

LOK SABHA

SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)

Thursday, August 2, 2018/Shravana 11, 1940 (Saka)

OBITUARY REFERENCE

HON'BLE SPEAKER: Hon'ble Members, I have to inform the House about the sad demise of Shri Sydaiah Kota who was a Member of the 11th Lok Sabha representing the Narasaraopet Parliamentary Constituency of Andhra Pradesh. He was a Member of the Committee on Agriculture and Joint Committee on Salaries and Allowances of Members of Parliament.

Shri Sydaiah Kota passed away on 10 June, 2018 in Guntur, Andhra Pradesh at the age of 82.

We deeply mourn the loss of Shri Sydaiah Kota and I am sure the House would join me in conveying our condolences to the bereaved family.

Hon'ble Members, 33 persons are reported to have been killed and several others injured when a bus fell down into a deep gorge in the Raigad district of Maharashtra on 28 July, 2018.

The House expresses its profound sorrow on this tragic accident which has brought pain and suffering to the bereaved families and wishes speedy recovery for those injured.

The Members then stood in silence for a short while.

SUBMISSION BY MEMBER

Re: Alleged inept handling of the SC & ST Act by the Union Government in the Supreme Court.

THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH)

responding to the issue raised by an hon. Member, said: An hon. Member of the House have raised this issue relating to the SC & ST (Prevention of Atrocities) Act. The whole country is aware that as a result of the Supreme Court's order it was also being felt that this Act has been diluted. Immediately after this order, our Prime Minister had said that the Government will bring such a Bill and if needed, we will bring even a more stringent Bill. It was his commitment. Hon. Prime Minister had made this promise to the country. The Cabinet has, in accordance with that promise, given its approval to the SC & ST (Prevention of Atrocities) Act yesterday itself and we will try to get this Bill passed this very session to enforce it as an Act.

***MATTERS UNDER RULE 377**

1. **SHRI KAMAKHYA PRASAD TASA** laid a statement regarding setting up of Jawahar Navodaya Vidyalaya and Kendriya Vidyalaya in Charaideo district of Assam.
2. **SHRI PRATAP SIMHA** laid a statement regarding central assistance to Karnataka in the wake of floods and landslides and also announce MSP for agricultural produce.
3. **SHRI JANAK RAM** laid a statement regarding need to regularize the academic calendar in universities of Bihar.
4. **SHRI RAM TAHAL CHAUDHARY** laid a statement regarding need to increase the frequency of Ranchi-Ernakulam train service.
5. **SHRI VIKRAM USENDI** laid a statement regarding construction of Kanker and Keshkal bypass road and Antagarh to Koyalibeda road in Chhattisgarh.
6. **SHRI RAVINDRA KUMAR RAY** laid a statement regarding need to establish an Agriculture University in Giridih, Jharkhand.
7. **SHRI KAMAL BHAN SINGH MARABI** laid a statement regarding need to appoint specialist doctors in Government Medical College, Ambikapur, Surguja district, Chhattisgarh.

* Laid on the Table as directed by the Chair.

8. **SHRI PRALHAD JOSHI** laid a statement regarding ambulance services by a private company in Karnataka under the National Health Mission Scheme.
9. **SHRI BHARAT SINGH** laid a statement regarding LPG bottling plant in Ballia Parliamentary Constituency, Uttar Pradesh.
10. **SHRI JANARDAN MISHRA** laid a statement regarding compulsory enrolment of wards of elected representatives of people and Government officials in Government schools.
11. **SHRIMATI POONAM MAHAJAN** laid a statement regarding need to formulate a comprehensive national security scheme.
12. **SHRI SATISH KUMAR GAUTAM** laid a statement regarding need to provide reservation to students belonging to SC,ST and OBC categories in Aligarh Muslim University.
13. **SHRI ARJUN LAL MEENA** laid a statement regarding Jawahar Navodaya Vidyalaya in Kherwara Tehsil headquarters in Udaipur Parliamentary Constituency, Rajasthan.
14. **SHRI GURJEET SINGH AUJLA** laid a statement regarding the need for improvement in railway infrastructure at Amritsar in Punjab.
15. **SHRI S.P. MUDDAHANUME GOWDA** laid a statement regarding Delhi Police Establishment Board.

