

THE  
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers )

OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 1st June, 1951

The House met at Half Past Eight  
of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

10 A.M.

DEATH OF SHRIMATI PURNIMA  
BANERJEE

Mr. Speaker: Before we proceed  
further, I have to inform the House of  
the sad and premature demise of  
Shrimati Purnima Banerjee who died  
at Ramsay Hospital, Naini Tal, on  
1st May, 1951.

She was forty-one years of age and  
one of the foremost women  
workers in social and political fields  
in Uttar Pradesh. She was elected  
to the U.P. Legislative Assembly in 1946  
and was a Member of the Constituent  
Assembly.

I am sure the House will join with  
me in conveying our condolences to  
her family. The House may stand in  
silence for a minute and express its  
grief.

CONSTITUTION (FIRST AMEND-  
MENT) BILL.—Contd.

Mr. Speaker: Now the House will  
proceed with the clause by clause con-  
sideration of the Bill to amend the  
Constitution of India.

In this respect I had informed the  
House yesterday of the procedure  
I want to follow as also the  
reasons for it. I may again repeat  
that this Bill has been dealt with  
on 29.5.51.

thread-bare on three different occa-  
sions—once at the first stage when  
the Bill was referred to the Select  
Committee, then in the Select Commit-  
tee which consisted of different ele-  
ments taking different views over this  
Bill and which sat for a sufficiently  
long number of hours and again we  
spent three days for the consideration  
of the motion. Now we are coming to the  
clause by clause consideration.

Here the scope for discussion is  
strictly limited, though, of course, the  
matter lends itself to long arguments  
within the scope of a particular clause.  
Therefore, I would request hon.  
Members, who wish to speak on the  
clauses, not to try to cover the ground  
already covered and use this oppor-  
tunity as a further occasion for speak-  
ing on the entire Bill. The time-  
table which I propose is as follows:

The idea is to divide the Bill into  
two parts. Some of the clauses are  
important on which there has been an  
amount of discussion and now Mem-  
bers will naturally apply their minds  
to the wording of those clauses which  
it is perfectly competent for them to  
improve by suitable amendments. The  
other clauses are more or less of a  
formal character which will not re-  
quire, I believe, any discussion at all,  
or only very small or little discussion.

Now the clauses which, to my mind,  
appear to be important are: clause 2  
dealing with article 15; clause 3 deal-  
ing with article 19 of the Constitution;  
clauses 4 and 5 which seek to include  
new articles 31A and 31B, which are  
allied clauses—the Schedule which is  
given in clause 14 goes with these two  
articles. That is the most important  
part of the present Bill. The other  
articles, as I was saying, are purely  
more or less of a formal, and I be-  
lieve, of a non-controversial character.  
There is one which I perhaps missed  
to mention and that is clause 13 re-  
lating to article 376. Some brief dis-  
cussion may be possible on that.  
Therefore, I wish to allot time as  
follows:

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[Mr. Speaker]

I am proceeding on the basis of the understanding that we sit for two days. That was the understanding on the basis of which one further day was allotted for the general discussion. I propose to allot, on the basis of six and a half hours of sitting, one hour to clause 2, two hours to clause 3, the most contentious clause relating to article 19, and one and a half hours for clauses 4 and 5 along with clause 14 relating to the Schedule which is a part practically of clauses 4 and 5.

Then I allot some time, say about half an hour at the most for clause 13 relating to article 376 and about half an hour just to adjust between the boundaries of one discussion to go into another and so on.

Then we have to reserve a substantial time for the voting. I had stated yesterday the way in which I propose to put the amendments and certain arguments were urged in respect of that by the hon. the Leader of the House and the hon. the Home Minister. I then stated that I agreed with them in substance, but my idea was to proceed by way of extra caution. I have considered the matter again and I think the chances of anything being challenged are so small that I need not be so over-cautious about it. Therefore all amendments that come before the House will be decided by voice. There is not even the necessity of asking Members to rise in their seats and marking their numbers, because that process by itself will take a long time. If someone chooses to challenge the decision of the Chair on some amendment, then it may be worth considering whether a division should or should not be granted. Ultimately any amendment that is accepted is again going to be voted on by the requisite majority of the House when the clause, as amended, is going to be put to the House.

The other course is that as we take each clause and after we finish the time-limit we immediately put it to vote. This means that there will be a number of divisions taken. One of the ideas which was passing in my mind was—if the House was agreeable—that after disposing of the clauses by way of discussion and amendments, I was just considering whether all the clauses could be put together for voting by division. That was purely with a view to saving time in the mechanical act of recording divisions. I find some heads are shaking as a matter of non-concurrence with what is passing in my mind.

Dr. Deshmukh (Madhya Pradesh):  
Not shaking correctly.

Mr. Speaker: I quite realise the theoretical position that it may be possible for some Members to agree to a particular clause as amended and yet not agree to a particular clause as it stands, and, therefore, it will be desirable naturally to have separate voting in respect of each clause. I am perfectly willing to do that. My first proposal, if the House finds itself in agreement, is intended only to save time. But if the House is not agreeable and wants a separate voting on each, I have not the least objection and we shall go on.

But I put this point of view because I have not yet lost hope that there will be some clauses on which there will be no difference of opinion, for example the technical clauses relating to the two sessions of Parliament or two sessions of the Legislatures in the States. These are all formal clauses and if therefore the House finds itself in agreement that all these clauses should be put together I shall do so because that will save the time of, at least, I think, three to four hours.

I am placing both these proposals before the House so that they may do as they like. If they want a separate division on each of these clauses, whether they are of importance or not, I shall have no objection. But our practice in legislation has been that in the case of clauses on which there is not much controversy or amendment, we put all the clauses together. All that is needed is that the clauses put to the House must be decided by a particular majority and we must have a record about the majority which voted for or against. That is why I am making these proposals.

Now, in view of the time to be taken up for the divisions I think we must sit even in the afternoon today and tomorrow. I propose that we shall disperse at one o'clock after finishing such of the work according to the time-table and not according to the trend of discussions or the desire to discuss or talk more, the we meet, if the House is agreeable to that proposal, at 3-30 P.M. and we up to 6-30 P.M.—not beyond that. That means three hours. Tomorrow also we may sit for those hours so that we can finish the whole Bill, including the third reading thereof, which to my mind ought not to take any substantial time at all. Because all that could be said has been said, and will be said during the course of

this discussion, and practically nothing but repetition will remain to be said. Of course, the words and phraseology will be different, but what can be said in the third reading may possibly be only a paraphrase of the speeches that have already taken place and no new arguments.

So, that is the time-table and instead of taking up any more time in having suggestions and agreeing or disagreeing with this, if there is a substantial agreement I will now proceed.

**Prof. S. L. Saksena (Uttar Pradesh):** On a point of order, may I know whether the rules of the House permit muzzling of discussion in this manner? I personally feel that this Bill is a fundamental Bill.

