

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Monday, July 31, 2017/ Shravana 9, 1939 (Saka)

MATTERS RAISED WITH THE PERMISSION OF THE CHAIR

1. Protest against Extraction of Hydrocarbons in Neduvasal in Pudukottai District of Tamil Nadu

SHRI A. K. SELVARAJ: The Central Government announced the award of contract for development and extraction of hydrocarbon from Neduvasal, a little known village in Pudukottai district in Tamil Nadu. The people of this tiny village are engaged in agitation since then. The region's farmers fear that hydrocarbon extraction will disturb the comfortable agrarian economy extant in this region. Neduvasal is located in an area rich in ground water and blessed with fertile soil. An exploratory well was constructed by the ONGC near Neduvasal in 2008-2009. Three months after the well was dug, they would burn the gas day-and-night. Fields damaged by oil leaks are never restored, and there is a lesser compensation after long-drawn complaints. The villagers are worried about the incidents of gas leaks and the threat of fires in residential areas. The previous Chief Minister i.e. Dr. Puratchi Thalaivi Amma and incumbent hon. Chief Minister had also demanded the Union Government to stop the extraction of hydrocarbon from Neduvasal. The State Government has also not given any licence to commercially extract natural gas at

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

Neduvasal. I urge upon the Union Government to forthwith stop the extraction of hydrocarbon at Neduvasal in the interest of farming community and the general public.

2. Concern over Frequent Attacks on Indian Fishermen by Sri Lankan Navy

SHRI S. MUTHUKARUPPAN: I would like to raise an issue of release of arrested Indian fishermen and their fishing boats. On 27-7-2017, the Chief Minister of Tamil Nadu raised this issue with the Prime Minister of India and Sri Lankan Government immediately released 75 fishermen and 42 fishing boats. It is submitted that Agreements of 1974 and 1976 are unconstitutional because those were not placed before the Indian Parliament. Tamil Nadu fishermen have traditional fishing rights in Palk Bay. The former Chief Minister of Tamil Nadu i.e. i.e. Dr. Puratchi Thalaivi Amma had taken a stand that refixation of International Maritime Boundary would alone bring a lasting solution to this vexatious issue. The recent legislation enacted in the Sri Lankan Parliament regarding impounding of boats and levying huge penalties is creating a sense of fear and unrest among the fishermen community of Tamil Nadu. I urge upon the Government of India to intervene immediately to secure the release of the rest of the fishermen and rest of the fishing boats from Sri Lanka.

3. Need to restore Bi-annual Examination of National Eligibility Test (NET)

SHRI K. C. RAMAMURTHY: Earlier, two examinations were used to be conducted every year but from the last year, it has been decided to conduct only one examination. When there are a lot of vacancies available in all the institutions, the Government is not allowing to conduct the National Eligibility Test. So, we want them to have the examinations as it used to be there for the past so many decades.

(Shri Tapan Kumar Sen associated.)

4. Need for Central Government's Intervention in the Demand for a Separate Gorkhaland

SHRI MAJEED MEMON: The agitation for a separate Gorkhaland raised by Gorkha Janmukti Morcha has taken a violent turn. The people are suffering for want of supply of essential commodities. The ruling party in West Bengal probably is not in good terms with the Centre and it is because of the hostility between the two, the people are suffering. I am sorry to say that in the history of Darjeeling, this year is the first year after 150 years that Darjeeling tea is not coming for auction. So, I appeal to the Government to invite the agitators and have a talk so that normalcy may be restored.

(Shri Alok Tiwari, Shri Ravi Prakash Verma, Shri Neeraj Shekhar and Shri Ashok Siddharth associated.)

5. Lack of Infrastructure for Cashless Economy

SHRIMATI JAYA BACHCHAN: It is a known fact that the whole demonetization exercise was improperly planned and had created a confusion and hardship for the entire nation. The methods left for transaction were to use debit or credit card or online transactions. This can only be possible if there are enough Points of Sale machines. There is the shortage of such machines. There are huge installation and maintenance cost. Transaction cost is also charged by banks. No effort has been made to reduce these charges and to train people who lack basic knowledge of banking system and digital transactions. In order to facilitate such a huge volume of transactions to digital, the Government needs to step up a better ecosystem; provisions for banks to deploy more swipe machines; and add small and marginal traders and grocery shops to digital platform.

