

**RAJYA SABHA**

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**\*SUPPLEMENT  
TO  
SYNOPSIS OF DEBATE**

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**(Proceedings other than Questions and Answers)**

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**Tuesday, December 17, 2012/Agrahayana 26, 1934 (Saka)**

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**GOVERNMENT BILL**

**The Constitution (One Hundred Seventeenth Amendment)  
Bill, 2012 - *Contd.***

**SHRI D. P. TRIPATHI:** I rise to support the Bill. This has the broad support of the House. In that 60 per cent reservation Lohiaji included women belonging to all castes and communities. In India backwardness, poverty and destitution are neither merely economic nor merely social; it is socio-economic. Students deserve socio-economic weightages. Backward and poor coming from backward areas of the country should first get the scholarships. It is the duty of the Government and the Government is really fulfilling its duty by bringing in this Constitutional Amendment. We as Members of Parliament are trying to change the social order. It is our duty to participate in this great social change by supporting this Constitution Amendment.

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**\*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

**SHRI RAM KRIPAL YADAV:** I support this Bill for reservation in promotion. My party firmly stands with the basic spirit of social justice. The condition of dalits and backwards in the country, still has not been improved. Reservation in promotion being provided to the dalits through this constitution amendment is a right step. Dalits are being treated as a citizen second class in the society today itself. Mentality and thinking of discrimination against dalits still exist in the society. Reservation in promotion is required to do away with the inequality in society and to give proper representation to the dalits in Government jobs. I would like to say that reservation in promotion may also be given to OBCs and Minorities at the earliest.

**SHRI JESUDASU SEELAM:** I support this Amendment Bill. I just want to give two or three clarifications. There is a lot of misinformation. It is not a new provision. Even without this Amendment, reservations in promotions shall continue in this country. To facilitate the smooth operation of the Constitutional provisions, this Amendment has been brought in. The Supreme Court has used the expression called 'compelling reasons'. Even in the United States of America, where there is no social inequality and where there is no concept of providing reservations for certain sections, this expression is used. Once a community, because of historical background, is brought into the list of the Scheduled Castes and the Scheduled Tribes it will not remain backward. The Supreme Court said; "One should ensure adequate representation." But there are a number of cases to show inadequate representation. This will be addressed through this Amendment. So, this is a clarificatory Amendment, not a new Amendment.

**SHRI SATISH CHANDRA MISRA:** I have stood up just to clarify certain doubt which were raised by my hon'ble friends. They said that the former government of Uttar Pradesh have not produced data. Perhaps they have not seen petitions records. The court has given its ruling that whenever you give promotion each time adequacy of

backwardness and representation must be taken into account. The database was put before the Supreme Court. Whether the promotion is given by seniority or consequential seniority, this is confined to 23 per cent. Whether this is a question of ascertainment or vacancy, we are not going beyond a certain limit. So far as the question of backwardness is concerned once someone comes under the article 341 and 342, ascertainment of backwardness is not needed. Hence, I clarify to my hon'ble colleagues that the former Uttar Pradesh government had prepared a database.

**SHRI BISWAJIT DAIMARY:** I support this Bill. SC/STs are not inferior to anybody in terms of merit or efficiency. Whether the Doctors and Engineers, who have been educated under the reservation, are not performing well? There is no such complaint from anywhere that they are not performing well. It is true that there is a feeling of discrimination towards them so this bill should be passed.

**SHRI AHMED SAEED MALIHABADI:** We do not have any authority to say anything you can take any decision. We are being subjected to the curtailment of Muslims minority rights, we are victims thereof and would continue to be so.

**SHRI MOHAMMED ADEEB:** Everybody is saying that injustice is being done with Dalits. We are also with them but this is an issue of promotion in reservation. If you abolish the system of merit from any country then how the system will run. Has anybody spoken as to where the Muslims have been left during the last 65 years. Sachchar Committee report has been accepted in the Parliament and Rangnath Mishra Commission said that we are worse than Dalits.

The Supreme Court says that if you have problems you should increase accountability and make data. But data has not been made and it was said that the bill regarding reservation in promotions will be

introduced. I want to say to all my dalit and backward brothers that we are not against you. We want to help you. I want to ask one basic thing that when you will be promoted under reservation in promotions then what will be the fate of child of merit.

