्थ के लिए कांग्रेस ने बार-बार इस संविधान को तोड़ा है बार-बार उसे ध्वस्त किया है। शाहबानों से लेकर रिजर्वेशन तक कितनी बार संविधान की धज्जियां उड़ाई गई हैं, यह तो शायद आपको भी याद नहीं होगा। डा. बाबा साहब अम्बेडकर ने आरक्षण की बात जरूर कही थी, लेकिन यदि आप इस पर गौर से सोचें तो यह आरक्षण सिर्फ दस साल के लिए था, किन्तु अब 60 साल हो चुके हैं। मुझे लगता है कि यह काम डा. अम्बेडकर और संविधान दोनों के ही खिलाफ हो रहा है।

कहने को तो हमारा देश संविधान के अनुसार चल रहा है, लेकिन हमारा संविधान क्या कहता है? शैक्षणिक रूप से, आर्थिक रूप से एवं सामाजिक रूप से जो वर्ग अत्यंत पिछड़े हैं, उन वर्गों को आगे बढ़ाने के लिए सरकार विशेष रूप से प्रयास करेगी। लेकिन इसका मतलब सिर्फ रिजर्वेशन से नहीं है, इसमें और भी कई बातें आती हैं। सिर्फ रिजर्वेशन से ही बात नहीं बनेगी, **reservation is no solution**. हमारे राष्ट्र में 50 के दशक से, यानी लगभग 60 साल से रिजर्वेशन चालू है। शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लिए लगभग 22.5 फीसदी सीटें रिजर्व हैं, लेकिन अगर आप प्रीमियर इंस्टीट्यूट में जाएंगे तो वहां रिजर्वेशन की सीटें खाली हैं और जिनके लिए रिजर्वेशन है, अगर उन वर्गों में से छात्रों ने वहां पर एडमिशन लिया भी है, तो उनमें फेलियर रेट ज्यादा है।

बात यह है कि जिन वर्गों के लिए आरक्षण मिलना चाहिए, यूटिलाइज नहीं हो रहा है। उनकी एफिसिएंसी क्या है, वह इवेल्युएट नहीं हो रही है। सरकार बदल जाती है लेकिन इसके बारे में कोई सोचता नहीं है, क्योंकि हर सरकार अपनी वोट बैंक की राजनीति ही करती है। सर, शिव सेना पर हमेशा से आरोप किया जाता है कि हम आरक्षण के खिलाफ हैं। यह दुष्प्रचार है। हम तो देश में

समान व्यवस्था की, समान न्याय की बात करते हैं। हम तो इस देश में कॉमन सिविल कोड लाना चाहते हैं। इस देश में हम दो कानून नहीं रख सकते। हम शुरू से ही दो बातें करते हैं। हम समान न्याय की बात करते हैं, आप भी कहते हैं...(व्यवधान)...

श्री उपसभापति : आप बोलिए, टाइम कम है।

श्री संजय राउत : सर, हम दूसरी बात यह कहते हैं कि सामाजिक न्याय के आधार पर पिछड़े वर्गों को आगे जाने की फैसिलिटी मिलनी चाहिए। जो नीचे गिरा है, उसको ऊपर उठाना चाहिए, क्योंकि वह भी हिन्दुस्तान का बच्चा है। लेकिन इसके साथ देश में जो समाज ऐसा बचता है, जिसको इस आरक्षण का लाभ नहीं मिलता है, इस समाज में जो गरीब तबका है, उसका आर्थिक आधार पर आरक्षण मिलना चाहिए। आरक्षण तो जरूरी है, लेकिन कॉस्ट बेसिस पर नहीं। गरीबी और पिछड़ापन जो आता है वह जाति को देखकर नहीं आता। गरीबी कॉस्ट को देखकर नहीं आती। ब्राह्मणों में भी गरीब हैं और दलित पिछड़े वर्गों में भी अमीर हैं। जो यहां भी बैठे हैं, हम तो इतना ही कहेंगे कि भूखें पेट को जाति नहीं होती, जो बेरोजगार युवा है अगर उसके साथ और दिमाग खाली है तो उसकी भी जाति नहीं होती। हमें आगे देखना चाहिए, पीछे क्या हुआ, क्यों हुआ, यह मत देखिए। सर, मॉडर्न सोसाइटीज में कॉस्ट का कोई वैल्यू नहीं बचा है। आज सुनार का बच्चा भी सुनार का काम नहीं करता है। जाति को सामाजिक पिछड़ेपन का आधार बताकर राजनीति करने वाले आज अगर गांव में जाएंगे तो गांव में क्या होगा, आपको देखना चाहिए।