**Mr. Speaker:** He need not repeat the argument. I know the importance of the Bill. What the hon. Member calls "muzzling" is muzzling of a big majority just for the benefit of a few who want to speak. That is my whole impression about it. The hon. Member may not like it, but any Member who wishes to speak any longer will perhaps swerve round those who are differing from the hon. the Leader of the House in respect of the liberty of speech to go in the lobby with him! That will be the effect of long speeches. Liberty has a meaning. There is no muzzling. If every Member wants to talk for an hour or over, is it reasonable to expect the whole House to sit and to hear him? In a House like this it is not possible to give every Member a chance of speaking, for the sake of speaking. I would therefore appeal to hon. Members to see whether the arguments which they propose to advance are covered or not. We have had speeches here—two speeches from the hon. Member Dr. Syama Prasad Mookerjee dealing with the matter threadbare and we had speeches twice from the president of the All-India Newspapers Association, and speeches from a number of other people. Therefore, to say that this is "muzzling" is something which is not really fair to the House. I do not think it is muzzling at all.

**Prof. S. L. Saksena:** I wanted to finish my speech on the point of order.

**Mr. Speaker:** No, no. I do not permit it. No speeches are necessary.

**Prof. K. T. Shah (Bihar):** I would like to have some clarification in view of what you have stated that some of these amending clauses seem to be only technical such as those relating to the two sessions and so on. There is, in my opinion, a very substantial

change in the amendment of article 87 which is not merely consequential. I wanted to know for clarification whether any amendment on those clauses will not be allowed.

**Mr. Speaker:** Perhaps there is some misapprehension. Amendment to any clause, including an amendment of a comma or a semi-colon, is perfectly competent. My only point was that hon. Members may themselves take that into consideration and restrict their remarks. I treat some of them as of a formal character. But it is possible that some hon. Members may treat them as matters of substance. But in that case, we shall have to appreciate the balance. If more time is to be taken on that, it will mean less time here. Because, we want to finish everything by 6-30 P.M. tomorrow. That is the whole position. And that too, divided between from now to one o'clock today and 3-30 P.M. to 6-30 P.M. and tomorrow from 9-30 A.M. to one o'clock and from 3-30 P.M. to 6-30 P.M., including the time required for voting.

**Shri Kamath (Madhya Pradesh):** May I suggest for your consideration and for the consideration of the House that all the clauses except clause 3, which is most controversial, may be taken up and disposed of first in the order appearing in the Bill, and that clause 3 can be reserved last so that all the available time can be devoted to that clause?

**Mr. Speaker:** I am afraid that will perhaps leave a greater ground for the complaint that there is "muzzling" on that clause. The point is that if we sit up and take the more important things and if we have to make a change of a few minutes, no one need feel that he did not get a sufficient opportunity. After all, if the other clauses are of a formal character they can be put through at the end without any further discussion. I am trying to take up the clauses in the order of their importance.

**Shri Kazmi (Uttar Pradesh):** So far as the voting on some of the clauses is concerned may I suggest that the record of voting in respect of every clause may be separate but we may do it at one division? That is, we may go and have our vote recorded in respect of the various clauses separately but we will have to go only once to the lobby.

**Mr. Speaker:** That is exactly what I say. In the proceedings when I say that clauses, for example, 8 to 10, be taken together and the voting is there, it is that the voting is in respect of each of the clauses. That is how the proceedings will go.

**Pandit Balkrishna Sharma** (Uttar Pradesh): In regard to voting on amendments I want to submit one thing. You were pleased to say that all the amendments will be either accepted or rejected by 'Ayes' or 'Noes'. I wish to suggest that such of the amendments as may be accepted by the Government may be voted upon by our going to the lobbies.

**Mr. Speaker:** Order, order. The hon. Member did not either listen carefully or was not present when the matter was thrashed out yesterday, and when I again referred to that matter. Yesterday, though I shared the view of the hon. the Home Minister and the hon. the Leader of the House. I still was of the view that we might perhaps take these amendments by separate vote in the lobbies just to err on the safe side. But on considering the matter further I find that I need not be so nervous about the interpretation of it even if the matter is challenged in a court of law, for the simple reason that after the amendment is carried the clause, as amended, is going to be put to the House. Therefore, if the House is not agreeable to the amendment being incorporated in the clause, it is perfectly competent for them to reject the clause. That is the view. Therefore we need not take more time in the technicalities.

**Shri Amolakh Chand** (Uttar Pradesh): May I know whether there will be Question Hour tomorrow or not?

**Mr. Speaker:** If hon. Members are agreeable, I shall certainly drop the Question Hour.

**Several Hon. Members:** Drop it, Sir.

**Shri Sidhva** (Madhya Pradesh): No, Sir.

**Mr. Speaker:** Order, order. I cannot make head or tail.

**The Minister of State for Parliamentary Affairs** (Shri Satya Narayan Sinha): The Question Hour tomorrow may be taken up on the 9th as there is every likelihood of the House meeting on the 9th. Just as we have transferred for the 8th, let tomorrow's questions be transferred to the 9th.

**Mr. Speaker:** Order, order. I think if we go on like that we would be on very slippery ground, that is, from 9th to 10th and 10th to 11th. (Interruptions.) Order, order. Let us first of all be determined that, come what may, we finish on the 7th. If the hon. Minister makes a declaration that we

bad repercussions on the length of discussions. Let us follow that with determination and if the whole House is so agreeable, we might have a programme and a time-limit definitely to every proposal coming before the House in the general interests of debate as also the convenience of Members and the desire of the House. So, I should not promise that tomorrow's questions will be transferred but if hon. Members who are having questions for tomorrow are willing to drop them.....

**Shri Sidhva:** It is not going to make any change.

**Mr. Speaker:** Why do they not hear me completely? If they are so keen, I am prepared to say this much that if the Question Hour is dropped tomorrow and in case the House sits on the 9th—there is one per cent. chance—then I should have no objection to those questions being put on the 9th. We have already taken half an hour over this.

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): If you drop the Question Hour tomorrow, there should not be an afternoon sitting.

**Mr. Speaker:** Let us proceed with our business. For clause 2 I have given one hour, that means it has to be finished by seven minutes to eleven, to be more exact about it. I think the Leader of the House may take about ten or 15 minutes.

**The Prime Minister and Minister of External Affairs** (Shri Jawaharlal Nehru): Probably five minutes, Sir, if at all; even that might not be necessary.

**Mr. Speaker:** I shall call upon the Prime Minister to reply on clause 2 at quarter to eleven.

**Clause 2.—(Amendment of article 15)**

**Shri Naziruddin Ahmad** (West Bengal): I would like to know whether all amendments relating to one clause should be taken separately or they should be grouped together. I think if they are grouped together the discussions would be shorter.

**Mr. Speaker:** The position now is that amendments standing in the names of Prof. S. L. Saksena, Sardar Hukam Singh, Dr. S. P. Mookerjee, Prof. K. T. Shah, Shri Hussain Imam, Shri Naziruddin Ahmad and Shri Kamath are to be moved. No other Member wishes to move any of amendments. They can be taken have been moved and then about time-limit on speeches in respect these amendments.....

