

[17 December, 2004]

RAJYA SABHA

SHRI V. NARAYANASAMY: Sir, I introduce the Bill.

**The Representation of The People (Amendment) Bill, 2004**

SHRI SHARADANANTRAO JOSHI (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

*The question was proposed.*

SHRI MANOJ BHATTACHARYA (West Bengal): Sir, with respect to the Bill, which has been moved by my hon. colleague, Shri Sharad Anantrao Joshi, I want to say that this is a Bill trying to amend section 29 (a) (5) of the Representation of the People Act challenging the basic tenets of the Preamble of the Constitution, whereas the word 'socialism' is enshrined in the Preamble of the Constitution. Can we move a Bill to amend the very Preamble of the Constitution or not?

MR. DEPUTY CHAIRMAN: It has been moved. Then at the consideration stage, it can be withdrawn.

SHRI MANOJ BHATTACHARYA: Okay, Sir.

MR. DEPUTY CHAIRMAN: The question is:

"That the leave to introduce a Bill further to amend the Representation of the People Act, 1951 be granted."

*The motion was adopted.*

SHRI SHARADANANTRAO JOSHI: Sir, I introduce the Bill.

**The Scheduled Castes and Scheduled Tribes (Reservation for Admission in all Courses of Study and Faculties in the Educational Institutions) Bill, 2000**

SHRI R.S. GAVAI (Maharashtra): Sir, I move:

"That the Bill to provide for reservaiton for admission in all courses of study, higher, technical, professional, higher learning faculties, etc. in all the educational institutions in the country to give effect 10 the Preamble, articles 15,29 (2), 46,38,39 and 51 A(j) of the Constitution of India and all other provisions incidental thereto, be taken into consideration."

Sir, at the outset, I am thankful to you for having granted me the permission to speak on the Bill which is for consideration before the House. I am also happy and delighted that during the consideration of the Bill, at an appropriate stage, the hon. Minister, ShriArjun Singhji, for whom I have great regard, is going, to reply. He has rendered social service and knows about the social obligation towards the society. I am quite sure that I will have a favourable reply from ShriArjun Singhji. Sir, the Bill providing reservation for Scheduled Castes/Scheduled Tribes for admission in all courses of study, higher, technical, professional, higher learning faculties etc. in all the educational institutions in the country to give effect to the Preamble, articles 15(2), 46, 38, 39 and 51 A(j) of the Constitution of India and all other provisions incidental thereto, is for consideration before the House. Sir, the Bill provides for reservation for admission in all courses of study, higher, technical, professional, higher learning faculties, etc. in all the educational institutions in the country to give effect to the Preamble, articles 15, 29(2), 46, 38, 39 and 51A(j) of the Constitution of India and all other provisions incidental thereto.

Sir, my Bill itself is self-explanatory. I do not want to re-produce all the provisos which are part of the Bill, and which I have mentioned in the Statement of Objects and Reasons of the Bill. Sir, the Preamble of the Indian Constitution assures equality of opportunity and of status, socioeconomic justice to all the citizens of India, and due to practice of untouchability on the Scheduled Castes and Scheduled Tribes living in the inaccessible scheduled areas have been denied education and opportunity to higher education is lacking due to poverty and illiteracy.

I do not think there is a need to repeat what is mentioned in the Statement of Objects and Reasons of the Bill and in articles 46, 38, 51A (j) and 15(4) of the Indian Constitution, the contents of which are already mentioned in the Bill, because it is known to all of us. So, I need not go into the details regarding these articles which are parts of the Indian Constitution. Sir, now the question arises as to why this Bill has been introduced in this House and which, with the due permission of the Chair, is now before the House for consideration. The reasons, Sir, are these. In the Indira Sawhney case, the Supreme Court opined that reservation in technical, super-specialities and other advanced and specialised courses of study shall not be made for the Scheduled Castes and Scheduled Tribes, and in Dr. Preeti Srivastava's case, the Supreme Court held that reservation in

super-specialities in medical courses of study is not in the national interest and cannot be made, and it directed the Medical Council of India to consider whether reservation for admission in post-graduation course of study would be provided to the Scheduled Castes and the Scheduled Tribes and also in post-graduation centre. In Chandigarh case, five Judges Bench of the Supreme Court held that clubbing of the single posts in post-graduation or in super-specialities is illegal. It was also held that relaxation of marks with disparity of 10 marks between general and reserved candidates for admission of Scheduled Castes and Scheduled Tribes to the extent of reserved seats as illegal.

Sir, these are the reasons why I moved the Bill for consideration of the House. Sir, I would like to point out before this august House that for ensuring educational advancement of these people, we have to observe equality in education. Sir, the judgements of various courts need to be reconsidered. I personally feel that the judgements of the courts are not in keeping with the spirit of the Constitution. May I say, Sir, I am surprised that the judgement did not mention any Article of the Constitution to support their views. I don't mean to sound harsh, but may I mention that this is the same tendency that Dhronacharya adopted, who refused to train Ekalavya in archery. He did not admit him in his classes. But Ekalavya, was so inspired that he made an image of his Guru Dhronacharya, and tried to learn archery on his own. To everyone's surprise, he proved to be the specialist in archery among all the disciples, including Arjun. The opportunity was not made available to Ekalavya because of Dhronacharya's mentality, but ultimately, Ekalavya proved his merit. The same old tradition and tendency to deny opportunities is still being continued, Sir.

Sir, I may now mention what the factual situation is. The maximum reservation for the Scheduled Castes and Scheduled Tribes in admissions to various institutions and classes is to the tune of 22.5 per cent, that is, 15 per cent for the Scheduled Castes and 7.5 per cent for the Scheduled Tribes. The remaining 77.5 per cent was kept intact; they are open seats for the general candidates; we are not touching upon that. We are not against the general candidates. We are just trying hard for justice. So, what is wrong, under the given circumstances, to make reservations for the Scheduled Castes and Scheduled Tribes to whom, for generations together, the rights were denied, who were not brought into the mainstream of the society? So, what is wrong with providing 22.5 per cent, out of a

hundred per cent, reservation to the Scheduled Castes and Scheduled Tribes, and the remaining 77.5 per cent to the general candidates? That is my argument, Sir. And therefore,...(*Interruptions*)...

SHRI V. NARAYANASAMY (Pondicherry): What about the Backward Classes?

SHRI R.S. GAVAI: Sir, of course, I am with you on this point. I am not exactly against the Backward Classes, i can add it; you can mention it in , your speech; I found this lacuna in the Bill. It first considers the Scheduled Castes and Scheduled Tribes. But I do opine, and I am with you on the 4 point that that the Backward classes should be added. ..(*Interruptions*)...I don't want to go into the details, but I am fighting the cause of the Backward Classes also; I am fighting the cause of the Scheduled Castes, Scheduled Tribes and the Backward Classes. I am not reluctant to accept the suggestion of my friend, Mr. Narayanasamy. I am happy about it and I welcome this suggestion; I am concerned about it.

So, Sir, the problem before us is, why should we deprive the reserved categories of their rights merely because we imagine that they may not be able to achieve excellence? It is mere imagination, just as Dhronacharya's imagination regarding Ekalavya. Ultimately, Dhronacharya was proved wrong. So, this is mere imagination, Sir.

May I quote Dr. Babasaheb Ambedkar, who is called the chief architect of the Indian Constitution? He said, "Education is a birthright of every person." The doors of educational institutions must be open to every citizen of India. The Indian society, which is based on *Chaturvarnya*, had totally banned education to the Scheduled Castes and the Scheduled Tribes for thousands of years. However, of late, due to the advent of Britishers and certain revolutionaries, the Scheduled Castes and the Scheduled Tribes could receive education gradually. After Independence, the Constitution of India has provided that education should be imparted to all the children free and compulsory. This provision is not yet implemented. Education at all levels and faculties must be universal and cannot be denied to any one. However, this is not being done. Therefore, it is wrong to deny the Scheduled Castes and the Scheduled Tribes their legitimate right, and nobody can deny that right under any circumstances. As I mentioned earlier, I am not

3.00 p.m.

going into the details of every provision of the Bill, but I would like to highlight some provisions within a short time. The Bill shall apply to every educational institution maintained by the State which includes local bodies or instrumentalities of the State, receiving grants-in-aid from the Union of India, a State Government, local bodies and instrumentalities of the State, recognised by the appropriate Government or an officer authorised in that behalf, minority (religious or linguistic), educational institution; university established by Central/State Act, or deemed university, post-graduate centres, and affiliated educational institution bound by any Act, rules or instructions or orders in force issued under an Act or by the Appropriate State Government or an officer or authority but not inconsistent with this Act. Now, the Bill shall provide reservation of seats for education in all the courses of study or faculties in educational institutions to the Scheduled Castes and the Scheduled Tribes at such percentage as may be prescribed by the Government of India, by the concerned State Government or Union Territory, from time to time, proportionate to the population of the Scheduled Castes and the Scheduled Tribes in the Union of India or the respective States or Union Territory as per the latest Census published by the Government of India. My further request is that the State shall club single posts in post-graduate, specialities, super-specialities carrying equal scale of pay, similar duties, responsibilities, or designations and apply reservation for admission of the Scheduled Castes and the Scheduled Tribes category candidates. Sir, speaking shortly, I give a suggestion for relaxation. In the case of the candidate belonging to the Scheduled Castes or the Scheduled Tribes; if the State has prescribed the age limits under the appropriate rules made under any Act or rules/instructions that have force of law for admission in a course of study or faculty, the State may prescribe such relaxed age limit to the members belonging to the Scheduled Castes and the Scheduled Tribes, of not less than five years. The rules, instructions or orders, by whatever name be called, in force or operation, more favourable to the Scheduled Castes and the Scheduled Tribes, shall remain valid and operate unless they are suitably amended by the rules made under this Act to the extent of inconsistent or overlapping rules shall be of no effect. The fee prescribed for application form seeking admission in an educational institution, may be exempted or reduced to such an extent as may be prescribed under the rules made under this Act. Till then, the existing rules, instructions or orders, by whatever name be called, shall remain valid and operate per force.

Sir, now I would like to mention a part of the Bill, which is regarding explanation regarding relaxation. Relaxation of marks in favour of Scheduled Castes and Scheduled Tribes students/candidates shall be only for admission into the course of study or faculty and there shall be no relaxation of marks for qualifying examination for degree, etc. It shall be construed accordingly. And, quite enough, I am demanding the reservation relaxation for entry, not passing the examination. They are at "par with the general candidates. They are supposed to pass the standard examination.

Sir, of course, it is a part of the Bill, with which I will now deal, it is regarding penalty, or, the punishment. Whoever is responsible for implementation of any provision of the Act or Rules/Instructions/Directions issued under the Act/or in vogue, found contravening the same of rules, instructions or directions issued by the concerned State Government/Union Territory or existing one in operation by whatever name called, or fails to implement the same, shall be punishable with imprisonment which may extend up to six months and with fine of not less than Rs. 3000 or bdth. The fine shall be payable from the personal pay of the delinquent officer.

At the same time, a precaution has been given in the Bill. This provision deals with penalty for false claim and issue of the false social status Certificate. I have also taken into consideration this aspect. Whosoever knowingly makes a false claim that he belongs to Scheduled Caste/Scheduled Tribe category, and whoever charged with the responsibility of issuing a social status certificate, knowingly, issues a false social status certificate, knowingly attests an affidavit, and if proved that the person is not a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment of not less than one year and not more than three years and with fine which may extend up to Rs. 10,000. At the same time, it is moral and bounden duty of the Government and Government has the right to issue directions.

Every educational institution shall be bound by the Act, Rules or Instructions by whatever name called, issued under this Act or existing rules, etc., not contrary to or inconsistent with the provisions of the Act or as the Government of India may, by general or special order, in writing, from time to time, notifies/issues to give effect to the provision of this Act.

Sir, I would like to conclude with this because I don't want to repeat all the proviso, which I have incorporated in my Bill. This is not a question of

Scheduled Castes and Scheduled Tribes alone. It is a national problem. We have to see the problem from a national point of view. It is our bounden duty to give equal rights to the Scheduled Castes and Scheduled Tribes, to whom, we have denied their rights for generations together. Sir, the UPAGovernment, in its Common Minimum Programme, has made it amply clear that there will be reservation for Scheduled Castes and Scheduled Tribes in all educational faculties/and in all other avenues. This is the mandate of the people and, of course, our Human Resource Development Minister, Shri Arjun Singh, our beloved Prime Minister and Leader of the UPA, Shrimati Sonia Gandhi, are all the interested and very much keen to fulfil this social obligation. Therefore, I request the hon. Minister, as I expected early when I started my speech, to give a positive reply of solace so that the problem is corrected. Thank you, Sir.

