

LOK SABHA

SYNOPSIS OF DEBATES

(Proceedings other than Questions & Answers)

Tuesday, August 10, 2021 / Sravana 19, 1943 (Saka)

REFERENCE BY THE SPEAKER

HON. SPEAKER: Hon'ble Members, The World Tribal Day was observed yesterday. The tribal community has significantly contributed to India's social and economic development since time immemorial. The tribal community also contributed a lot to the freedom struggle of our country. I wanted this issue to be discussed in the House and it would be better if you discuss the contribution made by the tribal community to this country. This House is meant for the poor, the oppressed and the deprived people of the society facilitating debate and discussion on their problems. You have been elected to this House to raise the issues concerning the poor, the deprived, the tribal and the downtrodden of this country.

OBSERVATION BY THE SPEAKER

HON. SPEAKER: Hon. Members, I want to have a discussion on each and every subject. But the way you people are conducting yourselves is not good. You have not been elected to this House just for displaying placards and shouting slogans.

*MATTERS UNDER RULE 377

1. **SHRI SUNIL KUMAR SINGH** laid a statement regarding need to establish a Kendriya Vidyalaya in Latehar district, Jharkhand.
2. **SHRI RAVINDRA KUSHAWAHA** laid a statement regarding need to run a Shatabdi Express or a Superfast train on Gorakhpur-Bhatni-Varanasi-Prayagraj route.
3. **SHRI MANSUKHBHAI DHANJIBHAI VASAVA** laid a statement regarding need to provide employment to local youth in industrial units in Bharuch Parliamentary Constituency, Gujarat and check pollution caused by industrial units in the region.
4. **SHRI RODMAL NAGAR** laid a statement regarding need to start classes in Kendriya Vidyalaya, Narsingharh, Rajgarh district, Madhya Pradesh.
5. **SHRI BHOLA SINGH** laid a statement regarding formation of Delhi-NCR Air Pollution Control Commission.
6. **SHRI JAYANT SINHA** laid a statement regarding completion of Merger process for Ramgarh Cantonment, Jharkhand.
7. **SHRI RAMDAS TADAS** laid a statement regarding need to confer Bharat Ratna Award on Lokshahir Annabhau Sathe, a great writer of Maharashtra.
8. **SHRI BRIJENDRA SINGH** laid a statement regarding need to set up a Mainline Electric Multiple Unit maintenance shed or Electric Loco Shed in Hisar Parliamentary Constituency, Haryana.
9. **SHRI UNMESH BHAIYYASAHEB PATIL** laid a statement regarding need to set up a 'Coordination/Common Centre for Welfare of families of paramilitary force' in every district in the country.
10. **DR. RAMAPATI RAM TRIPATHI** laid a statement regarding need to develop the Surya Mandir in Kushinagar district, Uttar Pradesh as a tourist place.

* Laid on the Table as directed by the Chair.

- 11. SHRI GUHARAM AJGALLEY** laid a statement regarding Mahatama Gandhi National Rural Employment Guarantee Scheme in Janjgir-Champa district, Chhattisgarh.
- 12. SHRI VIJAY BAGHEL** laid a statement regarding representation of Member of Parliament in 'Shasak Mandal' in educational institutions.
- 13. DR. MOHAMMAD JAWED** laid a statement regarding grant of compensation and alternative land to flood affected victims in Kishanganj, Bihar.
- 14. SHRI M.K. RAGHAVAN** laid a statement regarding proposal to connect Bepore Port of Kozhikode to Malaparamaba junction, Kerala under Bharatmala Pariyojana.
- 15. SHRI K. MURALEEDHARAN** laid a statement regarding semi High speed Railway Project from Trivandrum to Kasaragod.
- 16. DR. D. RAVIKUMAR** laid a statement regarding grant of citizenship to Tamil refugees.
- 17. SHRI C. N. ANNADURAI** laid a statement regarding inclusion of the synonyms of Kurumans tribe in the Scheduled Tribe list.
- 18. SHRIMATI VANGA GEETHA VISWANATH** laid a statement regarding release of MGNREGA funds for Andhra Pradesh.
- 19. PROF. SOUGATA RAY** laid a statement regarding alleged rape and murder of a nine year old girl in Delhi.
- 20. SHRI RAHUL RAMESH SHEWALE** laid a statement regarding amendments in relief norms under SDRF/NDRF.
- 21. SHRI MAHABALI SINGH** laid a statement regarding need to undertake enumeration of all castes in Census 2021.
- 22. SHRI HANUMAN BENIWAL** laid a statement regarding need to provide adequate compensation to farmers of Rajasthan for their land being acquired for Bharat Mala Project.
- 23. SHRI VINOD KUMAR SONKAR** laid a statement regarding examination of historical facts regarding Purana Quila.
- 24. SHRI PARVESH SAHIB VERMA** laid a statement regarding grant of compensation, jobs and houses to families affected by anti-sikh riots of 1984.
- 25. SHRI RAMESH BIDHURI** laid a statement regarding drinking water, sewerage and stormwater management system in Delhi.