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**Dr. S. P. Mookerjee (West Bengal):**  
One hour will start from now.

**Mr. Speaker:** The discussion will go on for one hour from now.

**Prof. S. L. Saksena:** I beg to move:

(i) In page 1, omit clause 2.

(ii) In Page 1, line 8, for "socially and educationally backward classes" substitute "socially, economically and educationally backward classes".

(iii) In page 1, line 9, add at the end, "during the first ten years since the commencement of this Constitution."

**Sardar Hukam Singh (Punjab):** I beg to move:

(i) In page 1, line 6, omit "or in clause (2) of article 29".

(ii) In page 1, lines 8 and 9, for "any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" substitute "such backward classes as are referred to in articles 340, 341 and 342 of the Constitution".

(iii) In page 1, line 8, after "socially" insert "economically".

**Dr. S. P. Mookerjee:** I beg to move:

In page 1, line 7, for "special" substitute "reasonable".

**Prof. K. T. Shah:** I beg to move:

(i) In page 1, line 7, after "provision for the" insert "economic, social, educational".

(ii) In page 1, line 8, after "socially" insert a comma and "economically, or".

(iii) In page 1, line 8, for "classes of" substitute "or deficient".

(iv) In page 1, line 9, for "or" substitute "and".

**Shri Hussain Imam (Bihar):** I beg to move:

In page 1, line 8, after "advancement" insert "employment and reservation of seats in educational institutions".

**Shri Naziruddin Ahmad:** My amendment is the same as the second moved by Prof. S. L. Saksena.

**Shri Kamath:** I beg to move:

(i) In page 1, after line 9 add:

"provided that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution."

(ii) In page 1, after line 9 add:

"Provided that such provision does not entail undue or unreasonable discrimination against other classes of citizens."

**Mr. Speaker:** Prof. S. L. Saksena's first amendment is out of order as it is the negative of the original. I will place the remaining amendments before the House.

Amendments moved:

(1) In page 1, line 8, for "socially and educationally backward classes" substitute "socially, economically and educationally backward classes".

(2) In page 1, line 9, add at the end, "during the first ten years since the commencement of this Constitution."

(3) In page 1, line 6, omit "or in clause (2) of article 29".

(4) In page 1, lines 8 and 9, for "any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" substitute "such backward classes as are referred to in articles 340, 341 and 342 of the Constitution".

(5) In page 1, line 8, after "socially" insert "economically".

(6) In page 1, line 7, for "special" substitute "reasonable".

(7) In page 1, line 7, after "provision for the" insert "economic, social, educational".

(8) In page 1, line 8, after "socially" insert a comma and "economically, or".

(9) In page 1, line 8, for "classes of" substitute "or deficient".

(10) In page 1, line 9, for "or" substitute "and".

(11) In page 1, line 8, after "advancement" insert "employment and reservation of seats in educational institutions".

(12) In page 1, after line 9 add:

"provided that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution".

(13) In page 1, after line 9 add:

"Provided that such provision does not entail undue or unreasonable discrimination against other classes of citizens".



**Mr. Speaker:** Prof. Shibban Lal Saksena. I am going in the order of amendments.

**Shri J. R. Kapoor (Uttar Pradesh):** I believe some of the hon. Members who have not moved any amendments will also be given an opportunity.

**Mr. Speaker:** I cannot be sure. I do not think anybody really needs any opportunity now. But, an opportunity has to be given to those who wish to make some changes. It is not now an occasion to speak again. It is an occasion for going into the lobbies and reading. The matter has been thoroughly discussed. I do not think any occasion for any speech arises.

**Prof. S. L. Saksena:** My second amendment is that for "socially and educationally backward classes", "socially, economically and educationally backward classes" be substituted.

**Mr. Speaker:** The time at the disposal of the hon. Member is very short. He need not read the amendments. He may refer to the numbers and advance arguments.

**Prof. S. L. Saksena:** Then I have another amendment that the words "during the first ten years since the commencement of the Constitution" be added at the end.

This amendment I consider to be a most dangerous amendment.

**An Hon. Member:** Dangerous?

**Prof. S. L. Saksena:** Yes, a dangerous amendment.

**Mr. Speaker:** Let him not be interrupted.

**Prof. S. L. Saksena:** It cuts at the very root of the principles which we have accepted to be the basis of our democracy. Equality has been the one important principle which we have adopted. We have also set ourselves against untouchability. But, I think through this clause we are introducing a new kind of untouchability—untouchability of those who so far were the backward classes. That is the result of this amendment. I feel that this Constitution should not be disgraced by having such an amendment as this. I feel that there is nobody in this House today who does not want that the backward classes, who are low in the scale of education, to be brought up. I am in full agreement with them. But what I feel is that this amendment will be used for people who are neither backward nor who need any special provisions.

**The Minister of State for Finance (Shri Tyagi):** Will my hon. friend speak slowly? He is committing so many spelling mistakes in his speech.

**Mr. Speaker:** Order, order. The hon. Minister knows that it is the Chair that has to be addressed by a Member and the Member has not to be addressed directly. That is the first mistake that the hon. Minister has committed. Then, if he permits me to point out, I may say while speaking there are mistakes of pronunciation and not of spelling.

**Prof. S. L. Saksena:** So far I had thought that Mr. Naziruddin Ahmad was the only grammarian in this House. I am glad that the hon. Minister there is also the Minister for spelling.

**Mr. Speaker:** The hon. Member need not reply to that. He may proceed.

**Prof. S. L. Saksena:** I was surprised when the Prime Minister said that this amendment would bring some people up.

[MR. DEPUTY-SPEAKER *in the Chair*]

I thought that the real purpose of this amendment is to nullify the judgment of the Supreme Court. The House will realise that the article, as it is in the Constitution, enunciates a very salutary rule. I do not think that an amendment of the Constitution is the proper method of circumventing the judgment. While I know that the House is going to pass the amendment, I have suggested two amendments: One that the word "economically" be added and another that the operation of this provision may be limited to ten years. We all want that the really backward classes who are poor and who cannot get opportunities to come up and raise themselves should all be helped. And for this it is very necessary that the word "economic" should be there. There may be classes which taken as a whole may be backward, but the individual who claims these privileges or benefits may be a millionaire and have all the opportunities he wants by reason of his wealth. But still this clause will help him. If you want that these benefits or privileges should go to those who are really in need of them, then you must have the word "economic" in this clause. I do not understand the objection to this addition of the word "economic". It is said that in Madras there are very rich people who call themselves backward classes or sub-castes of some castes and who get all these benefits to themselves. I think the clause should not be allowed to stand as it is, otherwise it will be a dangerous thing. If it is allowed to pass in its present form, it will mean that any class which has entrenched itself in power may use this clause to advance its own particular class and I do not

[Prof. S. L. Saksena]

think our Constitution should be burdened with such privileges to particular classes. I personally think that if the word "economic" is there it will serve to benefit those who are really backward and who need to be helped. I do not know why this healthy amendment is not being accepted by the Government. Mr. Ananthasayanam Ayyangar himself has just now said that the word "economic" should be there, the purpose being that those who will benefit from it should be the persons who are really backward, and who without this provision, will not be able to come forward. I think this word should be added and if that is done, the sting will be taken away from this clause.