*The question was proposed.*

MR. DEPUTY CHAIRMAN: Now, Mr. Narayanasamy. SHRI V. NARAYANASAMY (Pondicherry): Mr. Deputy Chairman, Sir, I thank you for giving me this opportunity to participate in the discussion on the Bill moved by a senior Member of this House, Shri R.S. Gavai, on a very important subject, that is, reservation for the Scheduled Castes and Scheduled Tribes for admission in all courses of study and faculties in the educational institutions.

Sir, the UPA Government, the hon. Prime Minister, the hon. Minister for Human Resource development; all are committed to the oppressed and depressed sections of the society. The Scheduled Castes, the Scheduled Tribes, and, also the Other Backward Classes have been given reservation in jobs. Even there is a thinking, and, the Government is moving in the right direction, to give reservation for the minorities also. In this context, the Bill that has been moved by our senior Member for providing educational opportunities for the Scheduled Castes and Scheduled Tribes is of paramount importance. In fact, these people are not able to compete themselves, because of the environment in which they have been brought up, because they have been studying in the rural areas, and, because they have not been able to compete with the people of the elite classes living in the cities, this provision has been given.

Sir, in southern States, whether it is Tamil Nadu, Andhra Pradesh, Kerala, Kamataka, and, some of the States, the reservation has been given to the Scheduled Castes, Scheduled Tribes and other Backward Classes for higher educational courses, whether it is engineering, medical or technical. As far as the education at school level is concerned, we are giving it at the State level without the constitutional provision, or, without the legal provision The State Governments are implementing it by way of a Government Order. Now, the hon. Member wants that it should be made a universal policy, whether it is State-run educational institution, or, the educational institutions « run by the Central Government. The reservation should be introduced for the Scheduled Castes and Scheduled Tribes.

Sir, in the intervention, I requested the hon. Member that OBCs should also be given their rights, and, to which he has readily agreed. Sir, there is one thing I could not understand, and I want this House to ponder over. This is pertaining to the judgement given by the Supreme Court. The Supreme Court judgement says, "if it is super- speciality courses, there should not be a reservation." Why? I want to say that when the people belonging to the Scheduled Castes and Scheduled Tribes are eligible to become Doctors, when they want to go in for higher studies, why should there be merit alone the criterion? Why should they not be given reservation in education? There are scientific departments, the Defence services, and, there are some areas that have been prohibited. Sir, the State from where the hon. Deputy Chaiman comes, they are also pioneer in this field. Kamataka wanted 69 per cent reservation, and, in Tamil Nadu also, there is 69 per cent reservation in spite of the Supreme Court order. Most of the States have done it in spite of the Supreme Court order.

When we say that the Congress Government is for the welfare of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, and, minorities, we can very proudly say that the Congress party has been implementing the policies for uplifting those people who have been socially, and, educationally deprived of their rights. The hon. Member wanted this Bill to be introduced because, in some of the States, it has not been % followed uniformly. Sir, I would speak on two-three aspects of this Bill. The hon. Member has applied his mind while bringing this Bill. He said that if a boy or a girl secures marks on the basis of merit, bureaucrats consider him or for the reserved quota. When they compete in the open competition, and if they come on merit, when the reservation is introduced,



they bring those people who come on merit, in the reserved category. Therefore, he wants that it should be done separately and reservation should be given on the basis of the people who have applied for the admission from the reserved category. Sir, there is another grey area which the hon. Minister has to consider. The SC/ST people, who migrate from one State to another, do not carry their right of reservation to that State. That is a judgement of the court. That is depriving millions of Scheduled Caste, Scheduled Tribe and Other Backward Classes people of their rights in this country. Sir, if a Scheduled Caste student, who comes from one State, goes for admission in another State, he is not entitled to reservation. By that what happens, Sir, if such people want, the relevant authority, the social Welfare Department do not give them the certificate. You might be settled there 30 years back or 40 years back, but they are not giving you the certificate stating that is a judgement of the court. There are various other areas where these people, who are migrants, are being deprived of their rights. Even while implementing the social welfare schemes, those people are not being given their rights, therefore, Sir, to cover that aspect, Section 6 of the Bill, 'Eligibility of Children of Migrant Labour for Admission' has also been given in the Bill by the hon. Member. Then, Sir, eligibility to file an affidavit or certificate, which is the main theme of the Bill which he has brought, I think, the hon. Minister will agree with that because he has been championing the cause of the SCs/STs, Backward Classes and the minorities throughout his career as Chief Minister of Madhya Pradesh and as a Central Minister. I think, this is going to serve the people who could not get their right to education at the lower level in the educational institutions and also in the colleges, whichever courses are being run. Sir, I will go one step further — it may be a matter of debate — by saying that the reservation should be given even in judiciary also. Why not the Government consider giving training to the competent people and bringing them at par with the people who have been competing them in various other fields in the society? Therefore, Sir, I support this Bill moved by hon. Shri Gavaiji. And, Sir, if it is implemented uniformly, the UPA Government's dream of helping the poor and the downtrodden, especially the SCs, STs, Backward Classes and minorities, will be fulfilled. Thank you.

**श्री राम नाथ कोविन्द ( उत्तर प्रदेश ) :** उपसभापति महोदय, मैं सबसे पहले अपने वरिष्ठ मित्र श्री आर.एस. गवई साहब को इसलिए बधाई देना चाहता हूँ कि इन्होंने टाइमली इस बिल को पेश किया है। मुझे लगता है, जैसा कि वे अपने वक्तव्य में भी बोल रहे थे कि इस बिल को लाने की

जरूरत पड़ी, क्योंकि इसके पीछे एक कारण था, सुप्रीम कोर्ट का जजमेंट। जिस जजमेंट में सुप्रीम कोर्ट ने होल्ड किया, "Reservation can't be given in the super speciality courses in the medical sciences" उपसभापति जी, मैं देख रहा था कि सुप्रीम कोर्ट ने एक तरफ तो यह होल्ड किया है और दूसरी तरफ मुझे याद है कि जस्टिस कृष्णा अय्यर, who was known to be one of the best Supreme Court judges, उन्होंने अपने जजमेंट में एक होल्ड किया था कि

"that the weaker sections of this country, particularly the Scheduled Castes and the Scheduled Tribes, they have got a fundamental right in the governance of the country."

मुझे लगता है कि सुप्रीम कोर्ट के जो आज के जजमेंट आ रहे हैं और जो पुराने जजमेंट हैं, उनमें अंतर है। एक वह सोच थी और एक आज की सोच है। इसके साथ — साथ एक दूसरा कारण, इस बिल को लाने का जो मुझे लगता है, वह यह है कि हमारे संविधान में बहुत सारे प्रावधान हैं, to bring the weaker sections of the society at par with other people और इसके लिए जो एक बेसिक फंडामेंटल स्टेप हो सकता है वह शिक्षा का है। शिक्षा के बारे में प्रिम्बल का जिक्र किया, पिछले फ्राइडे को भी इसी से संबंधित एक इसी प्रकार का रेजोल्यूशन था, उस पर चर्चा हो रही थी। उस दिन भी मैंने निवेदन किया था कि यदि हम संविधान की प्रस्तावना को देखें तो उसमें दो — तीन पहलू बहुत महत्वपूर्ण हैं। एक पहलू है कि जिसमें कहा गया है कि We, the people of India, जिसे हम लोगों ने एडोप्ट किया है, we all people, उसमें कहा कि yes, we will provide Justice—social, economic and political. सोशल, इकोनॉमिक जस्टिस का गवई साहब ने अपने बिल में जिक्र किया है। एक दूसरा पहलू है, जो हमारा कमिटमेंट है, to give the entire nation that is the equal opportunity and status, और एक थर्ड चीज, जिसका इस बिल में उल्लेख नहीं किया गया है, मैं उसका उल्लेख करना चाहूंगा, लास्ट में प्रिम्बल में कहा है, that is the fraternity assuring the dignity of the individual उपसभापति महोदय, मुझे लगता है कि किसी व्यक्ति की डिग्निति बिना एजुकेशन के कैसे हो सकती है? Even those who are uneducated, हम लोग अपनी भाषा में कहते हैं कि यस, यह बिना पढ़ा — लिखा है, गंवार व्यक्ति है, इस प्रकार की भाषा का हम प्रयोग करते हैं तो मुझे लगता है कि this is not a dignified address to the gentlemen concerned और इसलिए, जो तीन चीजें प्रस्तावना में दी गई हैं, मुझे लगता है कि that they are the basics. इसके आगे यदि हम इसकी और डिटेल् में जाएं, जो कि बिल की स्टेटमेंट ऑफ ऑब्जेक्ट्स एण्ड रीजन्स में दी गई है, उपसभापति महोदय, मैं देख रहा था कि आर्टिकल 46 की बात कही गई है imposes a duty on the State to promote with special care the educational interests,.

in particular, the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice also मुझे लगता है कि This is also a very important and vital provision of the Constitution which has to be complied with and the onus of the responsibility lies on every successive Government, whether it is the State Government or the Central Government एक और भी महत्वपूर्ण आर्टिकल है Article 15(4) of the Constitution which also empowers the State to make special provisions for the socially and educational advancement of the Scheduled Castes and the Scheduled Tribes, मुझे लगता है कि यह बिल एक बहुत ही नोबल कॉज के लिए लाया गया है। जब इस देश के विकास की बात करते हैं overall development of the country. यदि उसमें एक मेजर सेक्शन छूट जाए, If they remain illiterate and if they can't advance, if they can't come at par with other people, मुझे नहीं लगता कि जिस देश के लिए हम एक एडवांस तरक्की का रास्ता सोच रहे हैं, उसमें हम कभी कामयाब होंगे। इसलिए यह जो एजुकेशन का बेसिक सवाल है, मैं इससे थोड़ा सा और आगे जाना चाहूंगा। आज आरक्षण की बात आती है।

महोदय SC/ST के लिए आरक्षण निर्धारित किया गया। अभी कुछ ही बरस पहले OBCs को भी उसमें include किया गया, लेकिन समाज में पिछले 50 – 55 वर्षों के दौरान कटुता आई है और दोनों का अपना – अपना नज़रिया है। मुझे लगता है कि दोनों के अपने – अपने नज़रिए हैं, अगर हम उनके नज़रिए से देखेंगे तो both are justified. SC&ST and the OBC people feel कि 50 बरस हो गए और हमारे लिए जो आपने तय किया था percentage of quota, reservation in services, वह 15 परसेंट और साढ़े सात परसेंट, उसके बाद 27 परसेंट OBCs के लिए, वह अब तक हमें नहीं मिला। OBCs के लिए तो अभी आया है लेकिन SC/ST का जो टोटल साढ़े बाईस परसेंट का था, वह अभी तक पूरा नहीं है और आखिर इसे पूरा करने वाले कौन हैं? इसे पूरा करने वाले ये लोग नहीं हैं, जो कि मांग रहे हैं, इसे पूरा करने वाले दुसरे लोग हैं, जो कि गैर – अनुसूचित जाति के हैं। इसी तरीके से जो गैर – अनुसूचित वर्ग के हैं, they are also justified in saying कि आखिर रिज़र्वेशन जो 10 साल के लिए चलना था, 20 साल के लिए चलना था, यह 30 साल, 40 साल, आखिर कब तक चलेगा? उनके दृष्टिकोण से यदि आप देखेंगे तो they are justified. वे भी सोचते हैं कि आखिर यह रिज़र्वेशन कब तक चलेगा? अगर सदियों तक इनके साथ injustice हुआ है, तो सदियों तक यह रिज़र्वेशन भी चलेगा? मुझे लगता है कि both sections of the society are justified in their argument. But there is a communication gap. इसलिए बहुत अच्छा होगा कि सरकार भी इस पर पहल करे, दूसरे they all should sit across the table and find out an amicable solution. आखिर रिज़र्वेशन को आप बरसों तक नहीं ले जा सकते। बरसों तक ले

जाएंगे तो इससे समाज में बहुत कटुता आएगी। लेकिन यह बात भी सही है कि जिनके लिए रिजर्वेशन लागू हुआ है, यदि उनको मिलता नहीं है और वे **at par** नहीं आते हैं, उनको समाज में समानता नहीं मिलती है, तो फिर आखिर रिजर्वेशन के मायने क्या हुए। यह बहुत ही **ticklish** सवाल है। मुझे लगता है कि सभी राजनीतिक दलों के जो बड़े — बड़े नेता हैं, अगर वे सब मिलकर विचार करें तो इसका कुछ **solution** निकल सकता है।

उपसभापति महोदय, मैं एजुकेशन से संबंधित एक बात जोड़ना चाहता हूँ। बहुत अच्छा होगा यदि रिजर्वेशन के साथ — साथ हम **residential schools** प्रोवाइड कर सकें **to all the SC/ST boys and girls who are capable of going to school**। उसके बाद जो बच्चे इन **residential schools** के लिए जाते हैं, उनके लिए हम कह सकते हैं कि **yes, they will compete with others**। **Reservation in services could be banned for these boys and girls**। यह सिलसिला यदि हम शुरू करें तो शायद वह रिजर्वेशन जो अभी चल रहा है, उसको समाप्त किया जा सकता है लेकिन यह समाप्त तभी होना चाहिए, जब उन लोगों को **atpar** हम ला सकें, जो कि रिजर्वेशन के मायने हैं। इसलिए मुझे लगता है कि नौकरियों में आरक्षण देने पर हम जितना जोर दे रहे हैं, उसके बजाय यदि हम शिक्षा संस्थाओं में आरक्षण पर जोर दें और यह पहल करें तो बहुत अच्छा होगा।

उपसभापति महोदय, मैं पुनः गवई साहब को इस बिल के लिए धन्यवाद देता हूँ। एक चीज के लिए मैं **UPA** सरकार को भी धन्यवाद देना चाहता हूँ। अभी हमें मीडिया के माध्यम से पता लगा कि कुछ दिन पूर्व एक रिजर्वेशन एक्ट के लिए कैबिनेट ने क्लियरेंस दिया है। यह बहुत अच्छा **proposal** है, लेकिन मैं उसमें जोड़ना चाहता हूँ कि **there must be a penal clause also in the Reservation Act. Otherwise, it will not be meaningful**। मुझे लगता है कि गवई साहब का जो बिल आया है, इसमें सैक्शन 14 में जो **penal clause** दिया है, अगर इसे कहीं न कहीं उसमें **insert** करें तो बहुत अच्छा होगा। **This Bill is for a noble cause. I appreciate and support it. It is for the wisdom of the Government. Thank you.**

MR: DEPUTY CHAIRMAN: I propose that Mr. V. Narayanasamy to take the Chair. If the House so permits, I will request Mr. Narayanasamy to take the Chair.