26. SHRI S. VENKATESAN laid a statement regarding setting up of National Institute of Pharmaceutical Education and Research (NIPER) in Madurai, Tamil Nadu.

OBSERVATION BY THE SPEAKER

HON. SPEAKER: Hon. Members, do you not want to have a discussion on the Constitution Amendment Bill relating to Other Backward Classes? You people have not been elected to this just for shouting slogans. Kindly maintain decorum and dignity of the House.

THE CONSTITUTION (ONE HUNDRED AND TWENTY-SEVENTH AMENDMENT) BILL, 2021

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. VIRENDRA KUMAR) *moving the Motion for consideration of the Bill, said:* Today, we are discussing such an important amendment Bill that is intended to restore the federal structure providing rights to the States to provide for the welfare of the socially and educationally backward classes. This right of the State was scrapped through the 102nd Constitution Amendment and all the States were raising their voices against this move. The commitment of the hon. Prime Minister to improving the socio-economic condition of the OBC community is quite evident before the country. Some of the decisions taken in the recent past for the welfare of the OBC have infused confidence into the OBC community. The central list of the OBC was accorded the constitutional status by our government. The Constitution Amendment Act, 2018 accorded the constitutional status to the National Commission for Backward Classes (NCBC). A decision was taken a few days ago to provide 27 per cent reservation to the OBCs in the all India quota of medical and dental colleges. An additional 4000 seats will now be available every year for the students of OBC in medical colleges. This amendment is very crucial to restore the power of the State Governments to prepare and maintain their own list of OBCs which was struck down by the Supreme Court while interpreting the Constitution (102nd) Amendment Act. If the list of State had been quashed then about 671 OBC communities which were included in the State List would have been deprived of the benefit of reservation in the educational institutions and government jobs. At the same time, it will

ensure that there is no ambiguity in the interpretation of the legislative intents. The Constitution (105th) Amendment Bill seeks to amend section 1 and 2 of the Article 342(A) and insert a new section 342(A) (3) empowering the States to prepare and maintain their own list. This amendment Bill will go a long way to safeguard the federal structure of this country. This will empower the States to take their own decision to maintain their State list of OBCs. Moreover, it will ensure the hassle free implementation of the concessions provided to the OBC population in the educational policies all across the country. With these words, I move that the hon. Members may express their views on the Constitution Amendment Bill and cooperate with us for the passage of the Bill.