I have also suggested that the duration should be limited to ten years only. Our Constitution also provides safeguards for Scheduled Castes and backward classes and these safeguards have all been limited to only ten years.

**Dr. Deshmukh:** If their backwardness disappears, the concessions will also disappear.

**Prof. S. L. Saksena:** If you continue these privileges, these disabilities or this backwardness will never disappear, because crutches will never enable the backward classes to come up. At present they need to be helped because they are backward and so our Constitution has wisely provided that these privileges or concessions should be there for ten years to enable them to rise up. But we should not perpetuate these inequalities. Unless we place such a time-limit it will be nothing but perpetuation of these inequalities for ever in the Constitution. I therefore think the period should be limited to ten years as I have suggested and it should be extended only to those who are socially and economically backward.

I think these are healthy amendments which I hope the Prime Minister will accept.

**Prof. K. T. Shah:** My amendments are also on the same lines as those of Prof. Saksena and I will not repeat the arguments that he has already advanced, except in two particulars which he has not touched. I am quite certain that the backwardness which really needs to be remedied is backwardness of an economic character. This affects a very large proportion of the people of this country and we hope they will be affected and helped by the so-called Chapter on Directive Principles. If for instance the article in the Constitution which assures compulsory universal elementary education is implemented, then many of these

questions would not arise. Therefore I feel that the most important thing to do is to implement our Chapter on Directive Principles and not because you are not able to do so, to revive that which we had sought to abolish by our Constitution. I say that because the definition of classes will be really nothing but a definition of birth. It just happens that you are born in a certain class or group and that class is regarded as a backward class, no matter what its advancement may be in social or other respects. I think we have some experience, for instance, of the Punjab Land Alienation Act where agricultural classes are defined, and the Punjab Members will perhaps tell the House how that has worked. Classes are called by a particular name not because they carry on this occupation or profession but because they happen to be born in certain families or certain groups. Therefore the retention of this word "class" would mean, in my opinion, the negation of the spirit of the Constitution, and my amendment, therefore, seeks to substitute the word "citizen" for it, and also the word "deficient".

Another point that I would like to bring to the notice of the House is that nothing in this will prevent the State from making special provisions. Under article 29 you have not debarred anybody from any educational institutions on the ground of birth or sex and so on. And that will still stand, in spite of this amendment. You have to make adequate arrangements for effectively bringing up the backward classes and you have to define these classes according to articles 340, 341 and 342. Unless and until you take precise measures to bring up these backward classes, they will remain where they are. Therefore I have suggested in my amendment that the words "backward classes" should be eliminated and they should be substituted by the word "deficient". I have also suggested that as an alternative rather than a conjunctive expression should be there, that is to say, for "Scheduled Castes and Scheduled Tribes", I would have "Scheduled Castes or Scheduled Tribes". The spirit of the Constitution has to be maintained and also the intentions of the Chapter on Directive Principles which you are now trying to side-tract, or you are, at any rate, salving your conscience and putting them aside on the ground of inability, for the time being. You tell the so-called backward classes that special arrangements will be made to them, though actually your ability to do so is very limited. Let us be honest. Let us accept this amendment. We must remove the back-

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wardness, especially backwardness arising out of or created by social customs and traditions and our history. Every effort must be made to remove this sort of backwardness. But this clause does not work in that direction. That is not the direction in which this clause will lead you. Therefore I have proposed my amendments and I commend them for the acceptance of the House.

**Sardar Hukam Singh:** In the time allowed to me, I will briefly try to refer to my amendments. It is not possible to develop any one of these and I would not make an attempt. We were told by the hon. Speaker that the House is not inclined to listen and I am not also very keen to make myself felt. Therefore, my reference would be very brief.

So far as my first amendment is concerned, my objection is rather technical. I find that reference has been made to article 29 as well now and this has been done by the Select Committee. The hon. Prime Minister said that even in the first instance this was kept in mind and it was only an error that it was not included. Whatever that might be, my fears are that in an implied manner we are going to amend clause (2) of article 29 as well because under the present amendment the application of article 29(2) is being restricted. So even if we did not say expressly, that article is also sought to be amended. I fear that would be out of our scope and would not be permissible.

As for my second amendment, it has also been argued by two friends of mine who have preceded me. So far as the idea underlying the clause is concerned, I am in perfect agreement. I also find that there is need that those backward classes should be brought up to the standard of average citizen. They need our sympathy and support. But the difficulty is that with the amendment—we are not defining who will be eligible for this support—it would be possible for the State legislatures or the executive to corrupt those lists as they want. We have defined what our intention was when we made the Constitution that the Scheduled Castes, Scheduled Tribes as well as other backward classes, who were suffering from such disabilities, socially, economically or educationally, should be helped and I support that whole-heartedly but the clause as it stands now and as emerged from the Select Committee does not make it clear and my apprehension is that it will be left to the party in power in the various States what lists they prepare and perhaps it might be used for political purposes

as well. The real needy might not be given the assistance that they deserve and others not backward in one respect or other may be aided under that guise. So we have articles 340, 341 and 342. If we adhere to them—and they lay down that the President has to declare under articles 341 and 342 the lists of Scheduled Castes and Scheduled Tribes and backward classes and an officer has to be appointed to prepare the lists—then the various Legislatures and the executives in the States might confine themselves to aiding really persons who might deserve the aid.

In my third amendment I have said that the word 'economically' should be inserted. You yourself, Sir, have argued that there may be persons who may be educationally and socially considered to be backward and yet they may be very advanced economically. In that prospect we should not deprive those who are really economically backward and if my amendment is accepted, the scope would be limited to helping the really needy.

I therefore commend my three amendments for the acceptance of the House.

**Dr. S. P. Mookerjee:** The amendment which I have moved seeks to substitute the word 'special' by the word 'reasonable'. With regard to this matter, there is complete unanimity in the House that adequate provision must be made for the advancement of the interest of those who are today backward but the question is how to make a suitable provision in the Constitution which will prevent an abuse of such a provision. Now this point has been touched in the report of the Select Committee and it has been suggested there that it is hoped that nothing will be done which may lead to an abuse of this clause. As you are aware, this matter came up in connection with the recent judgment of the Supreme Court with regard to what is called the communal G.O. of Madras. Now the communal G.O. has been quoted in the text of the judgment and it appears therefrom that this was really not a provision for the advancement of the educational interest of backward communities as such but there was a provision for non-Brahmin Hindus—six, backward Hindus—two, Brahmins—two, Harijans—two, Anglo-Indians and Indian Christians—one, Muslim—one. This was the ratio to be followed for every 14 seats to be filled for admission to Medical College and the Engineering College. In other words, supposing for every 14 seats there are more than two capable and qualified Harijan candidates, even they would

[Dr. S. P. Mookerjee]

not be admitted and they will have to make room for others who come under this category of backward Hindus or non-Brahmin Hindus. From my discussion with Members I gathered that it was nobody's intention to justify the communal G.O. That is good. That is reassuring but the amendment which is sought to be made today in the Constitution leaves scope to the State Government to pass a similar provision like the communal G.O. of Madras if it so chooses. No doubt the Select Committee says that this should not be done and there should not be any abuse made, and that those who are really backward should be helped in every possible way. There is no objection to that. In fact the more we give them educational facilities, the greater will be the chance of doing away with these artificial barriers.

