

MR. DEPUTY CHAIRMAN: Mr Venkaiah Naiduji, Mr Baishya has mentioned it. The Government has taken a note of it. If the Government feels that they want to give a statement, they can do so.

SHRI M. VENKAIAH NAIDU: The Parliamentary Affairs Minister is here, he can react. ..(*Interruptions*)...

MR. DEPUTY CHAIRMAN: This is not the way. ...(*Interruptions*)...

SHRI KUMAR DEEPAK DAS (Assam): We cannot give Assam's land to Bangladesh. ..(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The Minister wants to make a statement. ...(*Interruptions*).. What is this? ..(*Interruptions*)... What is this? Mr. Deepak आप बैठिए ...(*व्यवधान*)...

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, the Government has answered questions in Parliament on the issue of undemarcated boundary, adverse possession and enclaves. These problems have been with us for many, many years; and a historic agreement has been signed where these problems are being resolved. Upon the Prime Minister's return, the Government will make a comprehensive statement on these issues. Then, the hon. Members can express their views. ...(*Interruptions*)... Sit down. I am answering. No interest of India has been sacrificed. India's interests have been fully secured. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: When an assurance has been given that a statement will be made why are you raising it again? Please sit down. ...(*Interruptions*)...

GOVERNMENT BILLS

The Indian Institute of Information Technology, Design and Manufacturing, Kancheepuram Bill, 2011

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): Mr Deputy Chairman, I move:

That the Bill to declare the Indian Institute of Information Technology, Design and Manufacturing, Kancheepuram, in the State of Tamil Nadu to be an institution of national importance and to provide for its incorporation and for matters connected therewith, as passed by Lok Sabha, be taken into consideration.

The question was proposed.

SHRI JESUDASU SEELAM (Andhra Pradesh): Mr. Deputy Chairman, Sir, the hon. Minister should provide for reservation in the National Institute for SCs and STs. He should include this provision in the Bill. ...(*Interruptions*)...

श्री वीर सिंह (उत्तर प्रदेश) : पहले आरक्षण की व्यवस्था करो ...**(व्यवधान)**... पहले आरक्षण की व्यवस्था हो, फिर यह बिल पास हो ...**(व्यवधान)**...

श्री सतीश चन्द्र मिश्रा (उत्तर प्रदेश) : रिजर्वेशन के बारे में कुछ बात की जाए। ...**(व्यवधान)**... सब जगह आरक्षण खत्म कर दिया है। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Please sit down. ...**(Interruptions)**... The Minister is going to.....**(Interruptions)**...

श्री वीर सिंह : इसमें आरक्षण करो, तब यह विधेयक पास होगा। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Would you like to clarify or do you want to say something? ...**(Interruptions)**... Would you like to clarify? ...**(Interruptions)**... He has to say something ...**(Interruptions)**...

श्री सतीश चन्द्र मिश्रा : सर, ऐसे इसे पास नहीं कराना चाहिए, पहले इस पर डिस्कशन होना चाहिए। ...**(व्यवधान)**... आरक्षण है या नहीं, इस पर चर्चा होनी चाहिए। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: The Leader of the Opposition. ...**(Interruptions)**... The Leader of the Opposition. ...**(Interruptions)**...

SHRI KAPIL SIBAL: Sir, ...**(Interruptions)**...

श्री उपसभापति : वीर सिंह जी, आप बात करने दीजिए। ...**(व्यवधान)**... क्लैरिफिकेशन ...**(व्यवधान)**...

SHRI KAPIL SIBAL: Sit down. ...**(Interruptions)**... Sit down. Sit down. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: The Minister would like to clarify. Please sit down.

SHRI KAPIL SIBAL: The triple IT. ...**(Interruptions)**...

श्री सतीश चन्द्र मिश्रा : सर, इस पर डिस्कशन होना चाहिए। Because BJP and Congress joined together, it should not be.....**(Interruptions)**... इस तरह से पास नहीं होगा। ...**(व्यवधान)**... इस पर डिस्कशन होगा। ...**(व्यवधान)**... ऐसे पास नहीं होगा, इस पर चर्चा होगी, इस पर डिस्कशन होगा, आरक्षण की बात होगी, यह ऐसे पास नहीं होगा। ...**(व्यवधान)**...

श्री उपसभापति : प्लीज बैठिए...बैठिए।

SHRI D. RAJA (Tamil Nadu): You are right, Mr. Mishra. ...**(Interruptions)**... Sir, let us have a discussion on this. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: The Minister is going to clarify.