(Several hon'ble Members associated.)

THE MINISTER OF LAW AND JUSTICE AND THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD), responding to the matter, said: I have to inform this hon'ble House that, as regards digital training, 2 crore Indians have been trained by Common

Service Centres. The biggest asset, which I would like to flag in this hon. House is that the common people are using more and more digital payments. However, her suggestions are welcome.

6. Need to take Steps to revive the Hindustan Shipyard Limited

DR. T. SUBBARAMI REDDY: The Hindustan Shipyard is one of the biggest and the most prestigious ship-making companies. There is a vast opportunity for partnering with Navy's ship-building programme. But, unfortunately, this undertaking is starving for work orders. It needs orders from the Indian Navy worth Rs. 350 crores. I request approval of the proposal for Rs. 757 crores for financial restructuring for improving the financial position of the Hindustan Shipyard. Otherwise, 5,000 workers will be rendered unemployed.

(Shri Tapan Kumar Sen associated.)

7. Admission in Medical Colleges to Chakma Students under Mizoram State Quota

SHRI BASAWARAJ PATIL: As many as 11 students of Mizoram belonging to Chakma castes cleared NET examination but due to the agitation of Mizo people, certificate of admission was given to such students by taking 5000 rupees from them. Now Mizoram Government has decided not to send such certificate to Government of India. Therefore Government of India should ensure that these 11 students are given fair deal. Not only that 17 children have been removed from the hostel of Navoday school. Government of India, is therefore requested to honour NET in this regard.

(Several hon'ble Members associated.)

8. Government's Move to Privatize Indian Railways in Phases

SHRI TAPAN KUMAR SEN: I rise to draw the attention of the House towards complete privatisation of the Indian Railways and express my protest against the same. Cleaning, catering, maintenance, etc., have already been outsourced. Locomotives are being ordered from USA and France thereby paving the way for closure of our loco production units at Chittaranjan and Varanasi. Coaches are also being

ordered, thereby paving the way for closure of our coach factories. 407 railway stations are being sought to be privatized. To make the railway fares and freights on cost basis, subsidies are being eliminated. This is a burden on the people. I urge upon the Government to refrain from this; otherwise, people of the country will resist.

(Several hon'ble Members associated.)

9. Need to take Necessary Steps to help Farmers of Commercial Crops

SHRI M.P. VEERENDRA KUMAR: The prices of commercial crops are decreasing sharply for some time which is seriously affecting the livelihood of thousands of farmers. The fall in domestic prices has been caused by surge of imports especially from the South East Asian countries. The excessive import of palm oil during the peak coconut production season is causing crash of coconut oil price. The low cost imported pepper from ASEAN countries is affecting the domestic growers. Massive imports affect production and price of coffee in the country. I request the Government to take necessary steps to help the farmers of commercial crops by bringing the prices to an affordable level.

(Shri Neeraj Shekhar and Shri C.P. Narayanan associated.)

10. Need for early Release of Fishing boats of Fisherman of Gujarat Seized by Pakistan Marine Agency

SHRI CHUNIBHAI KANJIBHAI GOHEL: Fisherman of Gujarat make fishing boats for their livelihood but when these fishing boats are seized by Pakistan, their families do not get any relief. The Government is requested either to get fishing boats released early or loan or subsidy may kindly be provided by the Government to the owner of the boats. In the year 2008, the Hon,ble Prime Minister made a scheme in which he announced to provide 5 lakh rupees from Prime Minister Fund and 6 lakh rupees from agriculture department to the fisherman but they have not received this money so far. Therefore, the

Hon'ble Prime Minister is requested to released the said money to them.