श्री उपसभापति : जल्दी कंकलूड कर दीजिए।

श्री संजय राउत : गांव में जो वातावरण है वह चिंता का विषय है। यही जाति व्यवस्था सिर्फ एक व्यवस्था नहीं है, करोड़ों लोगों के लिए एक सामाजिक आतंकवाद बना हुआ है और उस आतंकवाद के मुखिया हमारे आसपास घूम रहे हैं। अगर गांव में जाकर देखिए तो 1946 में हिन्दुस्तान सिर्फ दो हिस्सों में बंट गया था, आज हिन्दुस्तान जाति के आधार पर गलियों में बंट रहा है। देश है तो हम हैं, देश की अखंडता है तो यह संसद है। इसलिए सदन में होने वाले फैसले सोच-समझकर होने चाहिए। वोट की राजनीति से ऊपर उठकर हम सभी को सोचना चाहिए। आखिर में इतना ही कहूंगा कि अगर देश बचाना है तो पूरे समाज के बारे में सोचो, जाति से ऊपर उठकर सोचो। अब तियनवे बार कंस्टीट्यूशन अमेंडमेंट हुआ है। मैंने देखा है कि...(व्यवधान)...

श्री उपसभापति : अब आप कंकलूड कीजिए।

श्री संजय राउत : अब देश की खातिर एक बार और अमेंडमेंट कर लीजिए, आरक्षण केवल आर्थिक आधार पर होगा, देश की 30 फीसदी जनता आज भी गरीबी रेख के नीचे जी रही है और उसको आरक्षण देना चाहिए। जातिवाद को खत्म करने के लिए केवल एक अमेंडमेंट लाएं कि इस

[18 December, 2006] . RAJYA SAB HA

अमेडमेंट के बाद कोई भी व्यक्ति जाति के आधार पर आरक्षण नहीं लेगा, राजनीति में आरक्षण जाति के आधार पर नहीं होगा, जो भी व्यक्ति अपने नाम के सामने जाति लिखेगा तो वह देश का सबसे बड़ा दुश्मन होगा, यह अमेडमेंट आप लाइए(व्यवधान)...

श्री मंगनी लाल मडल : नगरपालिका में जो मेहतर का काम करता है वह मेहतर का बेटा होता है वह ब्राह्मण का बेटा नहीं होता(व्यवधान)....

श्री संजय राउत : यह हम करने के लिए तैयार हैं(व्यवधान).... हम जाति व्यवस्था के खिलाफ हैं ।

श्री उपसभापति : मडल जी, आप बैठिए ।

SHRI RAHUL BAJAJ (Maharashtra): Mr. Chairman, Sir, we, independents, and especially those who are opposing this Bill, do not get enough time for obvious reasons. I stand with great amount of trepidation. But in all humility and with the courage of my convictions to oppose this Bill, as has been done by my friends Dr. Chandan Mitra, Dr. Alexander and Shri Sanjay Raut, I am very sincerely for all assistance to economically and socially backward people. My company, Bajaj Auto, has employees 36 per cent of Scheduled Castes, Scheduled Tribes and OBCs. But every one was selected on merits, I am against discrimination against any category of people in any form whatsoever.

Our temple, in my home town Wardha, Laxmi Narayan Temple which was built by my grandfather Jamnalalji in 1908, was the first temple in India — we are proud of that — to be opened to, what we now call, Dalits, and at that time we called them* in 1927. And, we are proud of that. It is still open to everybody.... (Interruptions)

श्री गांधी आजाद : सर, * शब्द सही नहीं है।(व्यवधान)...

श्री उपसभापति : उसको कार्यवाही से निकाल देंगे ।(व्यवधान).... *शब्द को निकाल दीजिए ।(व्यवधान)...

SHRI RAHUL BAJAJ: I am sorry. ...(Interruptions) I withdraw it. ...(Interruptions)

श्री उपसभापति : वह पहले की बात है ।(व्यवधान)...