श्री सतीश चन्द्र मिश्रा : इन्होंने तय कर लिया, उन्होंने तय कर लिया, इस तरीके से बिल पास नहीं होगा। ...**(व्यवधान)**...

SHRI KAPIL SIBAL: Please sit down. ...**(Interruptions)**... Please sit down. I am making a statement. ...**(Interruptions)**... I am making a statement. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: The House is adjourned for fifteen minutes.

The House then adjourned at seventeen minutes past
two of the clock.

The House reassembled at thirty-one minutes past two of the clock,
MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: The Leader of the Opposition wants to say something.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Sir, since a large number of Members of the House want to be assured of the fact that the Government policy with regard to the SC, ST and OBC reservations will apply to this institution, will the Minister be kind enough to clarify to the House and to assure the House with regard to the position?

SHRI SATISH CHANDRA MISRA: Sir, before the hon. Minister says something, I would like to submit that it is shown in this Bill that it is going to declare the Indian Institute of Information Technology, Design and Manufacturing in the State of Tamil Nadu as a national institute. Now, what will be the effect of this? Today, you may upgrade it. We have no objection. After upgradation as national institutes, what is the present position with respect to reservation in those institutes? As soon as you make them as national institutes, you say that they have got autonomy. After getting autonomy, the effect is the same as what happens in the IITs. Let us take the example of IIT, Delhi. It is not that our Members are agitated on reservation for nothing. We have reason for getting agitated. When such Bills come, going by past history, we know what happens. Let us see the position in IIT, Delhi. In IIT, Delhi the position, as on today, is that out of 478 faculty members — since the hon. Minister is here he may correct me if I am wrong — only one person belongs to the Scheduled Castes and the Scheduled Tribes has been appointed. This is the position in the IIT, Delhi which is a national institute. What I am saying is not based on hearsay; it is based on information given in writing to us. This says that there is only one Scheduled Caste and one Scheduled Tribe in the total strength of 478 faculty members. This is the effect once it becomes a national institute. Apart from this, the other information which has been given in writing to us with respect to IIT, Delhi says that, between 1995 and 2010, 2000 Scheduled Caste, Scheduled Tribe and OBC persons have been chucked out of the faculties. These 2,000 students who have been chucked out belong only to these categories. Actually this is the situation, you want to upgrade an institute only to make it a national institute and after making it a national institute you bring it into a position where the strength of these categories will become zero. Presently at the every high levels, whether it is the Supreme Court or the High Courts or these national institutes, the strength of these categories is zero. As I have said earlier, since there is no reservation in the High Courts, the effect is that we have zero representation in the High Court of Allahabad today, as far as Scheduled Castes and Scheduled Tribes are concerned. The same situation is there in the IIT, Delhi where out of 478 faculty

members only one each belongs to the Scheduled Castes and the Scheduled Tribes is there. I am giving the example only of Delhi. But the same situation exists in all the institutes which have been upgraded and made as national institutes. It is said that the Government is upgrading them, and, therefore, everybody should be happy and we should pass such Bills by thumping of the tables. This cannot be done, unless you clarify this and tell us how you are going to bring in reservation and how you are going to enforce this reservation. Merely giving us an assurance by saying that reservation will be taken care of, is not going to help us and is not going to satisfy us. You have to bring it; you have to bring a specific provision that these vacancies will be filled and then only we will be satisfied.

SHRI D. RAJA: Sir, when a bomb blast has taken place in the National Capital, we are discussing this Bill. It shows the urgency of the Bill. I admit that. Having said that, I must point out that I agree with Shri Misra. We are making it an institute of national importance. After that what happens? We are happy that the Kacheepuram Institute becomes an institute of national importance. The Bill itself says in the Statement of Objects and Reasons, "Further this will enable the growth of the Institute by having more autonomy in academic, administrative and financial matters". When you give autonomy, how do you implement the policy of reservation for SC, ST and OBC? In all the institutes of national importance, or IITs the reservation policy is not effectively implemented. At faculty level in IITs, the performance of implementation of reservation policy is very dismal, very much distressing. As he has rightly said, through the RTI, it has been brought out to the knowledge of the whole nation that 2,000 students have been denied PhDs and they have been thrown out of IITs. Every student is coming to us. This is a serious issue. When the Government decides to make some institute as an institute of national importance, then the Government should take note as to how the State policy of reservation is going to be implemented. How are the interests of SCs, STs and OBCs going to be protected? The Government may say now, "Yes, we assure you that reservation policy will be put in practice effectively". But in practice, it does not happen. What is the guarantee of implementing this policy effectively in the interest of SCs, STs and OBCs?