Mr. Deputy-Speaker: Have they not already committed themselves to what classes come under 'backward classes' in the communal G.O.?

Dr. S. P. Mookerjee: That may not be covered under the amendment which we are passing. At any rate, that is a debatable point. One attempt we made in the Select Committee was to confine the definition of backward classes to article 340. There a procedure had been laid down indicating that the President would appoint a Commission and the Commission would enquire into the conditions of certain classes or castes of people in the country and if after a comprehensive report it was thought necessary that certain facilities should be given, such facilities could be provided for. But that reference has been omitted from the clause as it is now before us today. What I seek, therefore, to do is practically to implement the spirit of the observations which are made in the Select Committee Report. No doubt the Government of India may in a friendly way suggest to the State Governments that they should not proceed in a particular way which may mean abuse of the powers which are being given to the State Governments. But there will be no legal force behind it. On the other hand if you say that the provisions made shall be reasonable, that will act as a very salutary check in respect of any efforts which may be made by any State Government. The provision should be so made that it would not take away the legitimate rights of others who may be more qualified but who may not get opportunities, or extend the facilities to such sections of the people who are

not really backward but who, for political reasons, have got to be supported and strengthened. Now that is a dangerous tendency. I know that this is a delicate matter and I do not wish to say anything which may give the impression that any section of the House is opposed to the central idea of providing facilities to those who are backward. If my amendment is accepted in the form in which I have moved it or in the form of Mr. Kamath's amendment, I do not think there will be any objection from any quarter except from those who may in their heart of hearts consider it desirable that a provision like the Madras communal G.O. should be revived. If you say "reasonable" the communal G.O. cannot apply. If you do not want to see it revived, then why not accept my amendment and set all doubts at rest? That is the object of my amendment.

Shri Hussain Imam: I am a believer in being explicit and perfectly clear about my intentions. The law and especially the Constitution should not be ambiguous and capable of interpretation in different ways. It is because of this that we have today to face this amending Bill. Had we made our intention clear in the way in which we wanted it there would have been no need for this measure.

I entirely agree with the Prime Minister that in order to establish equality it will be necessary to deny certain privileges to those who are in enjoyment of them. It is on this basis that the Zamindari Abolition Act is being passed. If so, I ask why should it not be perfectly all right that those who are educationally or economically or due to statutory actions backward, things should be reserved for them? I feel that the intention of the Government, however laudable it may be, is very much clouded by non-explicit words. I am afraid it will again lead to litigation and the judiciary will have to interpret it with the result perhaps that the intention of the Government may not be carried out. For this purpose I have tried to clarify the matter by providing for reservation, as apart from rotation. The difficulty with the Madras G.O. was that it provided for a system of rotation. Instead of that what we might do is to reserve something for those who are backward and the rest should be open to competition in which both the backward and forward will come in according to merit. It is for this purpose that I have moved my amendment so that you may provide for the minimum by means of a statutory guarantee both in appointments and educational insti-

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tutions and for the rest in order to avoid discrimination you may throw it open to everybody on sheer merit. There should be no rotation but reservation *cum* open competition. I therefore appeal to the House to modify the wording in whatever manner they think proper so that the intention of the Government may be explicitly indicated and all ambiguity removed and thus obviate the necessity for further amendment.

**Shri Kamath:** Let me make it clear at the very outset that I yield to none in my desire to see that the backward classes and the Scheduled Castes and Tribes attain a high level in educational and economic standards in this country and I would even look forward to the day when the stigma attaching to Scheduled Castes and Scheduled Tribes or backward classes will disappear for ever from our constitutional vocabulary and parlance.

The idea underlying this amendment to article 15 is laudable and unexceptionable but, I am afraid, in practice, if left to the State Governments without central direction, the power is likely to be abused. The Prime Minister himself in his speech the other day appeared to labour under an apprehension when he said that the High Court of Madras was perhaps after all not wrong in holding the communal G. O. of the Madras Government as invalid and *ultra vires* of the Constitution. He said:

"I do not for an instant challenge the right of the High Court of Madras to pass the order. Indeed from a certain point of view it seems, if I may say so with all respect, that their argument was quite sound and valid. That is to say, if communities as such are brought into the picture, it does go against certain explicit or implied provisions of the Constitution."

Then he went on to say that conditions have brought about this amendment and how certain classes have been kept in a certain state of depression, if I may say so. I am against dubbing a class wholesale as a backward class just as I have objections to listing certain castes or tribes as Scheduled and placed in a separate category. Circumstances may justify this provision, but on grounds of principle it is open to objection.

The Prime Minister was right in saying the other day that it would be more proper to refer to backward individuals and not classes as a whole

or in a lump. Consider my friend Dr. Ambedkar. Will anybody dare say that Dr. Ambedkar is a backward individual or belongs to a backward class? Latterly he has been crusading for Buddhism.....

**Dr. S. P. Mookerjee:** That is a sign of being forward.

**Shri Kamath:** My friend Dr. Mookerjee says that it is a sign of being forward. Dr. Ambedkar is educationally, socially and economically far more forward than myself.....

**Shri J. R. Kapoor:** Those who do not belong to the Forward Bloc are backward!

**Shri Kamath:** The Scheduled Castes under the Constitution are entitled to protection. Will anybody say that Dr. Ambedkar needs protection at the hands of anybody?

**Shri Rathnaswamy (Madras):** We do not go by individuals but by community.

**Shri Kamath:** Dr. Ambedkar, if he will pardon me for saying it, is so aggressive that others may need protection from him. Fortunately his aggression is confined so far to words and not to deeds.

**Dr. Deshmukh:** Deeds he has left behind.

**Shri Kamath:** Consider again my friend Dr. Deshmukh, who is the president of the All-India Backward Classes Association. I do not know whether he styles himself as a member of the backward classes. But I will yield to him any day as regards intellectual superiority, social charm or educational qualifications.

I agree with the Prime Minister's remark the other day that it is wrong to dub or brand a whole class as backward. Dr. Deshmukh is the President of the Backward Classes Association and yet he may not belong to the backward classes.