*Expunged as ordered by the Chair

श्री राहुल बजाज : आपको हर्ट करने की मेरी इच्छा नहीं है। मैं यह भी कहना चाहूंगा कि मैं शायद अपर कास्ट का नहीं हूँ। मैं तो एक बनिया हूँ और मुझे पक्का मालूम नहीं है, शायद बिहार में banias are included in the OBC. यदि ऐसी बात है तो मैं पूना से पटना(व्यवधान)...

श्री उपसभापति : नहीं, नहीं आप छोड़िए। वक्त की कमी है।(व्यवधान)... Don't interrupt him. ...(*Interruptions*) These are his views. Let him express. Mandalji, please ...(*Interruptions*) मंडल जी, ये उनके व्यूज हैं, उनको एक्सप्रेस करने दीजिए। यह पार्लियामेंट है, हर एक को अपने विचार रखने का अधिकार है और वह अपने विचार रख रहे हैं।(व्यवधान)...

श्री अमर सिंह : सर, बनिया अपर कास्ट होता। वह वैश्य होता है।(व्यवधान)...

श्री उपसभापति : आप वह डिबेट यहा पर मत लाइये।(व्यवधान)...

SHRI RAHUL BAJAJ: Sir, I believe that enough has been said about the direction in which our reservation policy has been going. We all agree with the objective that India should be one.

While supporting the Bill, some hon. Members mentioned here that we should eliminate the caste and have one society. Sir, I fully agree that we should eliminate the caste and have one India, one society, which we can be proud of, to fight with the rest of the world, instead of fighting amongst ourselves. Whether the reservation divides the people, whether it is against merits, enough has been said about this. I don't want to say more about that. All I would like to say that in a globalised world today, there are no entitlements. Everybody has to earn his place in the society. And, if we have 50 per cent — in the South, I know it is much higher — entitlements and reservations, I am afraid, we are creating a society which does not learn to compete hard, and, does not want to compete with the rest of the world.

The need, as has been mentioned, Sir, is for better education at all levels starting from the primary school, I repeat, better education for everyone. It should have happened in 1950, 1952 or 1953. I am not blaming anybody. They were our Governments. We all form the Governments? I have always voted in the Parliamentary elections, at least. They were our Governments. We are responsible. Sir, even my autorickshaw drivers do not want to send their children to the Government school. Somebody just mentioned they have no buildings, no blackboards, no laboratories, and,

4.00 P.M.

no teachers. I think that the shortage of funds cannot be a justification for lack of primary education, which is the requirement of our Constitution. I was the Chairman of IIT, Bombay for three years. But that is not relevant here. I don't say that we should delay it. I know the Bill will be passed almost unanimously. I know that. But, today, we should, at least, take a pledge that every child in this country will get good primary education till the age of 14 years at whatever cost. Education and primary health should get the first preference. We will not be able to do that without infrastructure; that physical infrastructure, social infrastructure is what is needed. And, if we do not provide that infrastructure, this reservation would continue for another sixty years. Otherwise, we will have, in ten to twelve years time, people from all categories, including Dalits, coming into IITs with their head held high that they have come on merit as some of them are coming today also. I agree that there is no monopoly of brains with any category of people. There is no question, and, I am completely against the capitation fees resulting in quotas for the rich and the privileged. That is as bad as any other quota. They should come in on merit and not on the basis of quota. I have only one thing to say that data shows that there is not much to choose between OBCs and the non-reserved category, whether on income, whether on education or on the basis of employment. Hence, I understand creamy layer for SCs and STs but I have not understood the logic of creamy layers for OBCs. We should have a moral compass, differentiating between right and wrong. Long ago, Gurudev Tagore said, "*Ekla Chalo Re*; benot afraid to walk alone, if you are on the side of the right". I am alone, and, almost alone I do not know what my feeble voice of dissent amounts to, but not to express it at crucial times, not to express it in the Parliament, is for me, inexcusable.

Mr. Deputy Chairman, Sir, I conclude by calling upon this august House — though I know that this Bill will be passed — to search its soul and do what is right; right for the downtrodden, right for the poor, right for the Scheduled Caste, and, right for the Scheduled Tribe. I am humbly, but firmly, against this Bill. Thank you, Sir.