16. **DR. RAGHU SHARMA** laid a statement regarding implementation of smart city project in Ajmer, Rajasthan.
 17. **SHRI A. ANWHAR RAAJHAA** laid a statement regarding lifting of ban on sea-cucumbers.
 18. **SHRI P. R. SUNDARAM** laid a statement regarding extension of Train Nos. 22153/22154 upto Karur Railway Station in Tamil Nadu.
 19. **SHRIMATI RITA TARAI** laid a statement regarding condition of National Highway No. 53 in Jajpur Parliamentary Constituency of Odisha.
 20. **SHRI GAJANAN KIRTIKAR** laid a statement regarding need to provide funds to Central Institute of Fisheries Education, Andheri (West), Mumbai.
 21. **KUNWAR HARIBANSH SINGH** laid a statement regarding need to construct an underpass near Chilbila Junction Railway Station on Allahabad-Faizabad rail route in Pratapgarh Parliamentary Constituency, Uttar Pradesh.
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**THE CONSTITUTION (ONE HUNDRED AND TWENTY-THIRD
AMENDMENT) BILL, 2017 - Contd.**

SHRI KALYAN BANERJEE *resuming said:* Firstly, I really appreciate the amendment. I would also like to say that every consultation with the State Government should be a meaningful consultation as that will help both the Centre and the States. Both have an obligation towards the Scheduled Castes and Scheduled Tribes and the OBCs. So far as the Bill is concerned, it is a nice one and we must try to resolve their problems as quickly as possible. Since it concerns the OBCs, appropriate care should be taken to see that the Chairman and the Vice-Chairman may be appointed from the OBC. Similarly, more scholarship should be given to OBCs. I would like to submit that if anybody has really done something in the favour of the Scheduled Castes, Scheduled Tribes and OBCs, those who need help and assistance, that is the constitutional goal also. Otherwise, Part-IV of the Constitution of India would be meaningless. Apart from that, whatever the agonies are there, were there on 3rd January, that have been removed. I wish this Commission should function immediately in a true spirit of the provisions of the Constitution for the betterment of the people belonging to OBC.

SHRI A. ARUNMOZHITHEVAN: The reservation system in Tamil Nadu is much in contrast to the rest of India, not by the nature of reservation, but by its history. The Tamil Nadu Government enacted the law providing 69 per cent

reservation after taking into consideration the peculiar situation in the State. The Tamil Nadu Government had requested the Government of India that the Tamil Nadu Act (45 of 1994) be included in the Ninth Schedule to the Constitution of India. The Government of India has already supported the provision of the State legislation by giving the President's assent to the Bill and included in the Ninth Schedule to the Constitution of India. Along with that, I wish to suggest some important views which I believe most of the Members in this august house will agree to. The National Commission for Backward Classes shall consist of a Chairperson, Vice-Chairperson and other members to the NCBC, region wise representation should be provided. At least, one member of the commission should be a woman. Any process in the formation and execution of the Commission should be done after proper consultation with the States and on the basis of prior recommendations of the State Governments.

SHRI BHARTRUHARI MAHTAB: I would like to mention here in this House that there are certain specific provisioning which has been done in the Constitution in this regard and that provision is how to identify those group of people who need protection and reservation for furtherance of their living standards and how to economically advance in this country. Those were identified and accordingly they were included in the list of Scheduled Caste and constitutionally they were provided reservation. There is another issue also. In the

same State, if the pronunciation and spelling or the nomenclature is a little different, they are out of the reservation criteria. That is creating a lot of problem in which the Government has little power to correct. They have to depend on the National Register. Therefore, what steps are being taken to make easement? This is something very unique in the sense that the Bill to be introduced finds in full form in the agenda paper. I was a bit surprised the other day that how come my name finds place with these clauses. I tried to find out from the Secretariat and they said that this is the practice. If the Government accepts the amendment of a Member, may be from Ruling Party, Treasury Benches or the Opposition, then it gets carried as the voice of the House. So, the two amendments which I had made was that a woman should also become the Member of the Commission to which the Government has accepted. The other issue on which I had actually raised objection was relating to 338 (b) in Sub Clause 9. I would also like to know that how can we give benefit to those people who are left behind? We have to see as to how to identify those who have been denied the benefit and who are actually socially and economically backward. We have to take the first step forward in this regard. Also, let Justice Rohini's Report come first. We will be enlightened from the Minister if he can throw some light on this.