**SHRI A. V. SWAMY:** I am supporting the reservation because whatever efforts have been made to provide special privileges to Scheduled Tribes and Scheduled Castes have not achieved any appreciable results. I, therefore, support the quota in promotion bill for SCs and STs. We are creating reserved posts for the tribals and Scheduled Castes at the lowest level. But they do not have that support from their own class at higher levels. Therefore, I think, this innovative idea of giving even reservations at the recruitment level, in promotions will give them a sense of satisfaction.

**SHRI SANJIV KUMAR:** I support this Bill on behalf of my party. Many speakers have said many things regarding Scheduled Castes and other castes. But no one has mentioned anything about Scheduled Tribes. I want to bring it to your notice that many tribals not only of Jharkhand, but also of Odisha, Chhattisgarh and West Bengal are also migrating from their respective states.

Even after 65 years of independence they do not have as much representation in government jobs as they should have. Jharkhand should be provided with special status and the tribals residing there should have proper representation in government jobs.

**SHRI ALI ANWAR ANSARI:** First of all, I support this Constitution Amendment Bill. I am proud that our leader Shri Nitish Kumar has already implemented the same in his state. There are Dalits among Muslims and Christians too. We are not talking of reservation for all Muslims. The reservation can not be granted to all Muslims on the basis of religion. Our Constitution does not allow the same. The

religious ban imposed under section 341 should immediately be revoked. Constitutional injustice is being done to us. First, we are Dalits then we are Christians or Muslims.

**SHRI M. RAMA JOIS:** It is absolute adharmā to treat anybody as untouchable or lower in the country. We must work for the happiness of the people. There is absolutely no justification for the injustice done by the rest of the society to the so-called dalits. The entire rest of the society has to apologise to the section of people who have been treated badly for centuries.

**THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION AND THE MINISTER OF STATE IN THE PRIME MINISTER OFFICE (SHRI V. NARAYANASAMY), replying to the debate, said:** Except two political parties, all others have wholeheartedly supported this Amendment. Though it is a very small amendment, it is a very important amendment. All hon. Members, in one voice, have said that there has been discrimination against SCs/STs, which is continuing even today in our villages. Not only that, every political party in this country is committed to social justice.

When we brought the amendment, we discussed it with all the political parties, as to the extent of reservations to be provided to Scheduled Castes and Scheduled Tribes. It has been restricted to 22.5 per cent. Therefore, you need not have the apprehension that it would reach 100 per cent. In article 335 there is a provision for Scheduled Castes and Scheduled Tribes and apart from that there is also the relaxed standards given under the provision of article 335.

As regards article 46, it clearly mentions that Scheduled Caste and Scheduled Tribe communities are not only educationally but also economically weaker sections. It is only after that that Backward

Classes come. Article 341 and 342 are novel provisions. No other community, no other caste, has been identified by the President's Notification except Scheduled Castes and Scheduled Tribes. Therefore, on the face of it, per se, the Scheduled Castes and Scheduled Tribe communities are backward.

I would like to give one or two figures about their position in the Government. The number of posts of Secretaries or equivalent in the Government of India is 102. Among them, the number of officers among the SC is Nil; number of ST officers is 2, and number of OBC officers is Nil. As for the number of Additional Secretaries or equivalent is concerned, the total number is 113, out of which the number of Scheduled Caste officers is 5, Scheduled Tribe is one and OBC is Nil.

As far as Joint Secretaries and equivalents are concerned, there are 434 posts. Out of which Scheduled Caste officers are 32, Scheduled Tribe officers are 14. In 'A' category, Scheduled Castes are 11.5 per cent, in 'B' category they are 14.9 per cent and in 'C' category they are 17.5 per cent. In 'A' category, Scheduled Tribes are 4.8 per cent, in 'B' category they are 6 per cent and in 'C' category they are 7.6 per cent. Inadequacy has been amply proved by this document as far as the Government of India is concerned. The same situation is also prevailing in the States. I would like to request the State Governments concerned that more and more officers belonging to Scheduled Castes, Scheduled Tribes and OBCs have to be deputed to the Central Government services. The Government by way of a Short-Duration Discussion gave an assurance that the Prime Minister would call an all-party meeting. On 21st August, 2012, an all-party meeting was held. Therefore, if we go through the entire discussion that took place, there is no difference of opinion among various political leaders. This Government is committed to give reservation in promotions to Scheduled Castes and Scheduled Tribes. Therefore, I request this august House to take it up for voting and carry out the Amendment. I have discussed the issue of people those who are

promoted before 1995 with the leaders here. I would like to submit that we will write to the State Governments concerned and tell them that those people who have been promoted should not be adversely affected. Issues raised by hon. Members will be taken care of.