SOME HONBLE MEMBERS: Yes.

[THE VICE-CHAIRMAN (SHRIV. NARAYANASAMY) in the Chair]

SHRIC. PERUMAL (Tamil Nadu): Sir, I rise to support the Bill. Provision

of reservation for admission in various courses is a very important issue. There is competition in every aspect of life, especially with the opening up of the economy. Global players have entered into the country. Education is one of the basic fundamentals of the society. Education cannot be denied to any section of the society. Now that the Constitution has been amended to provide that education shall be a fundamental right, it is another matter that only primary education has been made a fundamental right. For centuries together, Scheduled Castes and Scheduled Tribes have been oppressed. Now it is time that they got their due share in the society.

In the open economy, only the best can survive and the average and mediocre students will have no place in the nation-building activities. Therefore, it becomes the duty of the Government to provide best and quality education to students, especially belonging to the Scheduled Castes, Scheduled Tribes and other socially and educational backward classes. But how can the Government do this? The Government has to reserve seats in educational institutions, including higher educational, technical and professional institutions, for these downtrodden sections of the society. But a limit has been imposed by the Court that not more than 50 per cent of seats can be reserved for all categories put together. Sir, in our country, Scheduled Castes, Scheduled Tribes and Other Backward Classes account for more than 70 per cent of our population. Therefore, the percentage of reservation is not sufficient. Sir, the percentage of reservation should be in proportion to their percentage of population in the country. In this connection, I am proud to inform the House that under the dynamic leadership of Tamil Nadu Chief Minister, hon. Puratchi Thalaivi, in Tamil Nadu, reservation has been made up to 69 per cent. Time and again, we have been demanding that the reservation law should be given Constitutional protection. Moreover, at present, there is no legislation for making reservations either in services or in educational institutions. It is done through executive orders only. Unless a law is brought forward, protection cannot be there. Hence, I take this opportunity to demand that a law should be enacted for making reservations in admission for SCs, STs and Other Backward Classes in educational institutions. The Central Government should give liberal assistance to States for construction of *pucca* buildings of schools and higher educational institutions. The Central Government should give assistance for providing free books, stationery items etc. to the backward classes. In fact, I demand that the Government should amend the Constitution to provide for free and compulsory education up to higher

secondary for all sections of the society and free technical and professional education to students belonging to the backward classes. Education should be of global standard in professional institutions so that our students can be made competitive to meet any challenge from foreign students.

Sir, I conclude by saying that the Government should implement the following:

- (i) to bring a law to provide for reservation in services and educational institutions for SCs, STs and Other Backward Classes and to remove the creamy layer aspect in Other Backward Classes.
- (ii) to amend the Constitution for making free and compulsory education up to higher secondary as a fundamental right.
- (iii) to give a Constitutional protection to the reservation law. Thank you, Sir.

SHRI R. SHUNMUGASUNDARAM (Tamil Nadu): Sir, I thank you for permitting me to share my views with the House on a very, very important Bill. I thank the hon. Member, Shri Gavai, for bringing this Bill for discussion before this august body.

Sir, not far off, a couple of weeks back, Mr. Gavai had moved another Bill asking for reservation in the private sector, and I had an opportunity to address the issue at that time also. On the similar lines, this Bill is a Bill which is absolutely necessary in the circumstances prevailing today.

This Bill seeks reservation in all educational institutions. Some of the educational institutions claim that they are institutions of excellence and they are giving higher education only on merits. They should be told in clear terms that they belong to this country; they enjoy the fruits of the hard work done by the farmers, labourers and other workers of this country; they have to respect the feelings of the people belonging to this country; and they should admit and educate those unprivileged people who have not got any opportunity otherwise to come up in life.

Sir, I hail from Tamil Nadu which has a history of reservation. The history of reservation in Tamil Nadu dates back to the last century. The first Madras Revenue Board Order was introduced in the year 1851 and some instructions, by way of a Board Order, were given in the year 1851. These are all materials placed before the Mandal Commission for its analysis. The Madras Revenue Board had instructed the District Collectors to restrict

the number of entrants in service of certain communities and, particularly, the Brahmin communities were restricted because of the prevailing statistics at that time. It was found that the male literacy rate among the Tamil Brahmins, at that time, was 73.6 per cent as against the other communities, particularly, Vellalars, who are supposed to be the other forward class community. Their percentage was only 6.9. The literacy in English among the Tamil Brahmins was nearly 18 per cent and it was less than 0.1 per cent among others. These were the statistics. This was the basis on which some Collector had recommended that there must be proportional representation to the persons belonging to other communities. Therefore, non-Brahmins alliance started the South Indian Liberal Federation which later became the Justice Party in 1916. This is the history.-

When the Justice Party came to power in the Madras Presidency in 1921, they brought the Communal GO and that GO was followed up to 1947. On the basis of that Communal GO, out of 12 posts, non-Brahmin Hindus were given 5 posts, Brahmins were given 2 posts, Muslims were given 2 posts, Anglo-Indians and Christians were given 1 post and the depressed classes were given one post. This was the proportional representation that was allowed at that time in respect of jobs and education. Then, we gave ourselves the Constitution in 1950. The Communal GO was challenged in the Madras High Court in the famous Champakam Dorairajan case on the basis that it was unconstitutional. The case went up to the Supreme Court and the Supreme Court also held that the Communal GO was invalid and, therefore, it was struck down. Thereafter, there was a lot of agitations in the State of Tamil Nadu. The DMK, the Congress Party, which was ruling in Tamil Nadu under the leadership of Perunthalaivar Kamaraj, and all others supported the reservation for Backward Classes and the Scheduled Castes. Pandit Nehru, who was the then Prime Minister, apprised by all the political leaders and a Constitutional amendment to article 15, sub-clause (iv) of the Constitution was brought in. This is the history. Then successive State Governments in Tamil Nadu did not stop with reservations. They continued with reservations. Then several Commissions for Backward Classes were appointed. The first among them was the A.N. Sattanathan Commission which was constituted in the year 1969. In the year 1971, the recommendations of the Sattanathan Commission were implemented in the State of Tamil Nadu; whereby the Scheduled Castes and the Scheduled Tribes were given 18 per cent reservation and the Backward Classes were given 31 per cent reservation

and 51 per cent was for open competition. Thereafter, in the year 1979, a certain limit of income was prescribed; Rs. 9,000 annual income was prescribed as eligibility for classifying a person to be in the list of Backward Classes. This is the theory of the Creamy Layer, after some time, after a lot of protests by the people of Tamil Nadu, it was withdrawn in the year, 1980. Then in 1989, the recommendations of the Mandal Commission were debated and in August 1990, the recommendations of the Mandal Commission were accepted by the Central Government. The Central Government gave 27 per cent reservation to the Other Backward Classes. At that time, the Tamil Nadu Government in the year 1990, gave 20 per cent reservation to the Most Backward Classes, that is, among the Other Backward Classes, who were till then getting 50 per cent., 20 per cent\* reservation was given to the Most Backward Classes. The Other Backward Classes were given only 30 per cent reservation and 20 per cent reservation was given to the Most Backward classes. On the basis of statistics also, one per cent was set apart for the Scheduled Tribes. That is the history. Then in the year 1994, the then Tamil Nadu Government brought in the Tamil Nadu Act 45 of 94 giving 69 per cent reservation to all the categories put together. Sir, you are also aware that that was included in the Ninth Schedule and at that time, I understand, you were also in this House. That is the history of reservation in Tamil Nadu. Sir, I would like to say that Tamil Nadu is the forerunner. Now both the DMK and the/ 'ADMK and also the Congress... *(Interruptions)*...

SHRIN. JOTHI (Tamil Nadu): Sir, Tamil Nadu is forerunner. There is no doubt about it. It was done only after Anna ...*(Interruptions)*...

SHRI GK. VASAN (Tamil Nadu): Sir, I strongly object to it. It was done when Kamraaj was the Chief Minister.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Shunmugasundaram, kindly speak on the Bill. ...*(Interruptions)*...

SHRI GK. VASAN: Sir, he should not talk about leaders who are no more.

THE VICE-CHAIRMAN (SHRI V NARAYANASAMY): Mr. Jothi, when your turn comes up, you can speak. Mr. Shunmugasundaram, kindly speak on the Bill- ...*(Interruptions)*... Let us not make this House a Tamil Nadu Assembly.



SHRI R. SHUNMUGASUNDARAM: Sir, I would like to make one comment on this Bill. In Clause 10 of the Bill, the Explanation says, "The word "Hindu" shall be construed as including Sikhs, Buddhists or Jains." Therefore, it rules that out. It is an important point that this Bill reflects reservations only to the Hindu Scheduled Castes and Scheduled Tribes, totally omitting those persons who have converted themselves to Christianity. My point is that those persons also should be included. This is because the Mandal Commission Report says that the Scheduled Caste people, on conversion from Hinduism to Christianity, go from one yoke to another yoke. Therefore, their communal background or their status does not improve. So, Sir, I just wanted to make this point that restricting reservations to the Scheduled Castes and the Scheduled Tribes belonging to the Hindu religion alone is not sufficient. Therefore, I request Shri Gavai to bring an amendment in his Bill to this effect, and I would also urge upon the hon. Minister to consider extending the benefits to those Scheduled Caste and Scheduled Tribe people who have converted from Hinduism to Christianity. Thank you.