SHRI ARVIND SAWANT: First of all, I welcome this Bill. But at the same time, I would like to bring a few points to the notice of the Government. The

British had made many mistakes in the spellings of names. For example, the *Dhangar* community in my state is called *Dhangad* in north India. Today, our Dhangars are a deprived lot. The only difference here is that 'r' is used in place of 'd'. Just because of this small discrepancy, they have remained deprived. The main objective of setting up this Commission is to amalgamate and provide same status to the provisions made in the Constitution for the SC, ST and OBCs and to see if they are being implemented properly or not.

The officers to be appointed by the Government should have adequate judicial qualification to execute judicial powers. Tamil Nadu State has given reservation upto 69 per cent. Today, Marathas are demanding reservation. I would, therefore, request the Union Government to intervene in this matter. They need to be given justice at the earliest possible. In Maharashtra , several castes such as Dhanghar, Mahadev, Koli, Bara Balutedhar, Dhobi etc. are also demanding reservation. It needs to be clarified as to how reservation can be given to them so that their demand could be met.

DR. BOORA NARSAIAH GOUD: This is the story of 25 years, 25 years of waiting. The backward classes have a very sad story. The Kaka Kalelkar Commission was constituted and its Report was submitted in 1961 but unfortunately, the Report was delayed, diluted and denied. The Mandal Commission was constituted and the Report was submitted in 1980. Only in 1990,

27 per cent reservation for OBCs was given. This Lok Sabha and others had not intervened. The hon. Supreme Court had intervened and said that there was a delay. Then, in 1993, the National Commission for Backward Classes was constituted. I wholeheartedly welcome the steps taken by the present Government. At least, they have brought this Bill to give it a Constitutional status. OBCs constitute 50 per cent of our population. They are the backbone of the Indian economy. It took 25 years for the Congress Party to include them. 27 per cent reservation was given 25 years back. The representation of OBCs in the Central Government is mere nine per cent. Today, why is there creamy layer for OBCs? The Government should first fill up 27 per cent reservation posts, then apply the creamy layer. I request the Government to remove the creamy layer. With regard to the NCBC Members, I request the Minister that the Members should preferably be from the OBC community. I am the person who has introduced a Private Member Bill for the reservation for the OBCs in this august House. Our State is the youngest State. We have launched several schemes for the welfare of the OBCs and SCs/STs. All parties agree for women quota. What is the problem in giving OBC quota in women quota?

SHRI RAM MOHAN NAIDU KINJARAPU: We support the Bill for the establishment of NCBC and for providing Constitutional status to it. Probably for 20 or 30 years, there has been a demand for granting the constitutional status to

the OBC Commission. My first point is that there has been no caste-based census till date. It has also been a long pending demand from the OBC community. There was a socio-economic census in 2011. But the report of the Census is not in the public domain. We have to have a full idea on how much population of OBC people is there in our country. We welcome the amendments that have been brought in by the Central Government. I come to the most important point of creamy layer in the BCs. The Government could not implement the reservation right of OBC community of 27 per cent, why is it necessary to put the creamy layer in the first place? We request that the whole creamy layer for the OBCs should be lifted up. About eighty per cent of the Indian population comes under OBCs, Scheduled Castes and Scheduled Tribes. So, how can the Government limit the reservation to just 50 per cent? I want the House and also the Government to think upon this issue of 50 per cent limit. Even the Supreme Court has also not definitely said that the Government has to follow the 50 per cent limit. In Tamil Nadu, the State Government has crossed that limit. There has to be a special discussion on the 50 per cent limit. The NCBC should deal with it in such a way that it should help the States recognise these kinds of underprivileged communities and try to assist them.

SHRI P. KARUNAKARAN: We had already discussed this issue earlier in this House. The reservation policy is always a very serious and sensitive issue. In

some States, there have been some form of reservations from the pre-independence period itself. We cannot forget the eminent social reform leaders in various States. In Tamil Nadu also, the Periyar Dravidar Kazhagam and later DMK and AIDMK have done a lot of work. Many Commissions were set up in the country and all these Commissions were meant to study the caste policy and also the reservation policy. Earlier, it was decided that the Centre has to decide the caste which has to come under OBC community category. As far as OBC community is concerned, there are a number of sections. We should also see that this is not used for political purposes.