*The motion for consideration of the Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.*

*The clauses etc. were adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.*

*The Bill, as amended, was passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.*

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## SPECIAL MENTIONS

### **I. Concern over Adverse Impact of Requirement of Environmental Clearance for Sand Mining on the Development Work in the Country, Particularly in Haryana**

**SHRI ISHWAR SINGH:** I would like to draw attention of the Government towards development work affected by mining, costly construction material and unemployment of the mining workers. Construction work is badly affected. More than 5 lakh workers have gone unemployed in Haryana. On 27<sup>th</sup> February, 2012 the Supreme Court has made environmental NOC clearance mandatory for mining on less than 5 acres area. Due to sudden ban on mining all development projects specially related to roads, highways, railway and infrastructure have been stopped for six month in Haryana. I request the Government to consider this most serious matter on priority basis that the soil should not be included with mine.

## **II. Demand to Open Adequate Number of Procurement Centres and Storage Facilities for Paddy Crop in Bihar**

**SHRI RAM KRIPAL YADAV:** The farmers in Bihar are not getting minimum support price of paddy. There is a shortage of procurement centres in Bihar. Due to that farmers are compelled to sell their paddy crop to local traders on through away prices. It has been informed that FCI has not opened a single procurement centre specially in Patna district till date. On one side farmers are worried to sell their paddy crop and on the other side they are not getting fertilizer to their next crop.

I therefore, urge upon the Central Government that setting up of sufficient procurement centres and storage facilities for paddy crop and supply of fertilizers to the farmers in the state of Bihar may be ensured.

## **III. Demand to resolve the Problems being Faced by a Large Number of Villages Due to the Askot Musk Deer Sanctuary in Uttarakhand**

**SHRI MAHENDRA SINGH MAHRA:** In our country, to save a rare species named Kasturi Mrig, the Askot Kasturi Mrig sanctuary was built up in Pithoragarh by the Central Government. I would like to draw your attention towards this fact that Kasturi Mrig are found at 9000 feet height of the Himalayan region, while due to this sanctuary people living at 3000-4000 feet height are being badly affected. Road, electricity and water supply have been hampered. The financial assistance from the Central Government is also not being properly utilized. For this reason, people are very agitated here. Hence, this is to request you that 111 revenue villages must be kept out of this sanctuary so that development work can be commenced.

#### **IV. Demand to take Concrete Steps to Enhance the Storage Facility for Foodgrains in the Country**

**SHRI BALWINDER SINGH BHUNDER:** India is facing a severe shortage of storage facility for foodgrains. There is a great mismatch between foodgrains production and storage facility. In view of the lack of storage space, huge quantity of foodgrains is to be kept in open which is exposed to damage by various ways. The most affected States of this shortage is Punjab and to a large extent Haryana. The storage houses and Government godowns are packed with previous year's produce leaving no space for the fresh produce in the country. This is ironical that the country, which is marred with malnutrition and where people die of hunger, is facing such a situation where tons of foodgrains is subjected to damage. I urge upon the Government to take concrete steps to enhance the storage facility in the country and save the precious foodgrains.

#### **V. Demand to Include the People Belonging to Maira Community of Jharkhand in the Central List of Other Backward Category**

**SHRI SANJIV KUMAR:** I intend to draw the attention of the House to the plight of Maira community of Jharkhand. This community is extremely poor and backward with almost a non-existent representation in the Government jobs. The Government of Jharkhand included the Maira community in the Backward Caste Annexure II list on 26.6.2004. They were, thereafter, included in Annexure I list of Backward Castes. The Maira community has, however, not been included among the Backward Castes in the Central List. The proposal of their inclusion in the List of 'Backward Castes' is pending before National Commission for Backward Classes. The Commission has taken a view that the Maira community should be included in the category of 'other Backward Castes' in the Centre.