**श्री मूल चन्द मीणा ( राजस्थान ) :** उपसभाध्यक्ष महोदय, हाऊस के सीनियर मैम्बर श्री आर. एस. गवई द्वारा जो यह अनुसूचित जाति और अनुसूचित जनजाति के लोगों को शैक्षिक संस्थानों में अध्ययन के सभी पाठ्यक्रमों, उच्च तकनीकी, व्यावसायिक, उच्च शिक्षा संकायों आदि में प्रवेश के लिए आरक्षण की व्यवस्था करने के लिए बिल लाया गया है, इसको लाने के क्या कारण रहे हैं, यह विचारणीय है।

महोदय, संविधान में सभी नागरिकों के लिए अवसर और प्रतिष्ठा की समानता, सामाजिक और आर्थिक न्याय सुनिश्चित किया गया है। अनुसूचित जाति, अनुसूचित जनजाति के साथ अस्पृश्यता की प्रथा के कारण ये लोग शिक्षा से वंचित रहे, निर्धनता और निरक्षरता के कारण इनके लिए उच्च शिक्षा के अवसर का अभाव रहा। इस देश का संविधान अनुच्छेद 14, 15 (1), 15 (4) के साथ ही अनुच्छेद 46 द्वारा राज्य को अनुसूचित जातियों और अनुसूचित जनजातियों के सामाजिक और शैक्षिक उन्नति के लिए विशेष उपबंध की शक्ति प्रदान करता है। सवाल यह है कि इस विधेयक को लाने की आवश्यकता क्यों हुई? देश की आजादी के 55 साल बाद भी अनुसूचित जाति और अनुसूचित जनजाति के लोग उच्च शिक्षा, तकनीकी, शिक्षा के क्षेत्र, में दूसरे वर्गों के लोगों की बराबरी नहीं कर पाए और जो आरक्षण की परसेंट और 7.5 परसेंट की व्यवस्था थी, उसके अनुसार शिक्षा भी ये लोग प्राप्त नहीं कर पाए। इसमें एक कारण यह भी है कि उनको परसेंटेज के हिसाब से प्रवेश नहीं मिल पाया। आजादी के इन 55 सालों में इस देश के न्यायालयों में, उच्चतम न्यायालय में कई ऐसे अवसर आए, जिनमें संविधान को एक तरफ रखकर मानवीय आधार को

अपनाते हुए कुछ निर्णय दिए गए। उन निर्णयों में से एक इंदिरा साहनी केस के मामले में उच्चतम न्यायालय ने मत व्यक्त किया कि अनुसूचित जाति, अनुसूचित जनजाति के लिए तकनीकी एवं अन्य विशेष अध्ययन, अन्य आधुनिक और विशिष्ट अध्ययन पाठ्यक्रमों में आरक्षण नहीं किया जाएगा। यदि इनके निर्णय को देखा और पढ़ा जाए तो मालूम होगा कि संविधान का कहीं ध्यान रखा ही नहीं गया। न्यायाधीश की क्या भावना थी, इसके बारे में मैं कुछ नहीं कहना चाहता। इसी प्रकार से एक दूसरा निर्णय आया, डा. प्रीति श्रीवास्तव के मामले में। उच्चतम न्यायालय ने अभी यह निर्धारित किया है कि चिकित्सा अध्ययन पाठ्यक्रम में अति विशेष अध्ययन में आरक्षण राष्ट्रीय हित में नहीं है। चंडीगढ़ के स्नातकोत्तर पाठ्यक्रम के एक केन्द्र के मुकदमें में भी उच्चतम न्यायालय के पांच न्यायाधीशों की एक खंडपीठ द्वारा एक निर्णय दिया गया है कि आरक्षित सीटों के लिए अनुसूचित जाति, अनुसूचित जनजाति के प्रवेश के लिए सामान्य और आरक्षित अभ्यर्थियों के अंकों में दस अंकों की विषमता हो तो अंकों में छूट दिया जाना गैर कानूनी है। ये निर्णय संविधान में आरक्षण की व्यवस्था के विपरीत हैं। इसीलिए श्री गवई को एक गैर सरकारी विधेयक लाना पड़ा। मैं यह भी जानता हूँ कि आज केन्द्र में जिस पार्टी की सरकार है, उसका दृष्टिकोण शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स, बैकवर्ड क्लास की उन्नति के अधिकारों, जो संविधान द्वारा उन्हें दिए गए हैं, की रक्षा करना रहा है। यू. पी. ए. की यह सरकार शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स के लिए प्राइवेट सैक्टर में आरक्षण की बात करती है, आरक्षण देने की भावना रखती है। इसलिए इस बिल के आधार पर मैं मानव संसाधन मंत्री जी से निवेदन करना चाहूंगा कि अभी समाज की असमानता दूर नहीं हुई है, निर्धनता दूर नहीं हुई है, जिससे कि दूसरे वर्गों का मुकाबला उच्च शिक्षा में शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स के लोग कर सकें। इसलिए आप एक बिल लाकर, संविधान के अनुसार इन लोगों के हितों की जो रक्षा होनी चाहिए, उसे कायम करें।

सभापति महोदय, मुझे यह बात इसलिए कहनी पड़ रही है क्योंकि इस देश के न्यायालयों ने संविधान की गलत व्याख्या करके दिल्ली में शैड्यूल्ड ट्राइब्स का रिजर्वेशन बंद कर दिया। 1993 में दिल्ली में एक सरकार बनी। उस सरकार में बैठे हुए लोगों की भावना के कारण सरकार के कई निर्णय ऐसे हुईं जिनसे शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स का दिल्ली में रिजर्वेशन बंद करने की भावना प्रारम्भ की गई, लेकिन उसका इम्प्लिमेंट दूसरी सरकार आने के बाद हुआ। फिर शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स के एम. पी.जे. ने उस समय की विपक्ष की नेता श्रीमती सोनिया गांधी से निवेदन किया, उन्हें जाकर अपनी बात बताई। सोनिया जी ने उनकी भावना को पहाचाना और जो भावना सोनिया जी की है शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स के प्रति, उसके तहत उन्होंने दिल्ली सरकार से रिजर्वेशन वापिस कायम करने के आदेश कराए, लेकिन दुर्भाग्य यह है कि उस आदेश के खिलाफ दिल्ली उच्च न्यायालय में, जिनकी भावना गलत थी, वे लोग गए और बिना किसी आधार के गए। आप निर्णय देख लीजिए, कहीं उसमें कोई आधार नहीं है, केवल भावना में आकर फैसला दिया गया। यह मंत्री जी यहां बैठे हुए हैं, मैं आपसे अनुरोध करूंगा कि उस निर्णय को आप भी देख लीजिए।

उस निर्णय में केवल संविधान के अनुच्छेद 342 के अनुसार अधिसूचना जारी की। सरकार द्वारा कोर्ट को अधिसूचना नहीं देने के कारण शैड्यूल्ड ट्राइब्स का आरक्षण ही बंद कर दिया और कहा यह गया कि दिल्ली के अंदर ट्राइबल्स है ही नहीं। इस दिल्ली के अंदर जितने भी ट्राइबल्स, शैड्यूल्ड कास्ट, बैकवर्ड क्लास या चाहे उच्च वर्ग के लोग हैं, सभी माइग्रेट हुए हैं। दिल्ली की पॉपुलेशन कितनी थी? आज टैरिटरीज के अंदर आरक्षण की जो व्यवस्था है, वह दिल्ली पर भी लागू होनी चाहिए। लेकिन दुर्भाग्य यह है कि उच्च न्यायालय ने अस्पष्ट निर्णय दिए हैं। दिल्ली की सरकार ने मान कर उनको बंद कर दिया। आज सरकारी नौकरियों के अंदर शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइब्स की कम से कम दस — पंद्रह हजार नौकरियों में जो पिछले पांच — छः महीनों में भर्तियां की गई हैं, नयी नौकरियां दी गई हैं, उससे वंचित हो गए। गृह मंत्री जी, यह आपकी नॉलेज में भी है। आपसे ट्राइबल्स MPs भी मिले हैं उसी भावना को ध्यान में रखते हुए दिल्ली के अंदर स्पेशल बिल ला कर आप यह अधिसूचना अनुच्छेद 342 में लागू करवाएं जिससे दिल्ली के अंदर एक समाज विशेष के साथ, एक दलित समाज, ट्राइबल समाज के साथ जो अन्याय हो रहा है, उनको न्याय मिल सके। उनके जो गरीब छात्र हैं, उनको नौकरियां मिल सकें। साथ ही श्री आर. एस. गवई जी जिस भावना से इस बिल को लाए हैं, मैं इसमें कुछ सुझाव देना चाहता हूं। गवई जी ने अनुच्छेद 30, अनुच्छेद 35, और अनुच्छेद 40 को जोड़ने की बात कही है, यह बहुत महत्वपूर्ण है। अनुसूचित जाति और अनुसूचित जनजाति के आरक्षण में प्रवेश का जब सवाल आता है तब संस्था के जो अध्यक्ष हैं, चाहे प्रधानाचार्य हों, आचार्य हों, वाइस प्रिंसिपल्स हों, प्रिंसिपल्स हों, ये लोग उस आरक्षण को पूरा करने की बजाय उसमें कुछ लेकर लागू कर देते हैं और उसे पूरा नहीं कर पाते। उसे सैक्शन में प्रवेश भी नहीं दे पाते। मंत्री जी, मैं आपकी जानकारी में लाना चाहूंगा कि इस देश के अंदर जो महिला विश्वविद्यालय हैं, इन विश्वविद्यालयों में 55 वर्षों के बाद भी शैक्षणिक और प्रशासनिक दोनों में रिजर्वेशन को पूरा नहीं किया गया है। आप इन यूनीवर्सिटीज और कालेजिज को ग्रांट भी देते हैं, जो शैड्यूल्ड कास्ट, शैड्यूल्ड के आरक्षण को पूरा नहीं करते हैं। इसीलिए गवई जी को आरक्षण के इस बिल में अनुच्छेद 30 की आवश्यकता पड़ी, इस अनुच्छेद 30 को आप अवश्य मानिए और देश के विभिन्न विश्वविद्यालयों में निर्देश दीजिए कि इस आरक्षण को पूरा करें। जो नहीं करें, उनके खिलाफ अनुच्छेद 30 की कार्यवाही की जाए। मैं यह मानता हूं कि यू. पी. ए. की सरकार इन वर्गों की हितैशी रही है और जो लोग इन वर्गों के हितैशी नहीं थे, उनकी भावनाओं के कारण आज उनको उधर बैठना पड़ा। इसके पीछे यही कारण था।

इसलिए मैं माननीय मंत्री महोदय से निवेदन करना चाहता हूं कि ... (व्यवधान) ...

श्री मुरली सीताराम देवरा ( महाराष्ट्र ) : अहलुवालिया जी तो इधर ही हैं ... ( व्यवधान ) ...

**श्री मूल चन्द मीणा :** सर, अहलुवालिया जी तो इधर भी आ सकते हैं, कुछ पता थोड़े ही है ।  
...(व्यवधान)... वह जल्दी आ जायेंगे , चिंता मत करो । ...(व्यवधान)...

**श्री एस. एस. अहलुवालिया ( झारखंड ) :** यहां पर हमारे भविष्यवेता बहुत हैं यहां पर हमारे भविष्य का निर्धारण करने वाले बहुत हैं । ...(व्यवधान)... अगर मैं उधर आया, तो आप में से उधर कोई नजर नहीं आयेगा , इसलिए मेरा उधर वेलकम मत करो । ...(व्यवधान)...

**एक माननीय सदस्य :** यह मीणा साहब नहीं बोल रहे हैं, यह आपका इतिहास बोलता है ।  
...(व्यवधान)...

**श्री मूल चन्द मीणा :** उपसभाध्यक्ष महोदय, आर. एस. गवई साहब जो प्रस्ताव लाये हैं , जो बिल लाये हैं, मैं इसका समर्थन करता हूँ और सरकार से भी इस ओर ध्यान देने का निवेदन करता हूँ ।  
धन्यावाद ॥

SHRIN. JOTHI: Sir, I support this Bill wholeheartedly and Mr. Gavai has taken pains to draft this Bill. Had Mr. Gavai taken into consideration of what is happening in Tamil Nadu, many of the provisions which have been drafted here, would not have become necessary. He could have taken it as a role model. The reason being, Sir, you have spoken about article 31 of the Preamble. Article 31 (b) in your Bill paves way for bringing enactments in the Ninth Schedule, if you look at entry at 257(a), an enactment is already there which answers most of the points in your Bill. I will read the name of the enactment. That enactment is called, "Tamil Nadu Backward classes, Scheduled Castes, Scheduled Tribes, reservation of seats in educational institutions and appointments in posts, in services under the State Act 1993." This Act provides 69 percent reservation both in educational institutions, as well as, employment opportunities to the Scheduled Castes, Scheduled Tribes and Other Backward Communities. We are forerunners. Why should not we keep our collar up? What is wrong in it? So, that is why I said, 'we are the fore-runners.' The reason being, not we, but our great forefathers, E.V Periyar, Thanthai Periyar, the long-bearded man who lived upto 95 years of age, who propagated all over India, especially most of the Southern parts of India and has worked for the social...

SHRI EM. SUDARSANANATCHIAPPAN (Tamil Nadu): He was in Tamil Nadu Congress Committee.

SHRI N. JOTHI: He was there earlier and then went away from the Congress Party. Don't tell big names. They are all great people. I do not

want to go into any controversy because Chairman has already warned me not to get into controversies. Thanthai Periyar has done it. Periyar has been closely followed by our loyal leader Anna, thereafter, Dr. MGR; now my leader. We have brought so many social changes. We hardly see any untouchability in Tamil Nadu. The Chairman knows it very well. We hardly see any untouchability. There is no class difference in Tamil Nadu. We are all moving as brothers. And in educational institutions, Mr. Gavai, you will be very happy to know that free cycles are being given to the Backward Community, as well as, the Scheduled Caste and Scheduled Tribe girl students who reach 11th and 12th standards. Four lakh cycles are being given to them free of cost. They can take it home. Even after studies they can keep it for themselves. That is called Amma cycle. Since Amma has given it, it is called Amma cycle. There is nothing wrong in calling it like that. So like that, we are doing so much for education, for the poor, so much for the downtrodden people. You can understand how much expenditure it will cost to the State Government for giving four lakhs good running cycles. We are doing it without any financial support from the Central Government. On free education, a Scheduled Caste and Scheduled Tribe can do Ph.D. without a naya paisa being spent from his pocket. Government takes care of his food, education, shelter and other aspects. We are doing it. Even with regard to employment opportunities, we are now talking about fifty per cent, twenty per cent etc. We have already given sixty-nine per cent. Sir, this is because for centuries and centuries the upper caste people have robbed the opportunities of the downtrodden people. Equations have now to be made. We are now trying to do that. We have already done it in Tamil Nadu.