There should be judicial consciousness. Otherwise, the spirit of the SC or OBC reservation would be defeated. When we examined the issue in detail, then we could see that in many States the 27 per cent reservation for the OBCs is not implemented. Hence, the Central Government has to give strong directions to ensure the 27 per cent reservation for the OBCs is implemented properly. Nearly 67 per cent is the OBC population, but they are not getting their due share as far as education or employment is concerned. I do agree with this Amendment because Constitutional status has to be given to the OBCs as we have already given to the SCs and STs. The selection of the members of the Committee should not be done on the basis of politics, and one Member from the very backward community

should be included in it. Moreover, one Member should be taken from an extreme backward community and one Member should be a woman.

SHRI NITYANAND RAI: Our hon. Prime Minister is committed to get the constitutional status accorded to the National Commission for Backward Classes. But the political parties which used to claim to be the parties of Backward Classes impeded the passage of this Bill in Rajya Sabha after it was passed in Lok Sabha. Congress has been opposing the interests of Backward Classes since the formation of Kaka Kalelkar Commission in 1953. The Mandal Commission did justice to the Backward Classes. Congress did not implement the recommendations made by the Mandal Commission. The Government which came to power under the leadership of Shri V.P. Singh in alliance with Bhartiya Janta Party implemented those recommendations thereby putting the provision of 27 per cent reservation for OBCs into effect in the Central Government employment. This move was continuously opposed by the Congress Party. Our hon. Prime Minister thought about it and decided to accord the constitutional status to the National Commission for Backward Classes in order to ensure justice for Backward Classes. The National Commission for the Backward Classes will come at par with the Commission for Scheduled Castes and the Commission for Scheduled Tribes after getting the constitutional status. It will be able to empower the Backward Classes and to bring justice to them in exercise of the powers conferred under Articles

16(4) and 15(4). There will be a provision for bringing those officers to book who are found guilty of being negligent and lax in ensuring the implementation of provisions of reservation for Other Backward Classes. Despite the implementation of the recommendations of the Mandal Commission they are still not able to avail of the benefits of 27 per cent reservation and hence the posts continue to lie vacant. But the present Bill will facilitate the filling up of these vacant posts.

SHRIMATI KOTHAPALLI GEETHA: This is one of the landmark legislations in the history which will have an impact on millions of lives in the country. This Bill aims at providing Constitutional status to the NCBC which will cater to the needs of the most vulnerable socially and economically backward classes in various States and Union Territories. The National Commission will also have the power to examine complaints pertaining to inclusion or exclusion of groups within the list of backward classes and advise the Central Government in this regard. I would like to request the hon. Minister to throw some light on the role of the State Governments in inclusion of certain castes in the OBC list with respect to categorisation of OBC. I would also like to know whether the committee will proceed with the sub-categorisation report. What will be the effect on the States that have already made sub-categorisation? I would also like to know from the hon. Minister whether caste-wise census will be made available through the National Commission for Backward Classes. I would request the hon.

Minister that the provision of creamy layer should be appropriately considered duly considering all the pros and cons. I would like to draw the attention of this august House to the economically backward class of people who have been deprived of minimum amenities and educational and social support. So, they are also required to be taken into consideration. Lastly, as per the amendments passed in the Rajya Sabha, the Government agreed to incorporate a woman member in the rules. It is a welcome step.

SHRI TAMRADHWAJ SAHU: No one is opposing this Constitutional Amendment Bill which is intended to accord Constitutional status to the National Commission for the Backward Classes. Even the Congress Party is supporting it in toto but BJP has been propagating outside from its fora that Congress is opposing it. The population of OBC in India is about 52 per cent. Hence benefits should be given to them in proportion to their population. I would like to know the justification for initiating the process of the formation of this Commission just 8 months before the election. Why was this process not initiated with the formation of this Government? I would like to ask the hon. Minister to expedite the formation of the Commission so that it could not become just an electoral plank and the people from the Backward Classes may be genuinely benefitted. I would like to know the caste under which the coming generations born of the married couple where the girls belong to the OBC and the boys belong to SC or ST or vice-

versa will be covered. The Other Backward Classes are undergoing different circumstances in different States and they have different problems and demands which are required to be addressed to. Backward Castes should be given their due shares in every field i.e. employment, education, business etc. I would like to ask hon. Minister to constitute a separate Ministry for Backward Classes as they constitute 52 per cent population of the country and form a large group and we have done it even for such groups that constitute merely 3 or 15 per cent of the population. At the same time, I would like to request that the statistics of the caste based census should be made public. Moreover, I would urge upon the hon. Minister to implement the provision of 27 per cent reservation for backward classes even in the private sector.