**VI. Demand to Take Action against the Culprits Involved in Sexual Harassment and Criminal Intimidation of a Woman Theatre Artist and Playright in Karnataka**

**SHRIMATI JHARNA DAS BAIDYA:** I would like to draw your attention to the outrageous and shocking incident of sexual harassment and criminal intimidation of a theatre artiste and playwright from the State of Karnataka on December 5<sup>th</sup>, 2012 by traffic police and a crowd of men. On the evening of 5<sup>th</sup> December, the car being driven by the artists was rear ended by motorcyclist damaging the bumper. When she got down to see what had happened, the motorcyclist started to abuse her following with a group of bystanders. She tried to take help of a police constable standing nearby. But, the constable physically assaulted her twice and allowed the motorist to leave. A group of men surrounded her and started passing lewd comments. An FIR has been filed against the mob and the motorcyclist at the local police station. There has been no action against the traffic constable for both, the dereliction of duty and complicity in the crime. I request the Government to intervene urgently in this serious case of violence against a woman, and ensure that justice is done.

**VII. Concern over Slow Growth of Index of Industrial Production**

**SHRI PIYUSH GOYAL:** Since the past twelve months, the Index of Industrial Production numbers has been flat or shown negative growth. According to the NSS Employment and Unemployment Survey, 2010, only 2.74 million jobs were added during 2005-10 and the figure was negative for manufacturing. In the coming years, if India wants to gain from the demographic dividend, a conducive environment for manufacturing should be created. The Government should work towards removing red-tapism. If need be,

more sops can be provided by the Government to invest in manufacturing.

#### **VIII. Need for raising height of the Sardar Sarovar Dam.**

**SHRIMATI SMRITI ZUBIN IRANI:** Total storage capacity of multipurpose interstate Sardar Sarovar project will enhance three times if permission to increase the height of dam from 121.92 meters to 138.68 meters is given. It would facilitate additional irrigation of 6.8 lac hectares of agriculture land, 40 percent additional power generation and enhanced supply of potable water. This permission is pending with National Command Authority. Therefore, it is necessary to expedite the requisite actions so that NCA may grant final permission for raising height of the dam.

#### **IX. Demand to Provide Financial Assistance to the State of Andhra Pradesh Hit by Cyclone Nilam**

**SHRIMATI GUNDU SUDHARANI:** Nilam cyclone hit Andhra Pradesh last month and created devastation in 19 of 23 districts of the State and destroyed majority of standing crop such as paddy, cotton etc. in 15 lakh acres. Five districts have severely been affected. More than 70 deaths have been reported and lakhs of livestock have died.

In view of this, I demand that the Government should immediately release Rs. 1500 crores as relief under NRF/NCCF. Damaged paddy and cotton should be purchased by concerned agencies from farmers, by setting up special procurement centres. Subsidy presently given to farmers should be increased. This calamity should be declared as National Calamity and all help should be extended to Andhra Pradesh.

## **X. Demand to Install Electronic Indicators in All Passenger Coaches of Trains in the Country**

**SHRI PARSHOTTAM KHODABHAI RUPALA:** There are lack of electronic indicators for displaying details of coming station, time of arrival and departure and platform details of coming station in coaches of trains, which is creating great difficulties to passengers including handicapped passengers, especially during night journey. Railways have provided such facility in Mumbai Suburban Trains, and the same should also be introduced in all trains.

Due to lack of these electronic indicators many accidents are taking place specially during night. I request the Ministry of Railways to install electronic indicators in all passenger coaches.

*(Shrimati Smriti Zubin Irani associated.)*

## **XI. Demand to Frame a Uniform Education Policy in the Country**

**SHRI MANSUKH L. MANDAVIYA:** Recently, there are some reports in a section of media about objectionable content in school and college textbooks from some parts of the society. There are also some unwanted controversial matters in the syllabus of some States, which are psychologically and adversely affecting the mindset of students and also affecting the unity of our nation.

I urge upon the Government to formulate a uniform syllabus policy, in consultation with the State Governments, throughout the country, in the regional language of the concerned State to avoid unnecessary controversy in education syllabi and to strengthen our national unity.

**SHUMSHER K. SHERIFF,**  
*Secretary-General.*

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