Sir, as far as getting Community Certificates is concerned, the procedure suggested by Mr. Gavai, is in Clause 9 of the Bill. You have suggested a particular methodology under Clause 10(1) of the Bill. For your information I would like to tell you that already a judge from the Supreme Court, Justice K. Ramaswamy, from Andhra Pradesh, who himself belongs to Scheduled Caste, in two judgements, one in Madhuri Patil—this case came before the Bench from Maharashtra—and in Kavereti Giri from Andhra Pradesh, laid ways and means how such certificates have to be issued. He said that social status certificates shall be issued by a Committee. And, each district has to form a Committee to issue a social status certificate. In Tamil Nadu we have such Committees. We have, in some districts, two or

three Committees. We have already prescribed a detailed methodology for that. If this Bill is accepted, I request the hon. Minister of Human Resource Development and the hon. Minister of Home Affairs to take note of these two judgements. These two judgements clearly say how social status certificates have to be issued. These two judgements were pronounced in 1994 and 1995.

Coming to another important aspect, I would say that the reservations are being made for certain deserving people. As we have fake currency notes, we also have some cases where candidates produce fake social status certificates to get themselves elected as an MLA or an MP. There are many such cases. The fake community certificates are not unknown to the world. I would say that these are all your seats. These seats are all your seats reserved for SCs/STs. People who don't deserve are taking away the reserved seats. They are doing it. They are obtaining such certificates and robbing seats from the eligible people. To avoid that, these two judgements, delivered by Justice K. Ramaswamy, itself paves the way for prosecution. Those penal provisions can also be included, if any such Bill is thought of by the Central Government. Penal provisions shall be made. They should be arrested. They should be penalised for a minimum number of years and, if any person does anything with fake certificates, he should be punished. This is the suggestion I wish to make.

With these words, I support the Bill and congratulate Mr. Gavai for bringing in such a Bill. Thank you.

SHRIJESUDASU SEELAM (Andhra Pradesh): Hon. Vice-Chairman, Sir, I thank you for giving me this opportunity to put forth my point of view on this Bill. I rise to support the Bill. I also congratulate and thank hon. Shri Gavai for drawing the attention of this hon. House to this important subject. I had expressed my views last week on the issue of reservation for SCs/STs in the private sector. I don't want to repeat those points. I would like to humbly submit that there are certain things which cannot be ignored while discussing this positive discrimination or what we call 'the theory of compensation' as put forward by the Constitutional framers and Dr. Ambedkar. There is a sincere attempt on the part of the Government, for the last 50 years, to bring about some change in the social, economic and educational conditions of these marginalised sections so that they are at par with the forward communities. But, there is an attitudinal change.

For instance, I would like to mention a ritual which all of us are familiar with. Everyday morning we do pooja and offer *naivedyam* to the God. As long as the God does not accept, we keep on feeding. For instance, think that the God is eating whatever *naivedyam* we are offering, then we stop offering. So, there is an attitude of 'enough'. And this has, unfortunately, crept into judgements of various courts. The other day the hon. Minister was saying that there was Ekalavya phobia and Dronacharya mentality. That means; if you feel merit, okay. What is merit? Merit is genetically common to everybody.

It is the educational training, the circumstances and the environment that make the difference, that makes the different persons meritorious. It is a word coined by interested sections to carve out a niche for them, to carve out a place of respect in a society. It is no more than a mockery. If it is really the case of merit, what is the status of PSCs. If the meritorious are supposed to be empanelled, what is the status of PSCs? So, I don't want to get into the debate on 'merit'.

Now, I come to attitude of the bureaucracy. Some judgements, which are little adverse to the weaker sections, have been given effect to immediately. As the hon. Member said, there are two types of judgements. One is the judgement cited in the Bill, about super specialities; and the other is Justice Krishna Ayyer's judgement. The judgements, which are favourable to the Scheduled Castes, the Scheduled Tribes and the OBCs, are not implemented. But if it is an adverse judgement, it is immediately implemented and made into a dictum so that you can do a lot of damage to these people.

Secondly, the scheduled castes, the scheduled tribes and the OBCs do not need mercy, do not need any reservation. They need empowerment. Prepare them sincerely for competing in all the aspects of life and bring them at par with others. There are laws, there are regulations that the amount to be spent on the development should be in proportion to their population. The Scheduled Castes and the Scheduled Tribes, put together, constitute 25 per cent of the population in this country. You are supposed to spend Rs. 25 per hundred rupees on their development. If you look at the successive Governments, both at the Centre and the States, only six per cent is earmarked for their development, while only four per cent is spent. We don't want to keep on asking. But there is lack of sincerity in

implementation. There is a gap between what you say and what you do. This tokenism and talkism is becoming too much evident for the last 7-8 years. It has been so much evident that people have started taking to other means. Ninety per cent of the young boys, who are highly qualified, are unfortunately finding place in the *dalams* of naxalites in Andhra Pradesh. So, you should understand, Sir, we do not want reservation. Reservation is a stigma. But you have to create the opportunities of access to education, access to other means so that they are also able to come at par with others. For instance, the court said, 'There should not be any reservation'. We don't mind. But I would like to request the Government to run special colleges for the Scheduled Castes, the Scheduled Tribes, the OBCs people may be trained in super specialities. You train them. You run courses exclusively for them. We don't want reservation. Then see their functioning. There has been a demand that there should not be reservation in certain areas. So many explanations were given in this regard. When you can create other regiments on the caste basis, create a *dalit* regiment. Give them an opportunity to fight the wars; and, then, assess their merit. On the one hand, you are not giving them equal opportunities; on the other hand, you are denying reservation. Either the Government should undo this mismatch or should give them reservation. I would like to remind you. Babu Jagjivan was once asked, "How long do you want to continue this caste-based reservation?" He said, "As long as you discriminate people with caste intentions, this has to continue." We don't want reservations forever. But fifty-seven years have passed, what has been the effort, what has been the sincerity, what has been the commitment? You prepare them, give them quality education, provide access to all the opportunity; then there is a justification in not demanding this Bill.

The second point which I would like to mention and which some hon. Members have also raised is that the Dalit Christians should also be considered for reservation.

Another point which was mentioned was about false certificates. I just want to spend one minute on this. Sir, you have extended the benefit of reservation to the converts from Buddhism, to those who live in the Northern parts of the country and have converted to Sikhism, and those who live in the Western parts and have converted to Buddhism. What is wrong with the people living in the Southern region? You are discriminating against them. They are Dalits, and they have embraced Christianity, so,



you are discriminating against them. There is a discriminatory attitude. When you could extend it to other converts, you could have done the same for converted Christians also.

Secondly, the normal explanation given is that when you change over to Christianity your social disability vanishes. Sir, in practice, it is not the case. I can tell you a number of incidents of atrocities committed on Dalits. There is the famous case of Tsundur where Dalits were killed. Their names were: Peter, Jakob and others. They were Dalit Christians. Sir, the second most heinous crime is that of massacre of some 25 Dalits. They were put in gunny bags and thrown into the river. These incidents took place at Tsundur and Karamchedu in Andhra Pradesh. Their names were: Peter, Jakob, Johnson etc. They were Dalit Christians. This discrimination continues even after they change over to the other religion. So, Sir, this is the point on which I would like to draw your kind attention. This is a highly justified demand of the Dalit Christians.

The third point is this. You are denying fundamental rights to them. A person, irrespective of any religion, has the Fundamental Right to practice or profess any religion in this country. Just because somebody is professing Christianity, he/she is denied the benefit of the status of a Dalit. On three grounds we should consider extending the benefits to Dalit Christians as well.

Finally, I come to the point of giving false certificates of Caste. Sir, I would like to remind this august House that untouchability was the sole criteria to give reservation. There has been an age-old discrimination against Dalits on the basis of social, economic, political, cultural grounds. So, this should be the criterion. Though there are so many Castes which do not belong to category of untouchability, but they have also been included in the list of the Scheduled Castes and the Scheduled Tribes. The Parliament, while enacting, while considering the reports, should take this into cognisance. Those who have submitted false certificates should be dealt with. In the Government Bill, which the DoPT is planning to bring, the Penalty clause or the Aarakshan Adalat, that clause has to be included. In the past, the Welfare Ministry had consulted the Experts. They had discussions with the Dalit leaders and prepared a Bill to extend job reservation for them in the Government. But unfortunately, those provisions are seemingly missing in the proposed Bill being brought out by DoPT,

and concurred by the Cabinet. Those provisions are very vital. Sir, you cannot just cut the shoots leaving the roots. You have to attack the root cause of the problem at the ground level, so that there is, what is called, the transformation within the community.

The last but not the least point is that the Dalit Community, the Scheduled Caste Community and the Backward Class community, have to be really sensitised to the realities of life. They should be told that 'You have to work hard. You have to emulate the other communities. You have to imitate them. You have to follow the ideals set by the successful people. You need not go on asking for facilities.' That should be done because they have also to realise the social transformation happening around them. The Government is very keen about that. The Government will take care of all the demands. With these words, I thank you once again. Thank you very much.

**श्री दत्ता मेघे :** उपसभाध्यक्ष महोदय, मैं आदरणीय गवई साहब का बहुत आदर करता हूं, वे जो बिल लाए हैं to provide for reservation for admission in all courses of study, higher education and medical higher education मैं इस बिल का समर्थन करता हूं। महोदय, अभी हमारे देश के अंदर जो स्थिति है, पहले तो सारे गवर्नमेंट इंस्टीटयुशंस थे, उनमें कुछ जगह रिजर्वेशन था और उसका इंप्लीमेंटेशन भी हो रहा था, लेकिन पिछले 5 – 10 सालों के अंदर हमारे देश की सभी स्टेट्स private institutions को भी कॉलेज चलाने की permission दी गई। आज जो भी हाईकोर्ट और सुप्रीम कोर्ट के जजमेंट आते हैं, हर स्टेट में आप देखिए कि कुछ ऐसे जजमेंट आते हैं, चाहे वह वहां का fee structure हो administration हो और खासकर जो postgraduation courses हैं, MD हैं, उसके अंदर रिजर्वेशन नहीं रहेगा। ऐसे जजमेंट आते हैं। एक तो वैसे ही ये सीटें बहुत कम होती हैं, और उस पर आपने रिजर्वेशन निकाल दिया, तो इससे बहुत परेशानी होती है। मैं आदरणीय अर्जुन सिंह जी, जो इस विभाग के मंत्री हैं, उनसे प्रार्थना करूंगा कि हर स्टेट में यह रिजर्वेशन होना चाहिए। हमारे महाराष्ट्र में पहले 15 गवर्नमेंट मेडिकल कॉलेज थे, अब 150 मेडिकल कॉलेज हैं, इसी तरह से इंजीनियरिंग कॉलेज भी हैं और हर स्टेट में ये प्राइवेट कॉलेज बड़े पैमाने पर शिक्षा देने का काम कर रहे हैं। अब सुप्रीम कोर्ट के जो अलग – अलग जजमेंट आते हैं, उनसे SC और ST के लोगों के लिए कोई रिजर्वेशन नहीं होता है। इसके कारण कुछ कॉलेज वाले भी बदनाम हो जाते हैं अब तो Deemed Universities भी आ रही हैं, उनको भी हम बढ़ावा दे रहे हैं, फॉरेन यूनिवर्सिटीज भी आ रही हैं। जो इंजीनियरिंग और मेडिकल एजुकेशन हैं, इसमें इन जजमेंट्स की वजह से बहुत प्रॉब्लम्स खड़ी हो रही हैं। इसलिए केन्द्र सरकार को इस ओर ध्यान देना चाहिए। हर स्टेट में admission का प्रोसीजर लगभग सितंबर – अक्टूबर

तक चलता रहता है, इससे पढ़ाई भी नहीं हो पाती है। इस दृष्टि से इसका ठीक इंतजाम होना चाहिए। आपको **fee structure** का जो कुछ करना हो, करिए लेकिन SC और ST को आपको रिजर्वेशन देना ही पड़ेगा, जो भी प्राइवेट कॉलेज है, उनसे कहना पड़ेगा कि इतनी फीस में आपको इतने बच्चों को पढ़ाना ही पड़ेगा। हम भी कॉलेज चलाते हैं, अभी हमने देखा कि हमारी स्टेट में कालेजों का **status** अच्छा हो गया है, हम उनको बोल सकते हैं कि आप इतने बच्चों से इतनी कोर्सेज के लिए बहुत प्रॉब्लम है। एजुकेशन मांगने वाले बहुत हैं लेकिन **facilities** - बहुत कम है। इस दृष्टि से यदि केन्द्र सरकार की तरफ से कोई **act** होगा, तो उससे सब लोगों को सुविधा मिलेगी। **Fee structure** भी डिसाइड करना चाहिए। अभी तक हमारे महाराष्ट्र में मेडिकल कोर्सेज के **Fee structure** पर फैसला नहीं हुआ है। कोर्ट के अलग — अलग इतने जजमेंट्स हैं कि उनसे हमारे SC/ST और गरीब तबके के लोगों को बहुत असुविधा हो रही है। हमने **facilities** बनाई है लेकिन जिनके पास पैसा है, वही पढ़ रहा है। इस दृष्टि से मैं गवर्न साहब से रिवैस्ट करूंगा कि...

