

SHRI A. D. MANI: May I know, Sir, if it is a fact that the Bombay refinery has asked for an expansion of its works and that it is prepared to invest its own money and that the Government has refused to give its permission?

SHRI R. M. HAJARNAVIS: There is a proposal somewhat on the lines which the hon. Member has indicated. The Government has not declined.

SHRI A. D. MANI: Am I to take it that in accordance with the Industrial Policy Resolution, Government would consider on merits any proposal made by the existing private companies for the expansion of the refinery at their own cost?

SHRI R. M. HAJARNAVIS: I am very happy to be able to assure the hon. Member that that is our policy.

RESERVATION FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN SELECTION GRADE POSTS FILLED BY PROMOTION

•365. SHRI B. K. GAIKWAD: Will the Minister of HOME AFFAIRS be pleased to refer to the answer given to Starred Question No. 82 in the Rajya Sabha on the 29th November, 1961 and state:

(a) whether steps have been taken to give effect to the judgment delivered by the Supreme Court in the Civil Appeal No. 341 of 1960 in *General Manager, Southern Railway Versus K. Rangachari* regarding reservation for Scheduled Castes and Scheduled Tribes candidates in selection grade posts to be filled by promotion; and

(b) if not, the reasons therefor?

THE MINISTER *or* STATE *in* THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): (a) and (b) The judgement of the Supreme Court is still under examination.

SHRI B. K. GAIKWAD: May I know, Sir, whether the decision of the

Supreme Court has been accepted by the Government and, if so, whether they have implemented it in practice . . .

SHRI B. N. DATAR: We have to respect the judgment of the Supreme Court.

SHRI B. K. GAIKWAD: I have not finished—and whether they have informed all their departments to act accordingly?

SHRI B. N. DATAR: May I point out to the hon. Member, Sir, that what the Supreme Court, by a majority judgment, have decided is that it would not be unconstitutional to make reservations in respect of promotions in addition to those at the direct recruitment stage? Therefore, the Government have to take a policy decision. While respecting the judgment of the Supreme Court, Government are considering what steps ought to be taken and how the matter could be implemented. That is the reason why time is necessary.

SHRI B. K. GAIKWAD: May I know, Sir, whether it is a fact that in view of the decision of the Supreme Court the Government have taken a decision that the reservations for Scheduled Castes and Scheduled Tribes will be made only in class I and class IV posts?

SHRI B. N. DATAR: Sir, that exactly is the matter under consideration. To what extent such a reservation should be available, that is a question for a policy decision and the Government are considering the matter.

SHRI JOSEPH MATHEN: Sir, are we to understand that the decision of the Supreme Court is recommendatory?

SHRI B. N. DATAR: Sir, I have already stated that it is not unconstitutional, they say.

SHRI V. C. KESAVA RAO: May I know, Sir, how long will his Ministry take to implement the decision?

SHRI B. N. DATAR: It will take a few months.

SHRI ARJUN ARORA: May I know, Sir, if the Government will see to it that the decision in respect of the Supreme Court judgment does not lead to any practices which might bring down efficiency in Government departments?

SHRI B. N. DATAR: Sir, Government will give the fullest respect to the Supreme Court judgment and will consider what would be the proper steps. So far as the policy is concerned, on the one hand the highest degree of efficiency has to be maintained, on the other the requirements of such communities should be duly complied with.

SHRI K. S. CHAVDA: May I know, Sir, whether the Gujerat Government has brought to the notice of the Home Ministry the injustice done to one efficient Harijan Collector and, if so, may I know, Sir, whether the Government intend to promote him to the I.A.S. cadre?

SHRI B. N. DATAR: Sir, this has nothing to do with the decision of the Supreme Court. The hon. Member is asking a particular question as to what the Gujarat Government, according to them, has done. Here we are considering the effect of the Supreme Court judgment.

SHRI N. SRI RAMA REDDY: Sir, I would like to know if this recommendation is only in respect of the Railway Department or whether it can be applied to the other departments of the Government of India also?

SHRI B. N. DATAR: So far as the Supreme Court judgment is concerned, it is of a general nature. It deals with the question of reservations so far as promotions are concerned. And, as I have said, all that they have observed is that it would not be unconstitutional to make such reservations.