SHRI ADHIR RANJAN CHOWDHURY *initiating said:* We support this Constitution Amendment Bill. But at the same time, we demand that the 50 per cent ceiling on reservation for OBCs should be removed. This Bill sought to amend clauses 1 and 2 of Article 342A of the Constitution that pertains to the President's and Parliament's powers to include or exclude or specify any caste, in consultation with the Governor in case of States. The new amendment will insert a new clause called 342A(3) which will authorize the States to maintain their lists. The proposed legislation enables every State to maintain its own State list, which is essentially a good step. We support the OBC Reservation Policy. The State Governments need to be granted a right of their own and privileges to identify the communities belonging to the OBC. Similarly, I would urge upon the government to provide reservation to the Maratha community by removing the 50 per cent ceiling. Maratha community holds a significant political, social and commercial influence in the Maharashtra State. But the fact is that only a miniscule minority of Marathas is politically influential. In Maharashtra, 80 per cent of Marathas are still surviving on subsistence agriculture. It has led to the demand for reservation in jobs and education. Even the Gaikward Commission Report clearly stated that in 2017, that Marathas should be given reservation under Socially and Educationally Backward Class. So, urgent measures must be taken to rekindle the hopes of the community. I would request that the Government should ponder over the sentiments of the Maratha people insofar as the ceiling on reservation is concerned. The Government may exceed the limit of the reservation without compromising the interests and security of the Other Backward Classes in Maharashtra. The Government should provide the political, financial, and social security to all the backward classes of our country.

DR. SANGHAMITRA MAURYA: First of all, I would like to thank the illustrious Prime Minister of the country for bringing in this Bill. Today, our government is going to provide rights to OBCs through this Bill. The census used to be conducted on the basis of the number of all the castes, their educational and economic conditions. It

was started in 1881 but at that time the focus was not on the castes but on education, employment and mother tongue. The last caste-based census was conducted in 1931 in the country and at that time also the OBCs constituted 52 per cent of the population. The Government decided to discontinue the caste-based census after independence. Who formed the Government after independence? At that time, they were in the government but they did not provide us our right to reservation. Today certainly the hon. Prime Minister has provided the right to conduct caste-based census to the States. If today, this Bill is passed in the Parliament, the States will be able to conduct census on their own. If today, the caste based census is conducted, then a number of castes will be included in the list of OBCs and they will get their rights. With these words, I fully support this Bill.

SHRI T.R. BAALU: This is a momentous day for me to participate in the discussion on the Constitution (One Hundred and Twenty-Seventh Amendment) Bill. This amendment is a good beginning. But at the same time, this is my demand that the 50 per cent ceiling on reservation for the OBCs should be removed. There should not be any cap with regard to OBC reservation. The Government of India should come forward to review and remove this cap on reservation for the OBCs. Similarly, the Government of India, two years ago, promised that they would conduct a Caste Census. But so far, no Caste Census has been undertaken by the Government. Only through Caste census can we have a proper data for the OBCs and the people belonging to the OBC category could be developed in a proper way. But that has not been worked out by the Government of India. So, this aspect should be taken note of.

SHRI SUDIP BANDYOPADHYAY: It is mentioned in the Bill itself that the Bill is being tabled to save the federal structure of the country. However, the federal structure is not quite visible in our country. Rather, the federal structure is totally under threat. As per the Article 338B of the Indian Constitution, the Central Government will have the power to declare a class as OBC and the State Governments will have no power. Many State Governments, thereafter, objected to it and keeping in view their stiff opposition, the government had to come with an amendment Bill in the House. It has been contemplated that creating Article 338B should be further amended to keep provisions for the State Governments to have their present system of having state list of OBCs to extend benefits of reservations in the State. It is a legislation beneficial to the States. I conclude while extending full support to this Bill.

SHRI BELLANA CHANDRA SEKHAR: This Bill rightly seeks to restore the power vested by the Constitution in the States and Union Territories to make their own lists of Other Backward Classes under Article 342A of the Indian Constitution. This was confusingly amended by the Constitution (102nd Amendment) Act and this Bill is only

seeking to revise that and bring some clarity to this issue. The Supreme Court's decision in May, 2021, ruled that only the Centre could notify OBCs. This Bill is the right step to re-assert the federal constitutional right of the States to determine and directly empower backward communities from different regions of our country. I thank the Government for announcing the decision to provide 27 per cent reservation for OBCs and 10 per cent reservation for Economically Weaker Sections in the All India Quota Scheme. The long pending demand of Backward Classes to take up Special Caste-based Census must be seriously considered and implemented. We welcome this Bill wholeheartedly.