श्री वृजभूषण तिवारी (उत्तर प्रदेश) : उपसभापति महोदय, मेरा निवेदन है कि कृपया मुझे बोलने का मौका दें।

श्री उपसभापति : अभी आप बैठिए। आपकी पार्टी से पहले बोल चुके हैं।

SHRI SHARAD ANANTRAO JOSHI (Maharashtra): Mr. Deputy Chairman, Sir, as you are aware, I have given practically the whole of my life in the service of farmers, who, in the Hindu system, are considered to be *shudras*, or, at best, OBC. So, nobody can accuse me of prejudice against any of the reservation categories. Sir, even in the Farmers' movement, we had a difference of opinion. Choudhury Charan Singh and Choudhury Devi Lal were strongly in favour of having reservation for the farmers also. Choudhury Devi Lal, particularly, always asked me, how many IAS officers are there amongst farmers; how many IFS officers are there amongst farmers. And, I said it does not really matter as long as the farmer is able to live in dignity with the sweat of his brow. Sir, I found out an economic programme for the advancement of the farmers, and that was to ensure for them a remunerative price. I think, the kind of reservation programme that has been innovated in early independence days has not only been not useful, but it has actually been counter-productive. Sir there has been a grievous blunder on the part of the Constitution interpreters. The Directive Principles in the Constitution only talk of sections; it does not talk of caste. And, the article 93 talks, in fact, of class. As all Leftist friends would agree, class is necessarily an economic concept and not a social concept. So, if we are talking of 'class' of citizens who are socially, educationally backward, the concept of economic is already included in it. But, everybody has forgotten that aspect of it, and somehow the reservation has come to stay for the Scheduled Castes and the Scheduled Tribes, and, later on, since the days of Mandal, for OBCs also. It is a lucky coincidence that in this morning's *Indian Express*, V.P. Singh has given an interview saying clearly that while he pioneered the reservation for OBCs, he now regrets because he finds that they have not produced any desirable result, as far as the OBCs are concerned. Sir, Pandit Nehru was opposed to the idea of reservation on the lines of OBCs. Rajiv Gandhi wanted to know how many OBCs are there. And now, even V.P. Singh, I don't want to go on with the list, I think, the time has come for taking a complete review; stopping and taking a complete review as to what results have been produced in the last 60 years. Sir, one particular thing that I have found pernicious in this Bill is, it has a...(Interruptions)...

SHRI UDAY PRATAP SINGH (Uttar Pradesh): It has been implemented hardly for the last ten years, why are you talking of sixty years?⁷ ... (Interruptions)..

SHRI SHARAD ANANTRAO JOSHI That means you are going to continue it for indefinitely. *...(Interruptions)..* Then, say that Say that. *...(Interruptions)..* That is not the point. The point is, Sir *...(Interruptions)..*

SHRI AMAR SINGH: Sir, let us not talk about the inconsistency of V.P Singh... *(Interruptions)..*

श्री उपसभापति : आप बोलिए। आप बोलिए ।

SHRI SHARAD ANANTRAO JOSHI: This Bill talks of staggered implementation for three years. *...(Interruptions)..* Sir, this is a very important point... *(Interruptions)..*

MR. DEPUTY CHAIRMAN: Please, no in-between talks.

SHRI SHARAD ANANTRAO JOSHI: Sir, this Bill talks of staggered implementation for three years and that starts from academic year 2007-08 So, it will go into 2008-09 and 2009-10, which crosses the limit that has been fixed by the Parliament that in the year 2010, we are going to have a review of the entire reservation policy If this Bill had been brought in 1950s, I would have said that there is some good purpose in it. Now, that it is being brought only three years before the deadline that has been set for the programme, and there are a number of issues that are required to be settled, for example, whether it should be applied to the minority community institutions or not, whether it should be applied to be institutions of excellence or not. These to the creamy layer or not. Similarly, we will have to take into account the counter-productive effect the divisive effect we are adding in the society. The society is being divided so badly Somebody referred to the Mumbai incident just now

The Mumbai police report says—it is not the NDA Government: it is the UPA Government—that the *Dalits* there have joined hands with Naxalites, and, therefore, they have burnt the trains, etc. If that is the trend that the *Dalit* movement is going to take, I think it is time to make a stop and find out what are the divisive effect of the policies that we are following and find out an alternative way which would be more effective in ensuring progress of the *Dalits*. Sir, unless I find some satisfaction in the Minister's reply, I have resolved to vote against the Bill and I will ask for a division and vote against the Bill. Thank you