SHRI B. K. GAIKWAD: May I know, Sir, whether it is a fact that it is not a recommendation but it is the interpretation of the Constitution.

SHRI B. N. DATAR: It is open to the hon. Member to put any interpretation that he likes.

SHRI RAJENDRA PRATAP SINHA: May I know from the hon. Home Minister what are the other departments of the Government of India for which such reservations for promotions have been made? We would like to have from the Government a comprehensive statement as to what are the various posts in the various departments of the Government of India in which reservations for Scheduled Castes and Scheduled Tribes have been provided. We would also like to have a statement from the Government as to how these are being given effect to. That is to say, where certain reservations have been made in various departments, how many candidates of the Scheduled Castes and Scheduled Tribes are being promoted, and if they are not being promoted, why they are not being promoted?

SHRI B. N. DATAR: Sir, this question arose on account of the order passed by the Railway Ministry in respect of reservations in class III posts. Now, against that order there was a writ petition before the Madras High Court. The matter ultimately came up before the Supreme Court and they have taken a decision as I pointed out. They have said that it would not be unconstitutional to make such reservations. Now, that is so far as the Railway Ministry is concerned.

SHRI ARJUN ARORA: Sir I understand that very well. What I want is this. Will the hon. Minister kindly enlighten this House by a comprehensive statement if such reservations have been made in the other departments of the Government of India or they have not been made?

MR. CHAIRMAN: You could ask this later.

SHRI ARJUN ARORA: I am merely asking him whether he will agree to some of the principles. This information we are interested in having.

SHRI B. N. DATAR: Let the hon. Member put a separate question. I will be very glad to answer it.

SHRI B. K. GAIKWAD: May I know, Sir, whether it is a fact that, irrespective of the instructions issued by the hon. Railway Minister to the Railway Department as regards these promotions, specific instructions were given by the Home Ministry to all the Ministries?

SHRI B. N. DATAR: That is what I have stated. This order was in respect of a direction of the Railway Ministry, and now the matter has been considered by the Supreme Court and Government have to take a final decision in the light of the Supreme Court's judgment.

SHRI B. K. GAIKWAD: First of all the Ministry of Home Affairs issued circular instructions to all Ministries. In view of those instructions the Railway Ministry issued instructions to its departments. May I know whether that is a fact?

SHRI B. N. DATAR: I should not like to enter into the larger question in this respect. So far as the Home Ministry were concerned, they did not issue any such circular for making reservation in respect of promotions. What they stated was that reservation could be had where promotion is based on the results of a direct examination.

SHRI K. SANTHANAM: May I know if it is a fact that while the Supreme Court judgment has declared that reservation in respect of promotions is not unconstitutional, that judgment does not express any approval or recommendation of the policy of reservation in respect of promotions?

SHRI B. N. DATAR: That is the reason why I made it clear that it is a question of policy decision which the Government have to take.

विदेशी छात्रों को अनुरक्षण भत्ते

*३६६. श्री विमलकुमार मन्नालालजी
झारड़िया : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) १९६०-६१ के वर्ष में भारतीय भाषाओं का अध्ययन करने के लिये जो विदेशी छात्र भारत आये, उनको एक समान अनुरक्षण भत्ते न देने के क्या कारण हैं ; और

(ख) संस्कृत का अध्ययन करने के लिये जो छात्र नेपाल से आये, उन्हें ३०० रुपये मासिक देने तथा जो छात्र रूस से आये, उन्हें १२० रुपये तथा २५० रुपये देने के क्या कारण हैं ?

t [MAINTENANCE ALLOWANCES TO FOREIGN STUDENTS

*366. SHRI V. M. CHORDIA: Will the Minister of EDUCATION be pleased to state:

(a) the reasons for not giving uniformly the amount of maintenance allowances to all the foreign students who came to India for the study of the Indian languages during the year 1960-61; and

(b) the reasons for giving Rs. 300 per month to those who came from Nepal for the study of Sanskrit and Rs. 120 and Rs. 250 to those who came from the Union of Soviet Socialist Republics?]

THE MINISTER OF EDUCATION (DR. K. L. SHRIMALI): (a) and (b) There are different rates for Fellows and Scholars and also under different schemes. A maintenance allowance of Rs. 300 p.m. was given to a scholar from Nepal who came under the

f[] English translation.