SHRI PRAHLAD SINGH PATEL: The Constitution (123rd Amendment) Bill, 2017 proposes to insert a new Article 338b in the Constitution and thus constitute a commission at the national level for socially and educationally backward people. It proposes to repeal National Commission for the Backwards Act, 1993. From May 22, 2004 to May 26, 2014 the UPA Government was in power. The commission constituted by the UPA received as many as 6,833 complaints from the year 2005 to 2017 and not even a single complaint out of 6,833 was heard. Each and every person belonging to the backward class shall recall this date on which efforts were made and backward commission was

accorded constitutional status. Today we have 27 per cent reservation and more than 11 per cent seats are not filled up. Creamy layer has been imposed upon us. Had we reached the level of 27 per cent and the beneficiaries would have been deprived of it. The feeling would have gone down among us that justice has been done. I would like to urge upon the Government that out of the existing reservation of 27 per cent, in the first place efforts should be made that in the event of exceeding 27 per cent a government act should be brought in. I for being a member of backward caste feel proud today lest we should move towards rotation caste policy. The nature of politics must not be of such nature as to benefit a particular caste. Rather it should be fashioned the way that in course of conferring the rights upon the backwards no one should be left in the lurch necessitating the debate on rotation caste policy in the House. So, therefore, in the phase of implementation this must also include certain provisions to avert such mistakes.

SHRI DHARMENDRA YADAV: The report of Mandal Commission came way back in the year 1980. I have no hesitation in saying that from 1980 to 1989, it remained in the cold storage and it was in the year 1989 when the socialists for the government bearing the nomenclature of Janta Dal, the recommendations of Mandal Commissions were enforced. There should be a caste census employing Aadhaar base. The committee formed under the chairmanship of Arvind Panagariya has not yet been able to make its recommendations. The

recommendations of Mandal Commission came in the year 1990 and we are debating Mandal Commission today after 28 years' interregnum. So far there has been merely 9 per cent representation of people in the government job. In most of group III and group IV government service jobs are being outsourced. I would like to know from the government the reasons why reservation has not been implemented in outsourcing. Out of 16,600 Assistant Professors in the country the OBC account for merely 1700. I demand that the circular issued on the 5th March which has been implemented by the UGC, HRD Ministry be rectified. In case 27 per cent seats are not filled up due to creamy layer status the remaining seats may be filled up from amongst the candidates belonging to the OBC category only.

SHRI MADHUKARRAO YASHWANTRAO KUKADE: I rise to support this Bill. There should be a caste census of OBCs. Today we have only 19 per cent reservation against the 27 per cent in Maharashtra. In Maharashtra people belonging to Maratha, Dhankad and Muslim communities are demanding for reservation. I demand that reservation be extended to them. Likewise Patidar community of Gujarat and Jat community of Rajasthan should also be given reservation. The Government should set up hostels for OBC students in every district. The OBC should have been given 27 per cent reservation in the medical colleges. The ceiling of creamy layer should be removed from OBC community. The Government of Maharashtra has not at all given reservation to the OBC.

Even there is an order of the Supreme Court. The scholarships for the students upto class IV, from VI to VIII and from IX to X should be at least Rs. 500 or Rs. 1000. I also demand that the government should make provision of funds for the welfare of OBC. Maharashtra Government has set up a Ministry for OBC in Mumbai. Taking the leaf out of the same the Central Government should safeguard the interests of the OBC by setting up a Ministry therefor. The students belonging to OBC categories should be given relaxation in terms of age and fee.