SHRI SATISH CHANDRA MISRA: Sir, I have one correction to make. I had said that in the IIT, Delhi there was one SC and one ST. I stand corrected. It is only one SC and one OBC. There is no ST.

MR. DEPUTY CHAIRMAN: Shri T.K.Rangarajan. Please be brief. We are not starting a debate.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I will make only four points. There is a problem for those who have passed in the first batch. They have to be given certificates and

degrees. Who is responsible for that? That is why this Ordinance came. Therefore, accountability needs to be fixed in this regard.

Secondly, the policy of the Government regarding 'deemed universities' and 'institutes of national importance' needs to be clarified. Thirdly, this Bill has been tabled by the Government. Would the courses offered in these institutions be of a self-financing nature? Would the board of an institute have power to stipulate fees at any level? Would the reservation for SC, ST and OBC students apply to these institutes? These issues have to be discussed threadbare.

Fourthly, there needs to be full clarity and consistency regarding the criteria for 'deemed universities' as well as 'institutes of national importance' so that they are not conferred arbitrarily. Therefore, this Bill should not be passed in haste and be referred to the Standing Committee on HRD. The decision on the legislation, however, needs to be taken soon keeping in mind the interests of the first batch of students who have already passed out. Final decision should be taken in a manner so that the students' interests are well protected. But the Bill cannot be passed in haste on the basis of that consideration alone, since the major policy issue is involved.

श्री रामविलास पासवान (बिहार) : उपसभापति महोदय, इस सदन को चिंता इसलिए है कि जो यहां से रिजर्वेशन एक्ट पास हुआ था, उस एक्ट में से 44 इंस्टीट्यूट्स, जो national importance के थे, उनको बाहर रख दिया गया था। जो रिजर्वेशन बिल यहां पर आया था, जो रिजर्वेशन बिल यहां से पास हुआ था, उसके परव्यु से national importance के 44 इंस्टीट्यूट्स को बाहर रख दिया गया था और उसी मुद्दे के ऊपर दूसरे सदन में अमेंडमेंट दिया गया था कि उनको भी रिजर्वेशन एक्ट के अंदर रखा जाए और जिसके कारण वह अभी तक पास नहीं हो पाया है। यह 45वां इंस्टीट्यूट होगा, जिसको रिजर्वेशन के एक्ट से बाहर रखा जाएगा। यदि इसका भी fate वही होगा, जो यह दुर्भाग्य की बात है। इसलिए हम यह जानना चाहते हैं कि जो रिजर्वेशन एक्ट यहां से पास हुआ, उसमें जिन 44 इंस्टीट्यूट्स को, जो national importance के थे, जिनको रिजर्वेशन के परव्यु से अलग रखा गया, क्या सरकार उनमें भी रिजर्वेशन लागू करेगी और इसमें भी रिजर्वेशन लागू करेगी?

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, realizing two important things, it becomes very important on the part of us to welcome this Bill. One is that the situation outside is very tense because of the bomb blast outside the Delhi High Court. At the same time, if this Bill is not passed during this Session, then, the Ordinance will lapse. Sir, an Ordinance was promulgated by the President to declare the Indian Institute of Information Technology, Design and Manufacturing, Kancheepuram, as an institution of national importance because in this Institute, which was set up in 2007 in Kancheepuram, students, who had joined then, have now passed out. Those students have to be given degree certificates. Since this Institute cannot be declared as a Deemed University under the UGC Act, those students, who have passed out, want to join other higher institutions or go to foreign universities, and it becomes very important that they

have to be awarded degrees. On that basis, this Institute has to be given the status of national importance. Now the President promulgated an Ordinance, and this Bill has been brought to replace this Ordinance. Sir, we support this. What I would like to urge upon, and I stand with everybody, that there is an apprehension across the country that reservation is only on paper, but in experience, in many of the institutions, especially, in Central institutions, it is not put into practice. That is the main grievance which every one of us has. So, we need a solid assurance from the Minister that on no account will reservations to the SCs, STs and the OBCs be affected in Central institutions. That is what we want to emphasise very much. Sir, this Bill has to be passed. At the same time, we expect this solid assurance from the Minister that on no account will reservations to students belonging to these sections be affected in future.