GOVERNMENT BILLS

1. **The Constitution (One Hundred and Twenty-Third Amendment) Bill, 2017**
2. **The National Commission for Backward Classes (Repeal) Bill, 2017**

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI THAAWAR CHAND GEHLOT), moving the motions for consideration of the Bills, said: I am fortunate enough to discharge my duty as a Minister for Social Justice and Empowerment in taking a historic decision. There had been a consistent demand from a larger section of the country-OBC for constitution of a separate OBC Commission on the lines of empowered National Commission for Scheduled Castes and Scheduled Tribes. Earlier the Commission constituted for OBCs way back in 1993 had been conferred limited right of looking into concerned grievances and inclusion and deletion of any caste from the list. Thus, it was an issue-based Commission which ceased to exist after reaching an effective solution to the concerned issues. Now the National Commission for Backward Classes would enjoy a Constitutional status and shall examine requests for inclusion or deletion any class of citizens from such list and will hear grievances of Other Backward Classes and will deliver justice to them. So, I request that both the Bills be taken into consideration.

SHRI B.K. HARIPRASAD: I would like to salute reformers like great Saint Basavanna of Krnataka, Mahatma Jyotirao Govindrao Phule, Savitribai Phule, Shri Guru Narain, Shahu Maharaj, Dr. Ambedkar and Periyar Ramasamy Naicker who fought for self-respect and dignity of human beings. Let me make it very clear that we are not opposed to the OBC Bill. The National Commission for Backward Classes was constituted by the then Government in 1993

under the direction of the Supreme Court. A huge discrepancy lies in identification of people of backward classes compared to the identification of scheduled caste and scheduled tribe. The main motive of the principle of reservation is to bring the neglected classes into the mainstream and until peace is restored in J and K. Instead of repealing the Act of 1993, Government could have accorded a constitutional status to the NCBC and an Article 340 ought to have been inserted with additional functions for this Commission. So, repealing of the Act of 1993, Government's silence on the State Commissions and the powers of the States to identify OBCs would be a gross injustice to these classes and will also take away the powers of the States too. Instead of repealing the National Commission for Backward Classes Act, 1993 in its entirety, Chapter III regarding functions and powers of the Commission alone could be repealed. Perhaps the Union Government is not in favour of appointing a Judge of the Supreme Court or High Court as a Chairperson of the Commission. In case of their unavailability, a social scientist or a person who has worked for the welfare of the backward classes should be considered for the Chairperson. The way the Constitution is being amended through this Bill is against the interests of Backward classes and the powers of the States.

SHRI BHUPENDER YADAV: UPA Government failed to provide justice to OBCs which had been waiting for it for 70 years. Keeping in view the long-awaited demand of a separate body for upliftment of OBCs, the constitution for a new Commission has been proposed which will be conferred the power of civil court. It will not only meet the long-awaited demand of OBCs for social justice but also ensure their economic development by protecting their constitutional rights. In view of a large number of castes both under Centre lists and States lists, the power to identify the real backward class must vest into the Parliament which has been provided for through this amendment but the existing castes under OBCs will not be affected by this amendment. Moreover, it will also strengthen the federal structure of the states as their rights will be intact. It is a great step towards providing justice to a larger section of society. Therefore, I request to support this bill.

PROF. RAM GOPAL YADAV: The founders of constitution were acquainted with the system so they provided a special protection for them therein. But they were not aware that future rulers would not be able to provide justice, so we have to constitute commissions. I am not accusing anybody. Problem was that who will raise voice for them, that is why we want this Commission to be given constitutional status. The Commission has provided relief to the SC/ST people. You have raised the limit for creamy layer. What is the need of this creamy layer? Unless and until people do not change their mind-set, mere jobs will not do anything. The whole atmosphere is required to be changed and together this can be changed. We all used to sit and have food daily. These things will not serve any political purpose. Such things gives a signal to a particular community that they are Shudras. In 1957-58 discrimination was prevailed in the society but we tried to mitigate the same. A new and good thing is being done and I want that the whole House unanimously pass the same.