Look at the other aspect of the problem. The Brahmins are supposed to be very forward, at any rate not backward. Dr. Ambedkar said the other day that every Hindu has got a caste—but I do not think that is why he has embraced Buddhism where all classes and even Scheduled Castes disappear. That apart, the Brahmins are supposed to be the most superior among the *chaturvarnas*, though what Dr. Ambedkar said the other day is not quite correct, that the Hindu *smritis* and *shastras* perpetuate this



amous agreement here. The only difference comes in sometimes, to a slight extent about its scope, and to a greater extent in regard to certain apprehensions that it arouses. It was for this reason that even in the Select Committee's Report we drew attention to these fears and apprehensions and said that we were quite sure that the Select Committee is of the view that this provision is not likely to be, and cannot indeed be, misused by any Government for perpetuating any class discrimination or for treating non-backward classes as backward for the purpose of conferring privileges on them. I realise that by putting in a paragraph in a Select Committee Report we do not necessarily legally or constitutionally govern anybody or prevent anybody from doing something. That is true, but in the nature of things you have to give a certain latitude in certain directions.

One of the main amendments or ideas put forward is in regard to the addition of the word "economical". Frankly, the argument put forward, with slight variation, I would accept, out my difficulty is this that when we chose those particular words there, "for the advancement of any socially and educationally backward classes", we chose them because they occur in article 340 and we wanted to bring them bodily from there. Otherwise I would have had not the slightest objection to add "economically". But if I added "economically" I would at the same time not make it a kind of cumulative thing but would say that a person who is lacking in any of these things should be helped. "Socially" is a much wider word including many things and certainly including economically. Therefore, I felt that "socially and educationally" really cover the ground and at the same time you bring out a phrase used in another part of the Constitution in a slightly similar context. Therefore, we adhered to that, although I entirely agree with what Prof. Shah and Prof. Shibbanlal Saksena said about people who are economically backward being helped.

Prof. Shah said something about our approaching this question in a more positive way, that is to say, by implementing the Directive Principles of Policy and by trying to uplift backward classes in the sense of nurturing them by special treatment. I completely and wholeheartedly agree with that approach and that is the only correct approach to this problem laid down by the Constitution and laid down by commonsense. The only difficulty again arises that many

correct things cannot be done suddenly and normally. Take this matter of educational advancement. The obvious way to proceed is to build more educational institutions and to give admission to every person who wants that particular type of training and who is competent to profit by it. It is quite desirable, but for lack of room in our colleges and other institutions for that higher education, we are not able to do it. We want every person to have a house to live in. But unfortunately, let us say in the city of Delhi or elsewhere, we have to apportion houses and give priority to some people. Some people have to live in tents for some time, or some people have to live even in the open for some time. But the object is that everyone should have a house and everyone should have a place in an educational institution to be trained up to the limit of his or her capacity.

Again I think it was Dr. Syama Prasad Mookerjee who said that these provisions should be used in a reasonable manner. Yes, undoubtedly, of course. I do not know how the putting in of those words here is going to help, because the idea is bound to be there. If a "thing is used unreasonably, then it is wrong— if it is used merely to perpetuate, to give unfair advantage to some. After all the whole purpose of the Constitution, as proclaimed in the Directive Principles is to move towards what I may say a casteless and classless society. It may not have been said precisely in that way; but that is, I take it, its purpose, and anything that perpetuates the present social and economic inequalities is bad.

So, I would beg the House not to accept the amendments to the amendment suggested to this article, because while there is much in them with which we agree they do not really clarify or help the situation. It is one of a slight conflict between existing things and what we want them to be. We want to approach that ideal. If we merely talk of the ideal we do not deal with the practical; if we merely talk of the practical and forget the ideal we become static and forget the Directive Principles of Policy. We have to aim in that direction and move towards it keeping our feet on the ground. I think after careful consideration that the words that the Select Committee has recommended to this House are appropriate for the occasion and the House will accept them as such.

Shri J. B. Kapoor: May I ask one question of the Prime Minister?



Division No. 4]

AYES

[11 A.M.]

Achint Ram, Lala.  
 Ahammedunni, Shri.  
 Alagesan, Shri  
 Alexander, Shri  
 Ali, Shri A. H. S.  
 Alva, Shri Joachim.  
 Ambedkar, Dr.  
 Amolakh Chand, Shri.  
 Ansari, Shri.  
 Arya, Shri B. S.  
 Asawa, Shri.  
 Balniki, Shri.  
 Barman, Shri.  
 Barrow, Shri.  
 Beni Singh, Shri.  
 Bhagat, Shri B. R.  
 Bhagwant Roy, Kaka.  
 Bharati, Shri.  
 Bhargava, Pandit M. B.  
 Bhargava, Pandit Thakur Das.  
 Bhatkar, Shri.  
 Bhatt, Shri.  
 Bhattacharya, Prof. K. K.  
 Birua, Shri.  
 Biyani, Shri.  
 Borocah, Shri.  
 Brajeshwar Prasad, Shri.  
 Buragohain, Shri.  
 Chahina, Shri.  
 Chandrika Ram, Shri.  
 Channah, Shri.  
 Chattopadhyay, Shri.  
 Chaudhri, Shrimati Kamala.  
 Chaudhuri, Shri R. K.  
 Chettiar, Shri Ramalingam.  
 Das, Dr. M. M.  
 Das, Shri B.  
 Das, Shri B. K.  
 Das, Shri Biswanath.  
 Das, Shri Jagannath.  
 Das, Shri Nandkishore.  
 Das, Shri S. N.  
 Deo, Shri Shankarrao.  
 Deogirikar, Shri.  
 Desai, Shri Kanayalal.  
 Desai, Shri Khandubhai.  
 Deshmukh, Dr.  
 Deshmukh, Shri C. D.  
 Deshpande, Shri P. Y.  
 Devi Singh, Dr.  
 Dholakia, Shri.  
 Diwakar, Shri.  
 D'Souza, Rev.  
 Durgabai, Shrimati.  
 Dwivedi, Shri.  
 Faiznur Ali, Maulvi.  
 Gadgil, Shri.  
 Galib, Shri.  
 Ganamukhi, Shri.  
 Gandhi, Shri Feroz.