श्री मोहम्मद अदीब (उत्तर प्रदेश) : सर, अभी मिश्रा जी ने बताया कि एक एस.सी. और एक ओ.बी.सी. को वहां रिजर्वेशन दिया गया है। इस मुल्क में 20 करोड़ मुसलमान रहते हैं, वे सफर करते हैं, उनका जिक्र क्यों नहीं किया जा रहा है?

جناب محمد ادیب (اثر پردیش): سر، ابھی مشرا جی نے بتایا کہ ایک ایس۔سی۔ اور ایک او۔بی۔سی۔ کو وہاں رزرویشن دیا گیا ہے۔ اس ملک میں 20 کروڑ مسلمان رہتے ہیں، وہ سفر کرتے ہیں، ان کا ذکر کیوں نہیں کیا جا رہا ہے؟

श्री उपसभापति : ठीक है।

श्री मोहम्मद अदीब : उनका रिजर्वेशन कहाँ जाएगा, अगर ऐसे ही रिजर्वेशन करते रहेंगे।... (समय की घंटी)... सचवर कमेटी ने यह कहा है कि मुसलमान उनसे भी पीछे हैं।

جناب محمد ادیب: ان کا رزرویشن کہاں جائے گا؟ ... (وقت کی گھنٹی)... اگر ایسے ہی رزرویشن کرتے رہیں گے۔ سچر کمیٹی نے یہ کہا ہے کہ مسلمان ان سے بھی پیچھے ہیں۔

MR. DEPUTY CHAIRMAN: I think the common issue is there, and if the Minister clarifies. ... (Interruptions)

श्री मोहम्मद अदीब : अगर उनके लिए रिजर्वेशन होगा, तो हमारे लिए क्यों नहीं होगा?

جناب محمد ادیب: اگر ان کے لئے رزرویشن ہوگا، تو ہمارے لئے کیوں نہیں ہوگا؟

MR. DEPUTY CHAIRMAN: Mr. Minister, please clarify this... (Interruptions) Please listen to him. If you are not satisfied, then, I will call you.

† [] Transliteration in Urdu Script.

SHRI KAPIL SIBAL: Sir, at the outset, I want to join the distinguished Members of this august House who have expressed their very genuine concern about the fact that we have not been able to ensure that the appropriate representation of SCs, STs as well as OBCs is not put into practice in educational institutions. There are two separate issues. One is the issue of law, that is, whether reservation applies or not. And the second issue is the issue of practice. Even if the law allows reservation, the question is, in practice, how many SCs, how many STs and how many OBCs, actually, get the benefit of that reservation? These are two separate issues. On the first issue, I want to clarify and assure this House that the moment this Institute becomes an institution of national importance, it joins those categories of institutions which require reservation of SCs, STs as well as OBCs. So, no hon. Member of this House should have any doubt that these reservations do not apply to this particular institution... (Interruptions)

श्री सतीश चन्द्र मिश्रा : यह प्रेक्टिकली होता है या नहीं? ...(व्यवधान)... क्या अभी तक रिजर्वेशन है? ...(व्यवधान)...

श्री उपसभापति : वे प्रेक्टिकल की बात बोल रहे हैं। ...(व्यवधान)...

श्री कपिल सिब्बल : अभी तक IITs में रिजर्वेशन है और बाकी सब Institutions ऑफ नेशनल इम्पोर्टेन्स में भी है। आप जो बात कह रहे हैं, वह सही कह रहे हैं। जो बिल लोक सभा में गया था, वह अभी पारित नहीं हुआ है और वह इसीलिए नहीं हुआ है कि वहां विरोध हुआ। जो 44 Institutions हैं, उनमें भी रिजर्वेशन बिल लाना चाहिए, लेकिन अभी सरकार लोक सभा में वह बिल नहीं लाई है और इसीलिए वह बिल लोक सभा में पारित भी नहीं हुआ है। ...(व्यवधान)...

मैं तीसरी बात यह कहना चाहता हूं कि आपकी बात बिल्कुल सही है। पिछली बार जब दिल्ली यूनिवर्सिटी के बारे में चर्चा हुई, तब यह कहा गया कि यदि सुप्रीम कोर्ट के judgment को देखा जाए और 10 परसेंट का वेरिफेशन किया जाए, तो कोई OBC का स्टूडेंट तो 27 परसेंट में आएगा ही नहीं। हमने VC को बुलाकर आदेश दिया कि OBC की सीट जनरल category में नहीं जानी चाहिए, उसका पालन भी हुआ। आज के दिन कोई भी OBC की सीट जनरल category में नहीं गई है। यह सरकार प्रतिबद्ध है कि सरकार की जो रिजर्वेशन पॉलिसी है, यह उसको केवल लागू ही नहीं करेगी बल्कि यह भी देखेगी कि SC, ST और OBCs का रिजर्वेशन हो और इन-प्रेक्टिस में हो। मैं आपके साथ हूं और मैं आपकी भावनाओं से जुड़ना चाहता हूं। ...(व्यवधान)...