The VICE-CHAIRMAN (SHRIV. NARAYANASAMY): Mr. Meghe, you have to speak on the Bill. You are not speaking on the Bill.

श्री दत्ता मेघे : हमारे माननीय मंत्री महोदय श्री अर्जुन सिंह जी भी इस विचार के हैं, इसलिए मैं उनसे निवेदन करूंगा कि अगला सेशन शुरू होने से पहले, वे यह बिल लेकर आएँ, तभी सही मायनों में लोगों को फायदा होगा। धन्यावाद।

SHRI PENUMALLIMADHU (Andhra Pradesh): Mr. Vice-Chairman, Sir, I stand to support this Bill, moved by our respected Gavai Sahibji. In the present day context, this Bill has got much importance. I do not want to go into the other aspects of the Bill. I want to bring to the notice of the House only important aspects of this Bill. Four years back, one business school was inaugurated by the Prime Minister of India. This school is under the Chairmanship of a Chief Minister. In this business school in Hyderabad, the reservation policy is not implemented. When once this business school has not provided any reservation, a number of private institutions all over the State very daringly came forward not to implement the reservation policy. By not implementing the reservation policy, the very spirit of our Constitutional directives, the spirit of our Constitution, is blatantly violated. Sir, even after 56-57 years of Independence, the tribals and Scheduled Castes are very much deprived. We have seen 1960's; we have seen 1970's. Today the situation is quite different from what it was in

1960s and in 1970s. In 1960s, in 1970s or in 1980s, neither was any Chief Minister nor was any other person who was heading a Ministry dare enough to inaugurate an institution wherein reservations are not provided. Now, the situation is that after 56 years of Independence, in an institution, a business school at Hyderabad, where the admission fees is Rs. 15-16 lakhs, not even one Scheduled Caste or Scheduled Tribe student is enrolled. ...*(Interruptions)*... This private institution, which was inaugurated by the Chief Minister and the Prime Minister, is not implementing the reservation policy...*(Interruptions)*... My point is, when once such institutions are encouraged, the spirit of our Constitution cannot be implemented. In the earlier days, we had not seen such judgements. But, in the recent period, such judgements are coming that reservations need not be provided in such and such institutions. What I would like to bring to the notice of this House is, in the present context, the reservation policy should be strictly implemented in all educational institutions, including the private Institutions...*(Interruptions)*... This Bill brought forward by Mr. Gavai is a welcome step in that direction...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): One minute please...*(Interruptions)*...

AN HON. MEMBER: The hon. Members from the other side are not interested... *(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, one of our speakers, Shri Ram Nath Kovind, has already given his deliberations. Whatever he wanted to say on this Bill, he has said, and our Members are present here. ...*(Interruptions)*... Today is Friday...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): No argument, please ...*(Interruptions)*... No argument. ...*(Interruptions)*...

Hon. Member can continue. ...*(Interruptions)*... No argument, please.. *(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, when the Members from that side are interrupting, I would like to put one question. My learned friend is speaking about the reservation in a business school at Hyderabad. I am not aware of that school. But while giving his reply, I would request the hon. Minister, Arjun Singhji, to give this information to this House as to which are the private schools where reservations are provided, whether it is a business

school or any other school, or, any missionary school, a private or a public school. I would like to know whether reservation is provided in these schools or not. Please inform the House in this regard.

SHRIN.JOTHI:\*

THE VICE-CHAIRMAN (SHRIV. NARAYANASAMY): No, no, he was asking a general question ...*(Interruptions)*... Mr. Madhu, please continue speaking...*(Interruptions)*... Please, don't see the interruption, continue speaking.

SHRI PENUMALLI MADHU: Sir, I am here to support the Bill. With these words...*(Interruptions)*...

SHRI JAIRAM RAMESH:\*

THE VICE-CHAIRMAN (SHRI V NARAYANASAMY): Mr. Jairam Ramesh, kindly take your seat...*(Interruptions)*... Mr. Madhu, please continue speaking...*(Interruptions)*...

SHRIS.SAHLUWALIA\*

MR. VICE-CHAIRMAN: (SHRI V NARAYANASAMY): Now, it is a Member's right to remain in the House or leave, Mr. Ahluwalia. ...*(Interruptions)*... Now, Mr. Madhu you can speak...*(Interruptions)*... The interruptions will not go on record. ...*(Interruptions)*...

SHRI PENUMALLI MADHU: In a number of places, whether in Government or private colleges...

MR. VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Madhu, are you concluding now?

SHRI PENUMALLI MADHU: Yes, Sir. They are not being implemented either in Government or private colleges in a number of places. In this context, this Bill is of much importance and I support the Bill. Thank you, Sir.

श्रीमती जमना देवी बारुपाल ( राजस्थान ) : धन्यवाद, आदरणीय उपसभाध्यक्ष महोदय, आप ने मुझे इस बिल पर बोलने का मौका दिया। महोदय, मैं श्री आर. एस. गवई साहब को भी हृदय से आभार व्यक्त करते हुए धन्यवाद देती हूँ और इस बिल का समर्थन करती हूँ।

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\*Not recorded.

उपसभाध्यक्ष महोदय, यह बिल समाज के ऐसे वर्गों के लिए लाया गया है जोकि आदिकाल से शिक्षा से वंचित रहे हैं। आज भी उन को समुचित शिक्षा नहीं मिल पा रही है, लेकिन कई लोग समझते हैं कि हम अब बहुत संपन्न हो गए हैं, बहुत शिक्षित हो गए हैं। महोदय, पिछले साल की बात है, ऐसे ही एक परिवार का बच्चा मेडिकल कॉलेज में प्रवेश से वंचित रह गया क्योंकि उस से साढ़े 37 लाख रुपए डोनेशन मांगा गया। हम ने कहा, कुछ कम करिए, हम इतने रुपए देने में सक्षम नहीं हैं। उन्होंने कहा कि बहन जी, आप एम. पी. है और आप ने कहा है तो मैं 50 हजार की रिलीफ दे सकता हूं। मैंने कहा, धन्यावाद, हम इतना पे नहीं कर सकते।

मैं समझती हूं कि यह बिल आज के समय में जनता की पुकार है क्योंकि आज मनुष्य शिक्षा के बगैर अधूरा है। महोदय, हमारे राजस्थान के जंगलों में एक गूलर का फूल होता है जिस में रंग होता है, रूप होता है, लेकिन सुगंध नहीं होती और इसलिए उस फूल की वैल्यू नहीं होती। इसलिए आज शिक्षा समाज के सभी वर्गों के लिए उतनी आवश्यक है जितना मनुष्य के लिए दोनों समय का भोजन। विशेषकर अनुसूचित जाति वर्ग के लिए अनिवार्य है क्योंकि उन का आदिकाल से शोषण होता रहा है। वे अपने अधिकारों से लंबे समय से पूरी तरह से वंचित रहे हैं। उन को अभी भी बराबरी का अधिकार नहीं मिल रहा है।

महोदय, मेरा मानव संसाधन विकास मंत्री जी से हार्दिक अनुरोध है कि चूंकि आप बहुत ही अनुभवी और दयालु हैं, इसलिए आप इस वर्ग के लोगों की पीड़ा को भली — भांति समझने में कंजूसी नहीं करेंगे। आप वर्षों से विद्वान लोगों की टोली में बैठते रहे हैं और शिक्षा के महत्व को पहचानते हैं। इसलिए आप उदार दिल से एस. सी. / एस. टी. वर्ग के लोगों को आयुर्विज्ञान की शिक्षा, इंजीनियरिंग की शिक्षा, और आई.ए.एस., आर.एस./आई.पी.एस. में रिजर्वेशन देंगे ताकि इस सुविधा से वर्षों से भटके हुए ये लोग शिक्षा के माध्यम से अपनी समस्याओं को हल कर सकेंगे।

महोदय, यह कहीं — न — कहीं हमारी बड़ी भूल है कि बहुत से लोग इस वर्ग को बहुत ही कमजोर, छोटा और अछूता समझकर नकार देते हैं। लेकिन मैं दावे के साथ, विश्वास के साथ और गर्व से कह सकती हूं कि इन लोगों को अगर शिक्षा में मौका दिया जाता है, नौकरियों में मौका दिया जाता है, तो ये लोग दूसरों की अपेक्षा, बहुत अच्छी तरह से, योग्यता से, काम करने में सक्षम होते हैं। कई लोग सोचते हैं कि इनको कुछ आता नहीं है। लेकिन हम अपनी अन्तरात्मा में झांक कर देखते हैं कि आज ये पार्लियामेंट जैसी बड़ी — बड़ी इमारतें, बड़ी — बड़ी मंजिलें, यही लोग, दलित वर्ग के लोग बना कर देते हैं। खादी से लेकर पोलिस्टर और सिन्थेटिक तक जो कपड़ा है, वह सब, हमको सुन्दर बनाने वाला यही वर्ग है। पानी और बिजली को चमकाने वाले यही दलित और यही कमजोर वर्ग है। लेकिन दुर्भाग्य की बात है कि आदिकाल से इन लोगों से घृणा की गई और इनको अपनी शिक्षा से और अपने अधिकारों से वंचित रखा गया, जिसे आज भी यह वर्ग भुगत रहा है। इसलिए उच्च शिक्षा

में इनको कानून के दर्जे पर शिक्षा देना बहुत ही अनिवार्य और आवश्यक है क्योंकि 1931 तक अनुसूचित जाति वर्ग को स्कूलों में बराबर टाट और पट्टी पर बैठ कर प्राइमरी शिक्षा तक लेने का कोई अधिकार नहीं था, जिसका एक सबूत मैं भी यहां पर बैठी हूँ। आज जब लोग अंग्रेजी में बोलते हैं तो मुझे बड़ी हीन भावना महसूस होती है, बड़ी घृणा आती है और अपने आपको कमजोर समझती हूँ। आपका लिखा हुआ पढ़ लेती हूँ, लेकिन अभ्यस्त नहीं हूँ। पर अब 73 साल की उम्र में अभ्यास होता नहीं है। यहां से जाएंगे, घर में 10 आदमी बैठे रहेंगे और 10 आदमियों में बातचीत करेंगे, रात को 12 बजेंगे, ऐसा शरीर टूटने लगेगा कि क्या पढ़ाई करें। इतना लिटरेचर आता है, वह पढ़ नहीं पाते हैं। लेकिन मैं आपको हौसले की बात बताऊँ, इसे मजाक मत समझिए, एक विद्वान आदमी, जो हमारा पड़ोसी था, उसने यह कहा — हैलो, हाउ हार यू जॉनिया। उस आदमी का वह मंत्र आज भी मुझे याद है। मैं अंग्रेजी में तो दसवी फेल हो गई, लेकिन मैंने हिन्दी प्रभाकर और हिन्दी में ग्रेजुएशन कर लिया। इसका कारण है कि आज मैं हिंदी में बोलने में आपके इन विद्वानों में कम नहीं रहती हूँ। मुझे बोलना आ जाता है। इसलिए शिक्षा मनुष्य के लिए उत्तनी ही जरूरी है, जितनी कि हम दो टाइम भोजन करते हैं। काफी समय से इन पर अत्याचार हुआ, छुआछूत हुई, ये लोग वंचित रहे। यही कारण है आज अजा. /जजा. वर्ग के कुछ लोग हैं, वे बेचारे नहीं बोल पाते, कहीं नहीं पहुंच पाते। आज उनकी नौकरियां भी हैं। 1952 से 57 तक, 72 तक जो इनको अपनी नौकरियां मिली, लेकिन 72 के बाद क्या हो गया? ऐसा कानून बन गया, विधान, संविधान कागजों का कागजों में रह गया। आपसे पूर्व मानव संसाधन मंत्री थे, उनको मैंने एक दिन कहा भी था कि विश्वविद्यालयों में जो 75 हजार वैकेन्सियां पड़ी हैं, आप इनको भरिएगा, बैकलॉग भरिएगा, ताकि 75 हजार लोगों को रोजगार मिलेगा। 11 हजार संस्थाएं जो विश्वविद्यालय हैं और कॉलेज हैं, जिनमें भी वैकेन्सियां रखी हैं, आप भरिएगा, लेकिन नौकरी के नाम की तो आज एक आर्टिफिशियल चिड़िया भी नहीं उड़ाई जाती तो ये बराबर का दर्जा इनको कहां मिलेगा? हमारी मारवाडी में हमारी औरतें कहती हैं कि दूधो मरी तो लाइयो, और फूलों की वर्षा हो। मैं यह कहना चाहती हूँ कि स्वर्गीय प्रधानमंत्री श्री राजीव गांधी, जिन्होंने अपनी अंतरात्मा में झांक कर 33 प्रतिशत महिलाओं को आरक्षण दिया और उस आरक्षण के तहत गिनी चुनी महिलाएं, हम आपके बीच में बैठ कर कभी — कभी हौसला कर लेती हैं। हम भी आज आपके साथ भागीदारी निभा रहे हैं।