***SHRI VINAYAK BHAURAO RAUT:**

SHRI RAJIV RANJAN SINGH 'LALAN': Our party JDU fully support this amendment Bill. In fact, the interpretation of the 102nd Amendment Act by the hon. Supreme Court in a case relating to Maratha community led to the introduction of the 127th Constitution Amendment Bill. One hon. Member was saying that the powers of the State Governments were snatched through the 102nd Constitution Amendment Act. In fact, this was not the case. That constitutional amendment was made to grant statutory status to the National Backward Class Commission. This was also the commitment of the Government. If the intentions of the Government are pure then there is always scope for improvement. The caste census was conducted in the year 1931 and thereafter no caste census has been undertaken. We demand from the Government that there should be a caste census in 2022 in the country. This is a wrong impression that it will create divisions in the society. With this demand, we fully support the 127th Constitutional Amendment Bill.

THE MINISTER OF ENVIRONMENT, FOREST AND CLIMATE CHANGE AND MINISTER OF LABOUR AND EMPLOYMENT (SHRI BHUPENDER YADAV): The UPA government ruled the country for 10 years from 2004 to 2014. Members of backward classes of the all the parties regularly submitted memorandum to your government to give constitutional recognition to the Backward Class Commission which did not have any rights then. But you did not give the recognition to the Commission for 10 years. When the report of the Backward Class Commission was being laid, we used to say that backward classes are a class in the country and not a caste. But the Congress demanded reservation for the minorities first on creation of posts for backward classes. You tried to divide the progress of the people on the basis of religion. We don't try to divide anyone. It is our government which provided 27 per cent reservation in the Kendriya Vidyalayas, Military Schools and

* Original in Marathi.

Jawahar Navodaya Vidyalas which benefitted four lakh children every year. Our government is totally dedicated to provide justice to the poor, backwards and dalits in the society.

SHRI RAMESH CHANDRA MAJHI: Under this Bill the states will get the right to prepare the OBC list. We want that this Bill should be passed in the Parliament. A number of schemes have been formulated for the tribals, dalits, backwards and minorities in Odisha. More than 100 OBC hostels have been constructed for the OBCs in Odisha. I request the Union Government to bring some amendments in the Forest Rights Act, 2006, so that some provisions can also be made for the OBCs and minorities living in the forests. We support this Bill.

SHRI B.B. PATIL: The proposed amendment Bill is the need of the hour. About 40 castes from Telangana state are pending to be included in the Central OBC list since the last 15-20 years. Out of them, 8-10 castes are pending due to minor reasons only due to which they remain deprived of their rights for so many years. In 2018, there was a talk of collection of OBC data in the Census 2021 but nothing happened on that account. Had this OBC data been collected then the government would have known the exact population, social and economic condition of the OBCs. I request the Government to set up a separate Central Ministry for the welfare of the OBCs and to remove the limit of 50 per cent reservation. I welcome and support this Bill.

SHRI PRINCE RAJ: This Bill will benefit all the backward classes of the society. After the passing of this Bill, the state governments will be empowered to include Jats in Haryana, Marathas in Maharashtra, Lingayats in Karnataka, and Patels in Gujarat in the OBC list. Socially, politically, educationally and economically weaker castes in the society will get an opportunity to progress in life after the passing of this Bill. On behalf of my party, I support this amendment Bill.

SHRIMATI SUPRIYA SADANAND SULE: I support this constitutional amendment Bill. The recommendation was made that the creamy layer among the OBCs should be reviewed after every three years. This Government has been in power for the last seven years. The Government should give us the details in this regard. The Government has not carried out any social audit of the reservation given to the economically weaker sections. The Government has not taken any decision with regard to the reservation for Maratha and Dhangar castes. The Government is requested to help the State Government of Maharashtra to get through the 50 per cent cap on the reservation.