Gautam, Shri.  
 Ghose, Shri S. M.  
 Ghule, Shri.  
 Goenka, Shri.  
 Gopalaswami, Shri.  
 Gopinath Singh, Shri.  
 Govind Das, Seth.  
 Guha, Shri A. C.  
 Guha, Shri G. S.  
 Gupta, Shri Deshbandhu.  
 Gupta, Shri V. J.  
 Gurung, Shri A. B.  
 Haneef, Maulvi.  
 Hanumanthaiya, Shri.  
 Haque, Shri.  
 Hathi, Shri.  
 Hazarika, Shri J. N.  
 Hazarika, Shri M.  
 Heda, Shri.  
 Himatsingka, Shri.  
 Himatsinhji, Major-General.  
 Hiray, Shri.  
 Husain, Shri T.  
 Hyder Husein, Shri.  
 Iyyunni, Shri.  
 Jagjivan Ram, Shri.  
 Jain, Shri A. P.  
 Jain, Shri N. S.  
 Jaipal Singh, Shri.  
 Jajoo, Shri.  
 Jajware, Shri Ramraj.  
 Jangde, Shri.  
 Jayashri, Shrimati.  
 Jhunjhunwala, Shri.  
 Jnani Ram, Shri.  
 Joseph, Shri A.  
 Kala Venkatarao, Shri.  
 Kaliyannan, Shri M.  
 Kanaka Sabai, Shri.  
 Kannamwar, Shri.  
 Kapoor, Shri J. B.  
 Karmarkar, Shri.  
 Kazmi, Shri.  
 Keskar, Dr.  
 Khaparde, Shri.  
 Krishna Singh, Thakur.  
 Krishnamachari, Shri T. T.  
 Krishnanand Rai, Shri.  
 Kumbhar, Shri.  
 Kunhiraman, Shri.  
 Lakshmanan, Shri.  
 Lal Singh, Thakur.  
 Mahata, Shri Kshudiram.  
 Mahtab, Shri.  
 Mahtha, Shri S. N.  
 Maitra, Pandit.  
 Mallayya, Shri.  
 Massey, Shri.  
 Meeran, Shri.  
 Menon, Shri Karunakara.

Mirza, Shri.  
 Mishra, Shri M. P.  
 Misra, Shri S. P.  
 Mishra, Prof. S. N.  
 Mishra, Shri Yudhishtir.  
 Mohiuddin, Saikh.  
 Mookerjee, Dr. H. C.  
 Moidu, Moulavi.  
 Mudgal, Shri.  
 Munshi, Shri K. M.  
 Munshi, Shri P. T.  
 Musafir, Giani G. S.  
 Naidu, Kumari Padmaja.  
 Naidu, Shri Ethirajulu.  
 Naidu, Shri S. R.  
 Naik, Shri M.  
 Naik, Shri S. V.  
 Nand Lal, Master.  
 Nathwani, Shri.  
 Nausherahi, Syed.  
 Nehru, Shrimati Uma.  
 Nehru, Shri Jawaharlal.  
 Nijalingappa, Shri.  
 Obaidullah, Shri.  
 Oraon, Shri.  
 Pande, Dr. C. D.  
 Pannalal Bansilal, Shri.  
 Pani, Shri B. K.  
 Pant, Shri D. D.  
 Parmar, Dr.  
 Patabhi, Dr.  
 Pilla, Shri Nadimutha.  
 Poonacha, Shri.  
 Pustake, Shri.  
 Rahman, Shri. M. H.  
 Raj Bahadur, Shri.  
 Raj Kanwar, Lala.  
 Rajagopalachari, Shri.  
 Ramachar, Shri.  
 Ramaswamy, Shri Arigay.  
 Ramaswamy, Shri Pulli.  
 Ram Dhan Das, Shri.  
 Ramaiah, Shri V.  
 Ranbir Singh, Ch.  
 Ranjit Singh, Sardar.  
 Rao, Shri J. K.  
 Rao, Shri M. V. Rama.  
 Rao, Shri Shiva.  
 Rao, Shri Thirumala.  
 Rao, Shri Kesava.  
 Rathnaswamy, Shri.  
 Raut, Shri.  
 Ray, Shrimati Renuka.  
 Reddi, Shri P. Basi.  
 Reddi, Shri Ranga.  
 Reddi, Shri V. Kodandarama.  
 Reddy, Shri K. V. Ranga.  
 Reddy, Dr. M. C.  
 Rudrappa, Shri.  
 Saksena, Shri Mohan Lal.

## AYES

Samanta, Shri S. C.	Singh, Shri T. N.	Thakkar, Dr. K. V.
Sanjivayya, Shri.	Sinha, Shri Anirudha.	Thimmappa Gowda, Shri.
Santhanam, Shri.	Sinha, Shri A. P.	Tiwari, Shri B. L.
Sarwate, Shri.	Sinha, Shri B. K. P.	Tripathi, Shri Kishorimohan.
Satyanarayana, Shri.	Sinha, Shri K. P.	Tyagi, Shri.
Satish Chandra, Shri.	Sinha, Shri S. N.	Upadhyay, Pandit Munishawar Dat
Sen, Shri P. G.	Sinha, Shri Satya Narayan.	Upadhyaya, Shri R. C.
Shah, Shri C. C.	Siva, Dr. M. V. Gangadhara.	Vaidya, Shri K.
Shah, Shri M. C.	Sivaprakasam, Shri.	Vaidya, Shri V. B.
Shankaraiya, Shri.	Snatak, Shri N.	Vaishya, Shri M. B.
Sharma, Pandit Bakrishna,	sochet Singh, Sardar.	Varma, Shri B. B.
Sharma, Pandit Krishna Chandra.	Sohan Lal, Shri.	Varma, Shri M. I.
Sharma, Shri K. C.	Sonavane, Shri	Velayudhan, Shri R.
Shiv Charan Lal, Shri.	Sondhi, Shri	Venkataraman, Shri.
Shukla, Shri A. C.	Sri Prakasa, Shri.	Vidyaachaspati, Shri Indra.
Shukla, Shri S. N.	Subramaniam, Dr. V.	Vyas, Shri K. K.
Sidha, Shri.	Subramaniam, Shri C.	Vyas, Shri Radhehal.
Singh, Capt. A. P.	Subramanian, Shri R.	Wajed Ali, Maulvi.
Singh, Dr. R. U.	Sunder Lall, Shri.	Yadav, Shri.
Singh, Dr. Ram Subhag.	Swaminadhan, Shrimati Anamu.	Yashwant Rai, Prof.
Singh, Shri B. P.	Tewari, Shri B. S.	Zakir Hussain, Dr.

## NORS

Das, Shri Sarangdhar,	Hussain Imam, Shri.	Shah, Prof. K. T.
Hukam Singh, Sardar.	Seth, Shri D. S.	

**Mr. Deputy-Speaker:** The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

**Clause 3.—(Amendment of article 19 etc.)**

**Shri Syamnandan Sahaya (Bihar):** In clause 3 there are two parts: one relates to sub-clause (2) and the other to sub-clause (6) of article 19. I think it would be better to take them separately, as they refer to entirely different matters, namely, freedom of trade and commerce and freedom of speech and expression.

**Mr. Deputy-Speaker:** A suggestion has been made that out of the time allotted, namely, two hours for consideration of all the amendments to clause 3, as amendments to clause (2) of article 19 and amendments to clause (6) of that article stand on a different footing, that is, one relating to freedom of speech and the other to trade or business, we may apportion the time, that is, one hour for each of them.

**Shri Hussain Imam:** One hour ad-

The motion was adopted.

**Mr. Deputy-Speaker:** An hour is good enough for clause (6) of article 19. I am unable to do anything. The hon. Speaker has already said that it is only two hours for both.