श्री सतीश चन्द्र मिश्रा : क्या IIT दिल्ली इससे बाहर है? ...(व्यवधान)... आप उस फैक्ट्री के बारे में बताइए? ...(व्यवधान)...

श्री कपिल सिब्बल : दिल्ली इससे बिल्कुल भी बाहर नहीं है। आज यहां चर्चा हो रही है, ...(व्यवधान)...

श्री उपसभापति : ठीक है, आप एश्योरेंस दे रहे हैं। ...(व्यवधान)...

श्री वीर सिंह : एक SC की सीट भर गई तो क्या रिजर्वेशन पूरा हो गया? ...(व्यवधान)... जितनी सीटें बची हैं, वे पूरी करिए। ...(व्यवधान)...

श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश) : सर, ...(व्यवधान)...

श्री उपसभापति : आप इस तरह से मत करिए। ...(व्यवधान)...

श्री सतीश चन्द्र मिश्रा : सर, कहने की बात दूसरी है, यह सरकार implementation के मामले में शैड्यूल कॉस्ट के बिल्कुल विरोध में हैं। ...(व्यवधान)...

श्री कपिल सिब्बल : यह बिल्कुल गलत है। ...(व्यवधान).... नहीं, नहीं ...(व्यवधान)...

श्री वीर सिंह : सर, ...(व्यवधान)...

श्री उपसभापति : आप लोग बैठिए। ...(व्यवधान).... आप लोग क्लेरिफिकेशन चाहते थे, क्लेरिफिकेशन मिल गया है और साथ में एश्योरेंस भी मिल गया है। ...(व्यवधान).... आप क्या चाहते हैं? ...(व्यवधान).... देखिए, आपको क्लेरिफिकेशन की जरूरत थी, क्लेरिफिकेशन दे दिया है और एश्योरेंस भी मिल गया है। अब इसके बाद ...(व्यवधान)...

श्री वीर सिंह : क्या इससे रिजर्वेशन पूरा हो गया? ...(व्यवधान).... इन्होंने 27 परसेंट रिजर्वेशन पूरा क्यों नहीं किया?...(व्यवधान)...

श्री सतीश चन्द्र मिश्रा : आप से यह request है कि आप यह कहें कि आप इस एक्ट में प्रोविजन करेंगे कि शैड्यूल कॉस्ट, शैड्यूल ट्राइब्स और बैकवर्ड क्लास के इतने faculty के मेम्बर्स appoint होंगे और उनकी जगह आप किसी दूसरे को नहीं देंगे। आप कह रहे हैं कि आप शैड्यूल कॉस्ट के हित में काम करते हैं। आप शैड्यूल कॉस्ट के हित में कितना काम करते हैं, यह सबको मालूम है। आपकी यह बात सभी को उजागर है कि शैड्यूल के बारे में आपकी क्या मानसिकता है। हम सभी लोग इसको अच्छी तरह से जानते हैं। ...(व्यवधान).... इसलिए इस पर खाली एश्योरेंस से काम नहीं चलेगा। ...(व्यवधान)...

SHRI KAPIL SIBAL : These are two separate issues. There is the issue of admissions; there is the issue of faculty. These are two separate issues. The reservation policy applies to admissions in institutions. There is no reservation policy which applies to faculty. On that, we can have a discussion. ...*(Interruptions)*

श्री सतीश चन्द्र मिश्रा : यह बात तो सामने है। ...(व्यवधान).... ये क्या कह रहे हैं? ...(व्यवधान)...

SHRI KAPIL SIBAL : Oh ! I am sorry. ...*(Interruptions)*

MR. DEPUTY CHAIRMAN : The House is adjourned for half-an-hour.

The House then adjourned at fifty minutes
past two of the clock.

RE. DEMAND FOR STATEMENT BY MINISTER ON THE
BOMB BLAST NEAR DELHI HIGH COURT

The House reassembled at twenty minutes past three of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

SHRI M. VENKAIAH NAIDU (Karnataka) : I would like to know from the Chair as to why the House was adjourned in the morning. Sir, the House was adjourned because we all were sad