हम भी आज आपके साथ भागीदारी निभा रहे हैं। इसलिए मैं कहूंगी कि आरक्षण का होना बहुत जरूरी है।

उपसभाध्यक्ष महोदय, मैंने बहुत संक्षेप में जो थोड़ा बहुत कहा है, इसको बहुत विस्तार से समझते हुए, जो मेरी अंतरात्मा की पीड़ा है, जिसको मैंने अपने शब्दों में व्यक्त किया है, शेड्युल्ड कास्ट और शेड्युल्ड ट्राइब्स के लोगों को शिक्षा संस्थाओं में आरक्षण देना बहुत जरूरी है, नौकरियों में भी इनको आरक्षण देना बहुत जरूरी है और शेड्युल्ड कास्ट और शेड्युल्ड ट्राइब्स की महिलाओं

को भी आरक्षण देना बहुत जरूरी है। मुझे मालूम है कि आज हमारे देश की कांग्रेस अध्यक्षा की यह सोच है कि इस तबके के लोगों को, जो अपने अधिकारों से और शिक्षा से वंचित रह गए हैं, उनको सबके समक्ष लाकर भागीदारी देनी है। मैं उनका इसके लिए धन्यावाद करूंगी, अपने आदरणीय प्रधानमंत्री मनमोहन सिंह जी का भी धन्यावाद करूंगी और हमारे समक्ष विराजमान हमारे सीनियर लीडर, जो एजुकेशन के मिनिस्टर हैं, उनका भी धन्यावाद करूंगी और धन्यवाद करते हुए उम्मीद करूंगी कि जो कुछ मैंने कहा, उसे बड़े धैर्य से सुनते हुए माननीय मंत्री जी इनको कानून की कड़ियों में जकड़ कर उसका लाभ हमको देंगे। धन्यावाद।

SHRI EM. SUDARSANANATCHIAPPAN (Tamil Nadu): Sir, I support this Bill.

SHRI R.S. GAVAI: Sir, I welcome the hon. Member for putting forth his comments. But, unless the debate is replied to by the hon. Minister, it will be incomplete, and, probably, the fate of this non-official Bill may be carried on. Though I welcome the hon. Member's speech, I think, a caution should be taken so that reply can come from the hon. Minister and the debate is completed. That is my request.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I cannot cut short the discussion when the hon. Members want to speak on the subject because they have the right to speak. Let us see how to adjust the time.

SHRI R.S. GAVAI: Of course, Sir. But, I would like to seek your protection. If the hon. Members want to speak on the debate, they can do so. Sir, the Session is going to be concluded on 23rd December. I don't know whether it will be possible to provide this relaxation to the Scheduled Castes and the Scheduled Tribes or not, but if it is assured that the Bill will continue and the hon. Minister will reply in the next Session, then, I have no difficulty.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Gavai, let me give a clarification to you. As far as a Private Member Bill is concerned, if the debate is not concluded and the Bill is not completed on the same day, it will be carried on to the next Session. That is a rule. Therefore, it will continue in the next Session.

SHRI R.S. GAVAI: Thank you, Sir.

SHRI E.M. SUDARSANANATCHIAPPAN: Sir, I support this Bill piloted by our senior Member, Shri R.S. Gavai. This particular Bill gives a new light on the basis of the judgement of the Supreme Court, and regarding



this particular situation, where the SC/ST people should be given opportunities in the institutions and also in jobs of excellence. Sir, in 1951, as Mr. Shunmugasundaram has already said about the first Constitution Amendment, this was made by Shri Kamraj, the then Chief Minister of Tamil Nadu. He came across a judgement of the High Court in a case of *Champakam Dorairaj versus State of Tamil Nadu*. In that case, the High Court held that the communal reservation, which was prevailing in Tamil Nadu for many years, was constitutional. Subsequently, it was not accepted by the Supreme Court. Since the new provision of the Constitution, which was promulgated from 1950, has not supported this particular provision, the first Constitution Amendment was brought forward by Pandit Jawaharlal Nehru and it was given a new impetus for the backward and socially-oppressed community, SC/ST, by giving a special explanation in the article 15 as new clause 4.

In this, it is clearly given that nothing in this Article, or, in Clause 2 of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens, or, for the Scheduled Castes and Scheduled Tribes. This is a very important Article. Lakhs of people were benefited by this particular provision, which was made by Pandit Jawaharlal Nehru.

Subsequently, Sir, this was followed by all the State Governments and also the institutions. Huge funds were allotted for promoting the institutions of excellence. But some institutions were escaping from the eyes of the Government, and, even the Indian institute of Technology, Master Degree Institutions, and, other institutions were not following the reservation policy. I can very well say that the Indian Institute of Technology, Chennai is a world-famous institute, but there is no reservation for such people. We are not asking that reservation should be given for 40 per cent mark holder. There are persons belonging to Scheduled Castes and Scheduled Tribes who have got very good marks, say, 90 per cent, 98 per cent marks and, they have succeeded in the entrance examination. But, even then, they were not given the permission for reservation in the Indian Institute of Technology. But what happens, Sir? Two days before, one of the hon. Ministers said that we need a lot of provisions for human resource development so that we can meet the international obligation of research and development. We have trained and developed a lot of people through Indian Institute of Technology, other institutions of excellence throughout

India, and, we have exported the brain to the foreign countries. They got our excellent people, they got patents, they earned the money, and, they developed their own countries, but we have developed them by the taxpayers' money; tax-payers include the people from Scheduled Castes, Scheduled Tribes, and Other Backward Classes who are also paying tax to the Government. Therefore, this provision should be applicable to every institution, whether it is minority institution, whether it is a majority institution, or, whether the Government governs it. Sir, I can quote another latest instance and that is also from the State of Tamil Nadu. There was a GO. issued by the Government of Tamil Nadu in 2003 telling that the minority institutions should also have the reservation policy. The Association of Minority Institutions challenged that, and, it came up to the level of the Supreme Court. But, we were told-Mr. Jothi can clarify that particular thing-that the Tamil Nadu State Government Counsel has conceded that ...*(Interruptions)*...

SHRIN. JOTHI: No, it is not correct ...*(Interruptions)*...

SHRI E. M. SUDARSANA NATCHIAPPAN: You can clarify it. I will allow you ...*(Interruptions)*...

SHRI N. JOTHI: Let it not go on record, Sir. It is not correct. ...*(Interruptions)*...

SHRI E.M. SUDARSANA NATCHIAPPAN: Let me complete it ...*(Interruptions)*... You will be given a chance.

SHRI N. JOTHI: It is a wrong propaganda. No concessions have been shown ...*(Interruptions)*... The case stands posted ...*(Interruptions)*... It is a wrong propaganda.

SHRI E.M. SUDARSANA NATCHIAPPAN: I will tell it. Then you clarify it ...*(Interruptions)*...

SHRI N. JOTHI: Why should we ...*(Interruptions)*... These are not to be told at all....*(Interruptions)*...

SHRI E.M. SUDARSANA NATCHIAPPAN: Because we have been part of the agitation. We have conducted it on the 10th of this month ...*(Interruptions)*...

SHRI N. JOTHI: You are carrying on several wrong agitations.

[17 December, 2004]

RAJYASABHA

SHRI E.M. SUDARSANA NATCHIAPPAN: That is a popular agitation ...*{Interruptions}*... PMK, and, all the UPA Government have sponsored this agitation ...*{Interruptions}*...

SHRIN. JOTHI: You are wrongly guided ...*{Interruptions}*...

SHRI R. SHUNMUGASUNDARAM: Sir, the Government ...*{Interruptions}*...

SHRI E.M. SUDARSANA NATCHIAPPAN: This particular thing was enlightened, and, the Government Counsel...

SHRI N. JOTHI: I will show you the record ...*{Interruptions}*... No concession was shown ...*{Interruptions}*... I will show you the whole record.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let the hon. Member speak. If you want to intervene, you can do so later. When he is speaking, do not intervene, and, when you get a chance, you can speak.

SHRI E.M. SUDARSANA NATCHIAPPAN: The Democratic Progressive Alliance which is led by Congress, DMK, Communist Parties, PMK and MDMK, passed a resolution on 3rd December, 2004, explicitly telling that the Government has acted in duality, and, therefore, the State Government of Tamil Nadu should rectify that. Sir, that was the Resolution, and, also on that basis...*{Interruptions}*...

SHRI N. JOTHI: Please correct your resolution. ...*{Interruptions}*... I will send the copy of the proceedings of the Court...*{Interruptions}*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I have already told you to let the hon. Member speak, and, then, if you want, you can react.

SHRI N. JOTHI: Sir, What can I do, Sir? Suppose he calls India as Pakistan, can't intervene and say, "it is not Pakistan, it is India?" It is something like that.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): There is a procedure in this House. If a Member is misleading the House, you have got a right to react on that. Why do you interfere when he speaks?

SHRI E.M. SUDARSANA NATCHIAPPAN: Therefore, what I want to submit before this august House is, there should not be any difference

whether the institution is run by the minority community or by the majority community or by the Government or any other organisation! Any institution run on the Indian soil should have the same social purpose. We are not asking that the SC-ST. people, who are most unworthy, should be put in the best places. No. They have got the merit. I am just arguing that they have got merit. They have got the marks and reached at the level of 95-96 per cent. Those people should have given some reservation. We are not asking that the people who get 30 per cent, who have failed, should be put in the top-most places. It is not the case. Only excellent SC/ST people should be allowed in the institution of excellence. That is what my submission. We are not asking for any berth. We are not begging before anybody to give us some reservation. We are the people who are suppressed for so many centuries in this country in the name of religion, whether this religion or that religion. They should be given an opportunity. They have Masters degree. They have done research. They have come forward for joining in an institution of excellence. Why do you not allow them some place, only for the first generation or the second generation? After that, automatically, people will not tell about the caste and all that. They will come to the mainstream. This is the thing. That is why the extension of the period from 10 years to 50 years has come. The Government and other institutions should take it as a patriotic movement to see that the people who are backward and who are pushed aside, should come forward and be a part of the mainstream. Then, they should be allowed to go on their own speed along with Other people. They will run. They will succeed. I want to say about a best surgeon in Tamil Nadu. He has got a job in America. He belongs to the SC/ST category. The American do not see the caste. They see the merit. But the people who have passed examination here, and have got the excellence, they should be given a proper job in any institution. That is the main intention towards which I would like to draw the attention of the House.

I have got another point, Sir. The hon. Member has given explanation regarding Clause 10 of the Bill. He has given the explanation of the word 'Hindu'. I quote, "the word 'Hindu' shall be construed as including Sikhs, Buddhists or Jains or professing Hindu religious faith in any form, whatever called as specified in Explanation U to Article 25 of the Constitution". Here, I would like to stress that at that time 'Hindu' might be accepted that it belonged to a religion. But I am just quoting only two-three lines from

'The Discovery of India' where Pandit Jawaharlal Nehru has told about the Indus Valley Civilization. I am quoting from Chapter IV, page 65, "But, what we know even that is of the utmost significance. The Indus Valley Civilization, as we find, it, was highly-developed, and must have taken thousands of years to reach that stage. It was surprisingly enough a predominantly secular civilization, and the religious element, though present, did not dominate the scene. It was clearly a precursor of latter cultural period in India."

Then he quoted on page 71, the quotation of Mahatma Gandhi. Mahatma Gandhi had attempted to define it. "If I were asked to define the Hindu creed, I should simply say 'search of the truth through non-violent means'. A man may not believe in God and still call himself a Hindu. Hinduism is a relentless pursuit after the truth. Hinduism is a religion of the truth. Truth is God. Denial of god we have not known". That is the quotation given on the basis of Mahatma Gandhi's version. Therefore, when we see the article 25, we have to see in some other way at the present juncture. Sub-clause

(b) of Clause 2 says, "Reference to the Hindus shall be construed ", but before that the explanation, that is, in clause (b) says, "Providing for social welfare and reform or throwing open a Hindu religious institution of a public character to all classes and sections of Hindus". This portion I would like to stress. Instead of having a Hindu religious institution, it should be a religious institution and sections of the Hindus should be removed so that any institution, any religious classification, whether it is a Christian or a Muslim or any classification, they should also follow the reservation policy. Only then the people socially backward can come forward. In the same way, Sir, even if they join any religion, that is not the criterion, whether they are backward or whether they are socially, economically and politically backward. That is the main thing that has to be gone into. On that basis, I fully support this Bill which has to be given a proper status so that SC/ST people can get all the benefits in order to come into the mainstream. They should also have all chances to show their talent and use their energy for the welfare of the country. Thank you very much, Sir.