SHRI S. MUTHUKARUPPAN: Sir, the Constitution (One Hundred and Twenty-third Amendment) Bill, 2017, seeks to grant the National Commission for Backward Classes. At present the National Commission for Scheduled Castes is looking after the matters with regard to SCs, Backward Classes and Anglo Indians. The Bill seeks to remove the power of the NCBC to examine matters related to backward classes. The National Commission for Backward Classes has the power to examine complaints regarding inclusion or exclusion of groups within the list of backward classes and advise the Central Government in this regard. Under the Constitution (Amendment) Bill, the National Commission for Backward Classes will comprise of five members, to be appointed by the President. Their tenure and conditions of service will also be decided by the President through rules. Under this Bill, the duties of the National Commission for Backward Classes will include: (i) Investigating and monitoring the implementation of the safeguards provided to the backward classes under the Constitution; (ii) inquiring into specific complaints regarding violation of rights; and (iii) advising and making recommendations on socio-economic development of such classes.

The Central and the State Governments will be required to consult with the National Commission for Backward Classes on all major policy matters, affecting the socially and educationally backward classes. Under the Constitution (Amendment) Bill, the National Commission for Backward Classes will have the powers of a civil court, while investigating or inquiring into any complaints. Therefore, the Government has decided to set up a National Commission for Socially and Educationally Backward Classes as a constitutional body.

The issue of social justice has been an integral part of the Dravidian movement. The Justice Party, officially the South Indian Liberal Federation, was a political party in the Madras Presidency of British India. It was established in 1917. A communal division between the dominant and the deprived communities began in the Presidency during the late 19th and early 20th Century. The Justice Party came under the leadership of Periyar E.V. Ramasamy and his Self-Respect Movement. Our leader, Dr. Puratchi Thalaivar MGR founded All India Anna Dravida Munnetra Kazhagam, (AIADMK). Puratchi Thalaivi Amma was the first and the foremost ruler to provide 69 per cent reservation for the deprived communities in Tamil Nadu. If 100 seats are available, first two merit lists are drawn up without considering community. In the special Session of Tamil Nadu Legislative Assembly held on 9th November, 1993, it had been unanimously resolved to call upon the Central Government to take steps immediately to bring a suitable amendment to the Constitution of India so as to enable the Government of Tamil Nadu to continue its policy of 69 per cent reservation in Government services and also for admission in educational institution

While appointing the Chairperson and other members to the National Commission for Backward Classes, region-wise representation and chances should be provided. Another point is at least, one member of the Commission shall be a woman. Any process in the formation, execution of the Commission should be done after proper consultation with the States and on the basis of prior recommendations of the State Governments. Every State Government may by public notification specify the socially and educationally-

backward classes in that State which shall be deemed to be the State List of socially and educationally backward classes in relation to the State. The State may by law include or exclude from the State List of socially and educationally-backward classes any socially and educationally-backward class.

SHRI MD. NADIMUL HAQUE: We welcome the creation of a new National Commission for Backward Classes with constitutional status. I would request you to peruse Clause 4 of this Constitution Amendment Bill. We wish to raise strong objection to this provision. We feel that this provision erodes the federal structure and gives the Centre powers that should fall within the domain of the State Governments.

Further, the Bill mentions that the President may identify backward classes for any State in consultation with the Governor. There is no language in the Bill to ensure that this consultation shall be effective or that the President is bound to take into account the opinion of the Governor. We submit that the proposed amendment to the Constitution undermines the role of State Governments and State Commissions for Backward Classes. Additionally, the Bill mandates that every State Government shall consult the National Commission on all major policy matters that affect socially and educationally backward classes. We perceive this provision as an unnecessary intrusion into the functioning of State Governments. I submit that this Constitution Amendment Bill will deprive the States from making provisions for the socially and educationally Backward Classes under Article 15(4) of the Constitution. The Bill undermines the role of the States and the State Commissions for Backward Classes. It would be more effective to leave this power to the States. Such a body will be unable to appreciate the particular requirements of small communities in different parts of the country. I also wish to say, at least, one member should be a woman and, at least, one member should be from a minority community.