SHRI RITESH PANDEY: While participating in the discussion on this subject, it is imperative that we also discuss the importance and the objectives of reservation. In the modern liberalized economy, the importance of reservation is going down. The private sector is the big employer providing 90 per cent jobs whereas only 3 per cent jobs are in the government sector. Even these 3 per cent jobs are being given on contract basis. Our party, the BSP, has always demanded that there should be caste based census and the OBCs should be enumerated separately. It is imperative for us to grant equal opportunity to every section of the society and for this, we will have to shun the divisive policies.

SHRI AKHILESH YADAV: All the Hon. Members of the House have welcomed this amendment Bill. In this regard, we have two demands namely, the upper limit on the reservation should be raised beyond 50 per cent and the caste based census data should be released.

SHRI BALUBHAU ALIAS SURESH NARAYAN DHANORKAR: The purpose of this Bill is to amend the Article 342A enabling the State Governments to draft such a list of the socially and educationally backward sections of the society for the State purposes, the entries of which may be different from the Central list. Once this Bill is passed, the Maratha community in Maharashtra will get the reservation benefits. I support this Bill.

DR. SANJAY JAISWAL: I am thankful to the Hon. Prime Minister for giving the backward sections their due rights. Our Government is very sensitive to the needs of the poor, the deprived, the backward and the dalits. I support this Bill.

SHRI KALYAN BANERJEE: I fully support the Constitution (One Hundred Twenty-Seventh Amendment) Bill, 2021. I also appreciate the amendment of Article 342A of the Constitution. The aspiration of equal treatment of the lower strata to whom the fruits of reservation have not effectively reached, remains a dream. At the same time, various castes by and large remain where they were and they remain unequal. Are they destined to carry their backwardness till eternity? The State's obligation is to undertake the emancipation of the deprived section of the community and eradicate the inequalities. When the reservation creates inequalities within the reserved castes itself, it is required to be taken care of by the State concerned. I must say that Indian democracy has developed over the years and today India has become the number one democratic country due to two reasons. One is, legislative functions which we perform in Parliament and State Assemblies and another important part is - we should not forget – the Supreme Court of India, that is, the judiciary. It enhances the law and on the basis of the enhancement of the law, democracy has grown in our country and we must accept that. The trinity of the

goals of the Constitution, viz., socialism, secularism and democracy cannot be realized, unless all sections of the society participate in the State power equally, irrespective of their caste, community, race, religion, sex and all discriminations. Equality itself is a positive Constitutional right and it puts State and Central Government under an obligation to undertake an affirmative action. This is an obligation. I would like to suggest that apart from reservation other amenities like free medical aid, free education, scholarships for higher education and other financial support should also be extended to them.

ADV. A. M. ARIFF: I support the Constitution (One Hundred and Twenty-Seventh) Amendment Bill, 2021. This Constitution Amendment Bill would not have been introduced now, had this Government shown due diligence while enacting the 102nd Constitution Amendment in 2018. This Government is doing the penance for giving room to the Judiciary to deny the legitimate rights of the States in deciding the eligible communities for OBC reservation. Even now, had the hon. Madras High Court not been involved in the case, I am sure, this Government would have continued its anti-reservations stand denying the eligible due for OBC students. The government has self-exposed its anti-reservation stand on several occasions, directly and indirectly, and now pretends as the defenders of OBC rights only to nurture potential interests. I fully support this Constitution Amendment Bill in the best interests of the common people of this country.

SHRI E. T. MOHAMMED BASHEER: This Amendment Bill is intended to restore the powers of the State governments to maintain their lists of OBCs which was taken away by the Supreme Court's interpretation of the 102nd Constitutional Amendment. Similarly, it is intended to adequately clarify that the State Governments and the Union Territories are empowered to prepare and maintain their own State lists of SEBCs. With these two pertinent reasons, we are all supporting this Bill. The Government is really making impediments in the way of implementing the things. Moreover, dilution to the existing reservation policy is going on without any kindness. There is misrepresentation of various clauses. Similarly, there is an inappropriate application of creamy layer. The Government is applying the calculation tricks which create hurdles in determining the reservation criteria and things like that. The Government is really weakening the concept of social backwardness, which was the basis for reservation. Quota was never meant to be another poverty alleviation programme. It is an affirmative action policy that seeks to do some justice to those sections of the Indian society that have been discriminated on the basis of caste and things like that. I would like to demand that reservation should be extended to the private sector as well.