SHRI PANKAJ CHAUDHARY: Kaka Kalelkar Committee was found in the year 1953. In the year 1993, Annu Committee was set up by the Congress. That Committee was constituted by the orders of the Supreme Court. The Committee gave its recommendations in the year 2012 and no action whatsoever has so far been taken thereon. This Government has honored the people belonging to backward class by bringing in National Commission for Backward Class (Amendment) Bill. I rise to support this Bill and do thank the hon. Prime Minister for this move.

SHRI JAI PRAKASH NARAYAN YADAV: Caste census maybe conducted today. We have 27 per cent reservation today and no changes should be brought therein. No conspiracy should be hatched by including anyone by putting in place a new provision. Lest we should take too long in making rules after this enactment. Caste census should be conducted.

SHRI PREM SINGH CHANDUMAJRA: Till now, the people of other backward classes were shown only hopes but in effect they never got justice. Today, we are according constitutional status to the NCBC. Dr. Bhimrao Ambedkarji said that without economical equality, this independence will be meaningless. There are many people in the country who do not have shelter even today. If we want to achieve the objective of the makers of our Constitution, we must end casteism. Besides socially and educationally backward classes, we have to be concerned for the economically backward people also. A Commission should also be constituted to assess the benefits of reservation during the last 70 years. National parties should endeavour to end casteism and bring about equality in the country.

SHRI RAJESH VERMA: The National Commission for the Backward Classes was formed on the 14th August, 1993 but constitutional status was not accorded to it till now. The conditions of some people belonging to Backward Classes in the society is worse than the Scheduled Castes and the Scheduled Tribes. This Bill was brought in January but some friends from the Opposition showed duality in Rajya Sabha as a result of which we are again discussing this Bill here. Due to the provision of Creamy Layer, only 10-11 per cent people of OBCs have representation in the services despite 27 per cent reservation for them.

SHRI RAM KUMAR SHARMA: This Bill to accord constitutional status

to the NCBC is a welcome step. Earlier Governments used to form Commissions for the Backward Classes but never implemented their recommendations. Owing to the provision of Creamy Layer, representation of OBCs is only 12 per cent despite provision of 27 per cent reservation. So the provision of Creamy Layer should be removed. Social Census should be conducted.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI ANUPRIYA PATEL): All other Commissions in our country have been accorded constitutional status except the NCBC. Today, the National Commission for the Backward Classes will get constitutional status. This Government has not brought this Bill to take credit but to do justice to the backward castes. This Bill was presented in Lok Sabha on 5 April, 2017 and was passed on 10 April, 2018 but some friends from the Opposition wanted to keep it pending after it was sent to the Rajya Sabha. The Government is clear in its opinion that the 11 indicators recommended by the Mandal Commission would be the basis to include or exclude any caste in/from the central list of OBCs. The provision of 27 per cent reservation is not being observed in many institutions. We are not clear about the total population of OBCs for want of data of caste census, 2011. The apprehensions expressed by some hon. Members are baseless.

SHRI RAM TAHAL CHAUDHARY: Today, the NCBC will get constitutional status after 70 years. When this Bill was passed by Lok Sabha last time, some friends from the Opposition tried to scuttle it. This Government has done so many works for the economic, social and educational development of the OBCs in the country. A number of schemes have been introduced for their welfare. I urge the Government to form a separate Ministry for OBC welfare. OBC youth in my state of Jharkhand face a lot of difficulties in getting the OBC certificate. In Jharkhand there is a rule to get this certificate renewed every year which poses a great deal of difficulty to the youth. This difficulty should be removed.

SHRI DUSHYANT CHAUTALA: This is a welcome step to accord constitutional status to the NCBC. Data of Backward Classes is not available even today. In such a situation, the Commission will face difficulties in its functioning. Certain castes are categorized as Backward in one state while not in the other. Uniformity should be brought in this regard. When this Commission gets power after this constitutional amendment, it should be vested with the power to provide employment to the youth and ensure equitable representation to backward castes. We should provide for more than 27 per cent reservation if need be.

SHRI SANTOSH KUMAR: Reservation for Other Backward Classes (OBCs) is a very sensitive issue. This reservation was implemented 25 years before, but still only 11 per cent seats have been filled up in central services.

SCs/STs are being given a benefit of backlog. Similarly, OBCs should also be given the benefit of backlog. OBCs should also get reservation in promotion. The condition of more than 60 per cent castes in backward classes is very miserable in comparison to SCs/STs. There should be an arrangement of special package for these classes.