**Pandit Kunzru (Uttar Pradesh):** If you give one hour for the discussion of the amendments to clause (2) of article 19, you put it on an equal footing with the amendments that we have already disposed of. Anybody can see that the amendments that we are going to discuss are of immensely greater importance than the ones we have disposed of, and yet we are to have no more time than we had for the discussion for the last clause. I do not think that this apportionment of time is suitable and I request you, therefore, to reconsider this allotment and do justice to the importance of the clause.

**Mr. Deputy-Speaker:** It is after all the main clause that is engaging the attention of the House. I am not able to assess the superior importance attached to this particular clause against the other clauses. So far as the fixation of time, that is, two hours is concerned, it is a suggestion made and accepted by the House as a whole and unless the House as a whole is prepared to change it. I am not in a position

Yadav, Shri Ramendra Kumar Ravi 19.27 hrs.

Yadav, Dr. S.P.

STATEMENT BY PRIME MINISTER

Yadav, Shri Sharad

Decisions on the Mandal Commission Report

Yadav, Shri Surya Narayan

[Translation]

Yadava, Shri Ramjilal

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): I am happy today to announce in this august House a momentous decision of social justice that my Government has taken regarding the Socially and Educationally Backward Classes on the basis of the Report of the Mandal Commission.

Yadvendra Datt, Shri

Yuvraj, Shri

Zainal Abedin, Shri

MR. DEPUTY SPEAKER: Subject to correction \*

The result of the division is:

Ayes : 117

Noes : 202

*The Motion was negated.*

MR. DEPUTY SPEAKER: Now the Prime Minister is going to make a statement.

SHRI KAMAL NATH (Chhindwara): Sir, the Hindi versions of the statement has not been laid.

Hon'ble Members are aware that the Constitution which we gave to ourselves 40 years back envisages that Socially and Educationally Backward Classes (SEBCs) be identified, their difficulties removed and their conditions improved in terms of Article 340 (1) read with Article 15 (4) as well as Article 16 (4). It is a negation of the basic structure of our Constitution that till now this requirement was not fulfilled.

The Second Backward Classes Commission under the Chairmanship of the late Shri B.P. Mandal which was appointed on 1st January, 1979 submitted its report on 31.12.1980. In accordance with our commitment before the people we included of it. I am glad to announce that my Government has taken the following decision on the Mandal Commission's Report:

MR. DEPUTY SPEAKER: No, no.

(i) In order to avail ourselves of the

\*The following members also recorded their votes;

Ayes: Shri P.C. Thomas, Shri Govindrao Nikan, Shri Dharmanna Mondayya Sadul, Shri Palai K.M. Mathew, Shri C.P. Mudalagiriappa, Shri Raja Ambanna Nayak Dore, Dr. B.G. Jawali, Shri Pater G. Marbaniang, Shri Mankuram Sodi, Shri A.S. Gounder, Shri P. Narsa Reddy, Shri M.J. Akbar,  
 Noes: Shri Ajit Singh, Shri Srikanta Jena, Shri Harikewal Prasad, Shri Yusuf Beg, Shri Jamlabhai Rathra, Shri Mangaraj Mallik, Shri Sayed Masudal Hossain, Major D.D. Khanoria, Shri Biplab Dasgupta, Shri Ramashray Prasad and

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benefit of the long experience of a number of States in preparing lists of Socially- and Educationally Backward Classes (SEBCs) and in order to ensure harmonious and quick implementation, we have decided to adopt in the first phase, the castes common to both the Mandal list as well as the State Lists.

- (ii) The percentage of reservation for the Socially and Educationally Backward Classes (SEBCs) will be 27%.
- (iii) This reservation will be applicable to services under the Government of India and Public Undertakings.

Hon'ble Members are aware that on 14.4.1990 at the official function organised to celebrate the birthday of Bharat Ratna Baba Saheb Dr. B.R. Ambedkar at the Ambedkar Stadium, I announced that commencement of the Ambedkar Centenary Year and designated it as the 'Year of Social Justice'. We have taken a number of measures of social justice pertaining to the Scheduled Castes and Scheduled Tribes and other weaker sections like removal of injustice done to Neo-Buddhists, vesting of Constitutional status and substantial power to the National Commission for Scheduled Castes and Scheduled Tribes, according due but long-delayed nonours to Dr. Ambedkar, and so on. The present decisions are in the same line and belong to the tradition of this Government's dedication to the cause of the Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Classes and other weaker sections.

[English]

SHRI G.M. BANATWALLA (Ponnani): I want some clarifications, Sir. (*Interruptions*)

MR. DEPUTY SPEAKER: No slogans in the House, please (*Interruptions*) Mr. Banatwalla, we do not allow it.

SHRI G.M. BANATWALLA: We must seek a clarification from the Government.

MR. DEPUTY SPEAKER: On the Ministers' statements, we cannot allow it. I am sorry.

Now Bill to be introduced. Mr. Shreedharan.

(*Interruptions*)

PROF. P.J.KURIEN (Mavelikara): Sir, let the House be adjourned now.

19.29 hrs.

### RUBBER (AMENDMENT) BILL\*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI AR-ANGIL SHREEDHARAN): On behalf of Shri Arun Kumar Nehru, I beg to move for leave to introduce a Bill further to amend the Rubber Act, 1947.

(*Interruptions*)

SHRI VASANT SATHE (Wardha): After this, Sir, we should adjourn.

SHRI P.R. KUMARAMANGALAM (Salem): It was said that after the announcement on the he Mandal Commission, the House would be adjourned. (*Interruptions*)

MR. DEPUTY SPEAKER: I have understood what you said.

MR. DEPUTY SPEAKER: Do you want to oppose this Bill?

SHRI P.C. THOMAS (Muvattupuzha): Yes.

MR. DEPUTY SPEAKER: You can do it tomorrow.

लोक सभा

अतारांकित प्रश्न सं० 1977

उत्तर देने की तारीख: 29 नवम्बर, 2007

राष्ट्रीय पिछड़ा वर्ग आयोग में कर्मचारियों की संख्या

1977. डा० करण सिंह यादव:

क्या सामाजिक न्याय और अधिकारिता मंत्री यह बताने की कृपा करेंगे कि:

- (क) राष्ट्रीय पिछड़ा वर्ग आयोग में अधिकारियों और कर्मचारियों की श्रेणी-वार कुल संख्या कितनी है; और
- (ख) इनमें से ओबीसी, अनुसूचित जातियों, अनुसूचित जनजातियों और सामान्य वर्ग के कितने कर्मचारी हैं ?

उत्तर

सामाजिक न्याय और अधिकारिता राज्य मंत्री  
(श्रीमती सुब्बुलक्ष्मी जगदीसन)

राष्ट्रीय पिछड़ा वर्ग आयोग में अधिकारियों और कर्मचारियों की संख्या निम्नानुसार है:

अनुसूचित जातियाँ	09
अनुसूचित जातियाँ	09
अनु. ज. जाति	09
अ.पि. वर्ग	04
सामान्य वर्ग	15

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