THE VICE-CHAIRMAN (SHRIV NARAYANASAMY): Thank you, Mr. Natchiappan. Now, Dr. Faguni Ram.

**डा. फागुनी राम ( बिहार )** : धन्यवाद उपसभाध्यक्ष महोदय । महोदय, आपने मुझे बोलने का

मौका दिया, इसके लिए मैं आपका आभारी हूँ। एजुकेशन समाज की उन्नति की रीढ़ है, क्योंकि "यस्य बुद्धि, बलम् तस्य, निर्बुद्धेषु कुतो बलम्" जिसके पास बुद्धि है, उसी के पास बल होता है। बलों में बुद्धि श्रेष्ठ मानी जाती है। शैडयूल्ड कास्ट, शैडयूल्ड ट्राइब्स ले एडमिशन में रिजर्वेशन के बारे में गवर्न साहब जो बिल लाये हैं, उसके लिए हम उनके आभारी हैं। एडमिशन में भी रिजर्वेशन के बारे में चर्चा करनी पड़ी, यह दुखद बात है। क्योंकि यह तो प्राइमरी बात है कि उनको पढ़ाने के लिए एडमिशन बिना रिजर्वेशन के ही पढ़ाने वाले छात्रों लिए या कोटे के अनुसार हो जाना चाहिये था। हम प्राइमरी स्कूल से चलते हैं। हम देखते हैं कि जहाँ गांव में स्कूल होता है, उसमें छोटे-छोटे बच्चे तो एडमिशन ले लेते हैं, क्योंकि अपने बच्चों को पढ़ाने की सबकी लालसा होती है। जब वे प्राइमरी स्कूल से माध्यमिक विद्यालय में जाते हैं या फिर उस गांव के स्कूल से दूर के स्कूल में जाते हैं, तो उनका ड्रॉप-आउट हो जाता है। उनको स्कूल छोड़ देना पड़ता है, क्योंकि उनकी स्थिति ऐसी नहीं होती है कि वे दूसरी जगह पर जाकर के, घर से बाहर लड़के को मैनेटेन कर सकें, पढ़ा सकें। यह गरीबी उनको बच्चे पढ़ाने में भी अभिशाप बनी हुई है। जैसे-मिडल स्कूल से हाई स्कूल में बच्चे जाते हैं, हाई स्कूल से कालेज में जाते हैं और कालेज से जब टेक्नीकल में जाते हैं, तो हमारा ड्रॉप-आउट बढ़ता चला जाता है मैडम इंदिरा गांधी ने एजुकेशन को बीस सूत्री कार्यक्रम में रखा था, राजीव जी ने इसको सार्थक बनाया, हमारी वर्तमान कांग्रेस की अध्यक्ष और हमारी सरकार चाहती है कि शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स को आगे बढ़ाया जाये। मैं समझता हूँ आगे बढ़ने के लिए सबसे जरूरी शिक्षा को प्राप्त करने के लिए एडमिशन में कैसे आरक्षण हो, इसी पर हम लोग चर्चा कर रहे हैं। मैंने कहा कि बच्चों का ड्रॉप-आउट हो जाता है, तो इसके बारे में सरकार को सोचना चाहिए और इस पर विचार करना चाहिए कि ड्रॉप-आउट नहीं हो और बच्चे आगे की क्लास में चलते चले जायें। जब बच्चे नीचे की क्लास से ऊपर नहीं जायेंगे, तो हम टेक्नीकल एजुकेशन के लायक लड़के खोजेंगे जिस परसेंटेज में, तो वे नहीं मिल सकेंगे। जब तक लड़के आईएससी नहीं करेंगे, तब तक वे इंजीनियर नहीं हो सकते हैं। अगर आईएससी, साइन्स और बायोलॉजी से नहीं करेंगे, तो वे डाक्टर नहीं बन सकते हैं। मेरा सुझाव है कि सरकार को इस बात पर विचार करना चाहिए कि ड्रॉप-आउट कैसे रोका जाये। हम देखते हैं कि ज्यादातर स्कूलों में, कालेजों में, यूनिवर्सिटीज में या इंस्टीट्यूट्स में, उनको दस प्रतिशत बोनस अंक दे देते हैं और दस परसेंट बोनस देकर एक कामन लिस्ट तैयार करते हैं। इसमें होता यह है कि दस परसेंट देने के बाद भी हमारे शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स के जो विद्यार्थी हैं, वे कामन लिस्ट में नहीं आ पाते हैं। इसलिए मेरा एक सुझाव है, मेरा एक अनुरोध है, मेरी करबद्ध प्रार्थना है कि शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स के लोगों की अलग से लिस्ट बनायी जानी चाहिए और हमारा जितना रिजर्वेशन बनता है, जो शैडयूल्ड कास्ट की जो मैरिट लिस्ट बनायी गई है, उनमें से उन्हें लेना चाहिए, जो शैडयूल्ड ट्राइब्स की लिस्ट हो, उसमें से ले लेना चाहिए। ऐसा करने से जितना

आरक्षण बनता है, उतना उस आरक्षित कोटे में से पूरे छात्रों का आरक्षित सीटों पर नामांकन हो सकता और वे पढ़ सकेंगे। फिर आजकल हमारा सर्व शिक्षा अभियान का कार्यक्रम चल रहा है। हमारे वे बच्चे, जो मां — बाप से दूर हैं, जो गाय चराने का काम करते हैं, घरेलू नौकर का काम करते हैं, स्टेशन पर माल ढोने का काम करते हैं, लाल — बतियों पर भिक्षा मांगने का काम करते हैं, बस — अड्डों पर माल ढोने का काम करते हैं, ऐसे बच्चे जो घर से दूर रहते हैं, उनकी प्राइमरी एजुकेशन का काम क्या होगा? उनके प्राइमरी एजुकेशन में नामांकन का क्या होगा, क्योंकि वे बेचारे तो कहीं रहते नहीं हैं। उनसे काम कराने वाले इतने उदार तो नहीं होते हैं कि वे उनका कहीं **admission** कराकर पढ़ा दें। उनसे ऐसे हों तो भगवान की कृपा है। सर्व शिक्षा अभियान में अगर ऐसे सभी बच्चे पढ़ जाएं तो बहुत अच्छी बात है। अगर ऐसी बात नहीं हो पाती है तो इनका एक सर्व होना चाहिए, इसके लिए एक स्पेशल सैल होना चाहिए कि ऐसे बच्चे जो मां — बाप से दूर रहते हैं या घर से दूर रहते हैं या फिर स्कूल की **approach** से बाहर रहते हैं, उनकी पढ़ाई कैसे होगी? वे सर्व शिक्षा अभियान में कैसे आएंगे क्योंकि साक्षर होना सबसे जरूरी है। यदि वे साक्षर नहीं होंगे तो फिर **educated** कैसे हो सकते हैं? इसलिए इस विचार किया जाना चाहिए और कोई न कोई ऐसा प्रावधान निकालना चाहिए कि ऐसे बच्चों की एजुकेशन कैसे हो ताकि वे आगे बढ़ सकें?

आजकल मेडिकल कॉलेज या टेक्निकल इंस्टीट्यूशन के बारे में बात की जाती है। आज जो **vacancies** निकलती हैं, चाहे **Indian Airlines** की हो, चाहे इंजीनियरिंग की हो, उनमें कहा जाता है कि इस फील्ड की एजुकेशन होनी चाहिए, इतने साल का अनुभव होना चाहिए आदि। सरकारी नौकरियों में हमारी संख्या कम होती जा रही है और अभी हाल ही में विचार हुआ था कि प्राइवेट सेक्टर में भी कैसे रिजर्वेशन किया जाए। यहा बहुत महत्वपूर्ण बात है क्योंकि हम उनके रोजगार की बात करते हैं, उनके नियोजन की बात करते हैं, उनको लाभ देने की बात करते हैं, उनको शैक्षणिक, आर्थिक और सामाजिक दृष्टि से उन्नत बनाने की बात करते हैं। इसलिए जहां — जहां उन्नति का प्रावधान हो, जहां — जहां इनकी बातें हों, जहां — जहां स्रोत या आधार बने कि उनको शैक्षणिक, आर्थिक या सामाजिक दृष्टि से उन्नत बनाया जा सकता है, तो उसमें उनका समायोजन होना चाहिए। यह सुनिश्चित होना चाहिए ताकि उनका स्तर ऊंचा उठ सके। हम सभी जानते हैं कि उनकी पढ़ाई के लिए, नामांकन के लिए **admission** के लिए या एजुकेशन के लिए सबसे बड़ी चीज़ है प्रोत्साहन। प्रोत्साहन के बगैर ही सारी कठिनाई होती है। जब हम फैमली प्लानिंग की बात करते थे तो हम गांवों में **slides** दिखाते थे और लोगों को प्रोत्साहित करते थे कि देश की आबादी को रोकने के लिए यह काम किया जाए। हमें कोई न कोई ऐसा उपाय निकालना चाहिए। **Remoteareas** में जाकर गरीब मां — बाप कैसे प्रोत्साहित हों कि अपने बच्चों को दूसरे कामों से हटा कर पढ़ाई में लगा सकें। इसके लिए प्रोत्साहन का कार्यक्रम भी चलाना चाहिए ताकि लोग से अपने बच्चों को पढ़ाने के लिए उत्साहित हो सकें और बच्चों में भी यह लालसा जगे,

इच्छा जगे, भावना जगे और उनका *curiosity* हो, उनमें आस्था जगे, उनका लक्ष्य बने कि वे पढ़ाई कर सकें। मैं इसलिए यह बात कर रहा हूँ कि एजुकेशन जरूरी है तो सबसे पहले *admission* जरूरी है। उन *admissions* में जो टेक्निकल एजुकेशन है, उसमें यह आरक्षण होना चाहिए। एजुकेशन प्रोत्साहन देने के लिए मैं दो बातें कहना चाहता हूँ, क्योंकि हमने पढ़ा है और पढ़ाया है, हम इस बात को जानते हैं — जहां जिस स्कूल में, जिस क्लास में टीचर शैड्यूल्ड कास्ट / शैड्यूल्ड ट्राइब के होते हैं, वहां बच्चे उत्साह से पढ़ते हैं। हम समझते हैं कि इस पर भी विचार किया जाना चाहिए कि अधिक से अधिक रिजर्वेशन वाले शिक्षक पढ़ाएं और कम से कम हर संस्था में चाहे टेक्निकल हो, चाहे प्रोफेशनल हो, चाहे प्राइमरी हो, चाहे अपर हो, चाहे *higher* हो, उसमें उनके ही टीचर रखे जाएं, क्योंकि उनके टीचर होने से उनके बच्चों को प्रोत्साहन मिलेगा। उन्हें लगेगा कि हमारा एक गार्जियन बैठा हुआ है, इसलिए प्रोत्साहित होकर वे आगे पढ़ने के लिए अग्रसर होंगे। इसी तरह से होस्टलो में भी उनके सुपरिटेण्डेंट या डीन जो होते हैं या अन्य कर्मचारियों में से उनके लोग रखे जाएं। इससे दो बातें होंगी — एक तो समाज में समरसता की भावना जगेगी, अपनेपन की भावना जगेगी, समाज का अंतर थोड़ा सा दूर होता दिखाई देगा, क्योंकि यह एक क्लास है, एक संस्था है, एक स्थिति है जहां निर्वाण होता है। जहां निर्वाण होता है, जहां एजुकेशन होती है, जहां संस्कार बनता है, जहां आचरण बनता है, जहां निष्ठा बनती है, जहां भावना बनती है, जहां उद्देश्य बनता है, जहां लक्ष्य बनता है आगे बढ़ने का और देश को आगे बढ़ाने का, इन सभी क्षेत्रों से हम कर्ता हैं। हमें एजुकेशन के क्षेत्र में भी आगे आना चाहिए। मैं एक बात और कहना चाहता हूँ कि हमारे यहां.....

THE VICE-CHAIRMAN (SHRIV. NARAYANASAMY): Please yield for a minute.  
 ...(Interruptions)... Faguni Ramji, are you going to conclude now or would you like to continue in the next Session?

डा. फागुनी राम : महोदय, हम Continue कर लेंगे।

THE VICE-CHAIRMAN (SHRI V NARAYANASAMY): Okay. Whenever the Bill will be taken up again in the next Session, you can continue. The further discussion on this Private Member's Bill will continue on the day allotted for the transaction of the Private Members' Business in the next Session. Therefore, the House is adjourned till 11.00 a.m. on Monday, 20th December, 2004.

The House then adjourned at one minute past  
 five of the clock till eleven of the clock on  
 Monday, the 20th December, 2004.