SHRI RODMAL NAGAR: Today backward and poor community of our society are hopeful for the future of their children. I congratulate this Government for according constitutional status to the National Commission for Backward Classes. This is a historic decision of giving constitutional status by 123rd Amendment of the Constitution. There is not any interference in the jurisdiction of the States by this Bill. In the present scenario, deprived sections of the society are not able to get the benefit of reservation. Now, the people of most backward classes will get proper justice by classification of reservation.

SHRI E.T. MOHAMMAD BASHEER: This Bill is a good move, but at the same time, certain anxieties will have to be addressed properly. Currently the Bill specifies that the National Commission for Backward Classes will have five Members but the eligibility criteria for these five Members has not been specified. The Select Committee have suggested that the socially and educationally backward classes are to be given due representation in this. The National Commission also recommended that out of five Members, one should be a woman. While

identifying the backward classes, it should be mandatory to accept the recommendations of the States. With regard to Socio-economic Caste Census 2011, what happened to that and what about the implementation? There should be an action plan on the basis of that Census. There is a move to curb the reservation. I would like to appeal that reservation should continue unhampered.

THE MINISTER OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAMVILAS PASWAN): Kaka Kalelkar Commission was constituted and its report was thrown into the dust bin. An another Commission was constituted in the Chairmanship of VP Mandal which was named as Mandal Commission. Until and unless people of all castes and religion do not think about the interest of one another, the country could not be unified. Almost all political parties supported to implement the report of Mandal Commission. The report of Mandal Commission was kept in abeyance till 19 years. What Baba Saheb Ambedkar has done for the welfare of down-trodden, now the present Government is doing the same thing. Kaka Kalelkar Commission had identified 2900 castes as backward in its Report and Mandal Commission has identified 3900 as backward castes. After the report of the Mandal Commission, people approached court. As per the decision of the court OBC Commission was constituted on 14th August, 1993 under Section 340 of Constitution. Commission was constituted but no rights had been given to that Commission. This

Government has taken an initiative so that people of backward classes can get their constitutional right as per Constitution. They brought Constitution amendment in Parliament. On the one side, the Government making an effort to provide constitutional status to National Commission for Backward Classes and on the other hand, they have constituted extremely backward classes commission for proper representation of extremely backward castes. Today, I am very happy that the Bill in this regard will be brought in Parliament. Hon. Minister of Home Affairs has announced today that Prevention of Atrocities Bill will be brought in this very session of Parliament. The Government is doing every effort for the welfare of all sections of society and brought this Bill and we all support in passing this Bill .

SHRI ASADUDDIN OWAISI: Article 338(b) is being amended. The word 'participate' has been removed from this Bill which is a dilution. I would like that hon. Minister to take this into account. Why 90 per cent population of Muslims, Dalits, Scheduled tribes, Christians and OBCs of this country are being given only 50 per cent reservation? You should give them 90 per cent reservation so that all can be included. Telangana Government has passed the resolution for reservation to Muslims in the State Assembly since last two years. Why you have held up that proposal? Muslims are backward in every indicator such as education,

credit, health and employment. You accord sanction to the proposal and let the Telangana Government provide reservation to Muslims.

SHRI N.K. PREMACHANDRAN: The Lok Sabha had passed 123rd Constitution (Amendment) Bill, 2017 and transmitted it to the Rajya Sabha for their concurrence. The Rajya Sabha passed the Bill with an amendment and deleted clause 3, which talks about constitution of the National Commission for OBCs, its powers and functions. The Government has come up with an alternate amendment to the amendment made by the Rajya Sabha. I fully support it. Another amendment is regarding the Governor. You have accepted one portion. Under Article 342A also, the Governor comes. That has to be considered. That is my suggestion.

SHRI PREM DAS RAI: I would like to raise certain issues related to the State of Sikkim. The *Limbu* and *Tamang* communities need reservation in the State Assembly. I would also like to flag that since we were at a status of equality before merger, the same status has to be restored and that can happen only if the entire State is made into a tribal State.

SHRI BIRENDRA KUMAR CHOUDHARY: I would like to request the Government to make public the 2011 census and provide reservation on the basis

of that. I would also like to request to fill all the backlog of vacancies for the backward communities.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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