SHRI RAM NATH THAKUR: First of all, I on behalf of my party congratulate the hon'ble Minister for bringing this Amendment Bill and support it. This Bill has come before the House after 25 years

today. This is my personal request and opinion of our party that you should do away with creamy layer and implement reservation widely. There should not be creamy layer in it. I request that there should be a female member and an officer also in OBC Committee besides Chairman and Members. We would like to request you that the formula known as 'Karpuri Thakur Formula' in Bihar should be implemented. He had provided 12 percent to most backward classes, 8 percent to backward classes, 3 percent to women and 3 percent to economically backward women out of 27 percent reservation. Therefore, we would like to request you that the thing you have brought forth must be brought wholeheartedly. We on behalf of our party fully assure you that we would pass your Amendment.

SHRI DILIP KUMAR TIRKEY: Our party BJD is in favour of this proposed National Commission for OBC and we are supporting it. Our party believes that the power to notify OBC castes should still remain with states only because the concerned state alone knows deeply that how many castes are there and in what conditions are they in their states. I would like to appeal to the Hon'ble Minister that a provision should be added to the Amendment whereby adding or excluding any caste in the list of OBC should be done on the recommendations of the concerned State Government. Afterwards, you may prepare a national list when uniformity comes gradually. Furthermore, I would like to add that it should be reviewed every 10 years.

SHRI VEER SINGH: I support this Bill. The Government has taken a giant step for the recognition of backward classes and for the hearing of their grievances. But this should be implemented honestly. In 1932 an 18 Member Lord Lothian Committee was formed in which Dr. Ambedkar Saheb was also a Member. He prepared a list of socially and educationally backward class people. Those who registered their names in that list were included in SC and ST. But some people who are backwards today, were not included. Afterwards, the backwards also demanded to be included in it. Then it was provided in Article 340 that backward people should also get Constitutional rights like SC and ST.

Our party made tireless efforts for getting implemented the Mandal Commission's report in 1990. I would like to aware you that after a long gap of 24 years, socially and economically backward people will get a constitutional institution. We demand that reservation be provided for SCs, STs and OBCs in private sector so that these people continue to get jobs. Prime Minister had promised to provide two crores jobs to the educated unemployed youths within a year, but there are 25 crores educated unemployed youths today. Many states have huge backlog of reserved categories. The Government must start a special campaign for filling these posts as was done by our party in the past. The people belonging to backward classes have been neglected since independence with regard to reservation. I would to like to have a representative of OBC in the proposed commission as Chairman or Vice-Chairman along with having a woman member in it. I demand that Government must review the figures of people belonging to OBCs to ascertain the actual number and make it public too.

SHRI RAM KUMAR KASHYAP: It is a very important bill because a new National Commission will be constituted for Socially and Educationally backward classes after its passing and will get constitutional status which has been a long pending demand too. The National Commission for Backward Classes had not the right to consider the complaints with regard to OBCs, as a result of that their complaints never solved. No doubt that people belonging to OBCs were unaware of their rights. The strength of the new commission is not commensurate with the population of OBCs, hence there should be seven member at least in it. All the members along with Chairman and Vice-chairman should be from OBCs so that its credibility be maintained and most backward classes be included in the mainstream of the development. As there is no creamy layer in SC/ST commission So, it must be removed from OBCs.

SHRI T.K.S. ELANGOVAN: This is one legislation which the DMK was demanding for quite a long time, but there should not be any hidden agenda behind this amendment. We have followed Periyar's ways. The only difference between Dr. Ambedkar and

Periyar was that Dr. Ambedkar wanted the downtrodden people to shift their allegiance to Buddhist religion, but Periyar said that we should fight it from within. Being educationally backward and economically backward is a different thing. You can exclude them because they can get education and they can become economically well off. But a socially backward class cannot be excluded. This Bill should be a straightforward Bill, and this Bill should protect States' rights in deciding as to who the OBCs are. In spite of his income and his training to perform pujas, he is not accepted, he is still an OBC. So, this new Commission should not put an income as criterion for deciding as to who is an OBC and who is eligible for reservation provisions provided by the Government.