SHRI HASNAIN MASOODI: At the time of framing the Constitution of India those engaged in drafting the Constitution were driven by the impression that they were designing a Constitution characterized with federal system. India is a Union of States. This Government has snatched away the legitimate rights of the States and is still trying to encroach upon their rights. This Bill is an attempt to set right the injustice done by the Government. In the year 2018, injustice had been done to the States and their rights had been infringed upon by asking them to prepare a list of castes for inclusion in the Central List. The present amendment Bill is aimed at doing away with the flaws contained in the previous legislation. Of course, it is step in the right direction but it must not be restricted to this only. Whatever injustice has been done over the last four years and the Constitution has been trampled upon, must also be set right.

SHRI GANESH SINGH: Baba Saheb has got social justice dispensed to the Dalits by scripting provisions in the Constitution. Hon. Prime Minister is going to dispense social justice and empower the backward Castes as well as the poor belonging to unreserved category. This Bill shall empower the State Governments and the Union Territories to prepare and maintain State List as well as Union List of socially and educationally backward castes. Kaka Kalelkar Commission had been constituted post independence but that Report had been placed on the back burner. Subsequently, when the government led by Morarji Desai came into power, yet another Commission was constituted under the chairmanship of B.P. Mandal. That Report too was not implemented. There upon it was on August 7, 1990 that the erstwhile Prime Minister V.P. Singh implemented one recommendation out of 40 recommendations made by the Mandal Commission wherein 27 per cent reservation was provided to the OBCs in the Central Government jobs. The Congress claims to be in favour of the backwards classes while the fact remains that this party was up in arms against the implementation of the Mandal Commission Report. It was none other but our Government that accorded constitutional status to the Commission for Other Backward Classes by bringing in amendment to the Constitution. In the year 1993, the Supreme Court ruled in Indira Sawhni Case that the Government can also consider the economic basis for reservation if it desires so. But the Congress government right since then imposed creamy layer on the OBCs. The Mandal Commission in its Report had indentified 2513 castes across various states. These Castes are such that are being taken care of through this Constitutional Amendment as of now. The Central Government has delegated this power to the states enabling them to decide whether any caste is eligible for inclusion or exclusion in the OBC list. During the tenure of the UPA-2, Jamia Milia Islamia University, Aligarh Muslim University and the other 2 institutions were accorded minority status and the reservation for the OBCs was done away with. By contrast our Prime Minister has made

provisions for reservation for the educationally and socially backward classes in the NEET. Not only the Dalits and the Backwards Classes, but the poor belonging to the other categories have also been taken care of. I would like to thank the Prime Minister for providing Cabinet Berths to the Dalits and Women. This is social justice in true sense of the term. I would like to thank hon. Minister for bringing in this amendment Bill and I fully support the Bill.

***SUSHRI S. JOTHIMANI:**

***SHRI MARGANI BHARAT:**

SHRI NAMA NAGESWARA RAO : The Government has been forced to bring this Constitution Amendment Bill due to the orders passed by Supreme Court. This delegates power to the State Governments. Henceforth, the Central Government has delegated powers to the states enabling them to decide whether any caste is eligible for inclusion in or exclusion from the OBC list. It is a welcome step forward. A lot of significant steps have already been undertaken for the OBCs in our State. We have, of late, launched Dalit Bandhu Scheme. Every family is being offered Rs. 10 lakh under this Scheme. This kind of Scheme should be rolled out all across the country. I support this Bill whole heartedly.

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UTPAL KUMAR SINGH
Secretary General

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

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

English and Hindi versions of Synopses of Lok Sabha Debates are also available at <http://loksabha.nic.in>.

* Please see Supplement.