SHRI T.K. RANGARAJAN: Sir, eminent persons have appeared and expressed their views before the Select Committee. For the past 80 to 90 years Southern India fought for the BCs. Narayana Guru, Periyar and successive Governments in Tamil Nadu done tireless work in this regard. I would mention that the State Government shall have the powers to identify socially and educationally backward classes. The bill has a welcome and positive feature beneficial to socially, educationally backward classes. At the same time, in the interest of the OBCs, it is necessary to rectify the features that create apprehensions, and clarify areas of ambiguity. The Supreme Court's direction that the Commission/Tribunal's advice shall ordinarily be binding on the Central Government, was reproduced in the NCBC Act. This must find place in the present Bill in order to make it comply with the Supreme Court's direction. It should specifically stipulate the composition of the Commission as expert body, and this expert body will ensure the compliance of the Supreme Court's directions. The Supreme Court in the case of Mandal Commission judgment directed to exclude those classes who have ceased to be backward, or, include them if they have not ceased to be backward once in ten years. There are some instances where state governments in a few cases had succumbed to agitations of powerful dominant communities. Some State Governments may influence the Central Government in order to get votes, but you should not allow this.

SHRI HUSAIN DALWAI: The Name of the National Commission of Backward Classes should be changed. There are Muslims in the Commission but they have not got any kind of benefits in the job. There should be at least five members in the Commission and out of those one member should at least be made Vice-chairman. The Government is providing constitutional status to this Commission but making it toothless. It is necessary to uphold all the right vested in this Commission. I have the apprehension that only the castes taking maximum benefit would be included in this. The dissent-note sent by me was not kept in the Report of the Committee on this. There should be a complete discussion on this amendment. The Government should include Article 46 and Article 335 in this, then only it will be strong enough.

MAHANT SHAMBHUPRASADJI TUNDIYA: The people of farmers, artisans and poor section are really in need of social justice. Our Government has taken this step for finding a permanent solution for the castes of all dalits, suppressed and backward people. Till now, this Commission was not empowered to hear the problems of the people of backward class. But, now National Commission for Backward Caste would be able to hear their problems and it would give its suggestions to the Centre and State Governments for the development of this class. In earlier times, the persons who used to do social works were worshiped and their work was treated as whole and pious. That was the reason our country was prosperous economically. Now, all the people in India are involved in the issues of casteism, separatism and damaging thoughts. We all should create a society which is free from caste-system. The Government has taken this step to help in getting constitutional status to this Commission for the solution of the problems of backward class. The people who have ruled this country for the longest period have done injustice to the poor, dalit, backward and depressed classes. The Government has started Jan-Dhan Yojana, Mudra-Yojana and many more schemes through which the people of Scheduled Castes, Scheduled Tribes and Backward Classes got justice in the right direction. The Government has done commendable job in this direction. I welcome this proposal.

SHRI PRASANNA ACHARYA: Through this Constitution Amendment Bill, the Central Government would weaken the federal character of our country. The Centre should take concurrence of the respective States while adding or deleting any caste from that particular State. Some castes may be a Backward Class in one State while the same may not be a Backward Class in another State. This point must be taken into consideration. A clause should be inserted in this Amendment Bill that the Government has to fill up vacancies at the appropriate time. There are many experienced people, experts and wise people in this country. These people should fill up such constitutional posts. We take pride in declaring ourselves backward and poor. This mindset needs to be changed. We are encroaching upon the rights and share of the really most backward classes of our society. In the name of justice, let us not do injustice to such people in this country. The provision for periodic revision of the list of Backward Classes has been conveniently excluded from this Amendment Bill. We are primarily concerned for our vote banks and not about the backward classes. Our party supports the reservation. Let us bring up the downtrodden and those who are neglected for centuries together.

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