

RAJYA SABHA

*SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Wednesday, August 11, 2021 / Shravana 20, 1943 (Saka)

OBSERVATION BY THE CHAIR

MR. CHAIRMAN: Hon'ble Members, I rise in deep anguish to place on record the way this august House is being subjected to sacrilege and that too propelled by a sense of competition among some sections of the House since the commencement of this Monsoon Session. Everything said or done, violating, hurting or destroying the sacredness of any place amounts to an act of sacrilege. We are a land of temples, churches, mosques and gurudwaras. These are holy places with demarcated sacred areas which are known as sanctum sanctorum. The Parliament, the apex legislature of our country, is regarded as the temple of democracy. The Table area where the officers and the reporters of the House, the Secretary-General and the Presiding Officer are seated is considered as the holy sanctum sanctorum of the House. A certain degree of sacredness is attached to this place. In our temples, devotees are allowed only up to this sanctum sanctorum and not beyond. Entering this sanctum sanctorum of the House, in itself is an act of sacrilege and it has been happening as a routine for some time. I am distressed by the way this sacredness was destroyed yesterday. While some Members sat on the Table, some others

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

climbed on the Table of the House, perhaps to be more visible with such acts of sacrilege. I have no words to convey my anguish and to condemn such acts. As I spent a sleepless night last night, I struggled to find out the provocation or reason for forcing this august House to hit such a low yesterday. A discussion on 'Agricultural problems and solutions' was listed. There can be a difference of opinion and there can be a specific demand from anybody. They could have discussed it in the House, protested and voted against it. Members have got every right to demand for their withdrawal also. But it is for the Government to act. You can't force the Government to do this or not to do this. Notices of Motions of different kind are admitted by the Chair and the language to be used in the 'List of Business' is drafted in such a way that it is acceptable to all sections of the House without denting the thrust of the issue to be discussed. It happened yesterday too. And the Chair has been doing it for years. I find it difficult to understand as to how the way the subject was listed in the List of Business for yesterday would have prevented any Member from raising any issue concerning the farm sector, including the three farm Bills that some Members were keen to raise in the House and even demanding their withdrawal. Yesterday was a golden opportunity for the concerned Members to have gone on record with their positions on all issues relating to the plight of the farmers.

Right at the start of the proceedings of the House yesterday, I cautioned them on not taking up the listed discussion on farm sector. What is worrisome is that some Members of the House have shot the sad moments of sacrilege in the House yesterday and posted it on the social media. While doing so, they only ended up showing to the people the extent to which this august House can degenerate due to the newfound competitive and aggressive disruptions by some sections. I was very sad. I am deeply anguished. The nation is also anguished. As the Chairman of the House, I am scared to visualize the implications and consequences of such competitive acts of sacrilege in our Temple of Democracy. I earnestly appeal to the collective conscience of this House to seriously reflect on what happened yesterday and explore the remedies, if any. Failure to do so would certainly render our

parliamentary democracy irrelevant. I would like to remind all of you that we begin to celebrate the 75th year of our independence in a few days from now. The choice before each one of you is very clear. It is either to be the best parliamentarian or the worst disruptor! The choice is yours. And I am told that some people have complained about not showing this on the Rajya Sabha TV. I don't know why Rajya Sabha TV is not showing this. This also can be shown. I have no problem.

Dispensing with Question Hour and Lunch Hour

On a suggestion made by Shri Pralhad Joshi, Minister of Parliamentary Affairs, Minister of Coal and Minister of Mines, and agreed to by the House, in order to take up the discussion on the Constitution (One Hundred And Twenty-Seventh Amendment) Bill, 2021 the Question Hour and Lunch Hour has been dispensed with.

OBITUARY REFERENCE

MR. DEPUTY CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of **Shri Thindivanam K. Ramamurthy**, a former Member of this House, on the 8th of August, 2021, at the age of 87 years.

Born in April, 1934, at Thindivanam in Viluppuram District of Tamil Nadu, Shri Ramamurthy was educated at the Pachiyappas College, the Presidency College and the Law College, Chennai.

An advocate, a trade unionist and an agriculturist, Shri Ramamurthy strived for the upliftment of farmers, backward classes and downtrodden. He served as a Member of Thindivanam Municipal Council, from 1963 to 1968 and as a Member of the Senate of Madras University, from 1968 to 1970 and again from 1978 to 1984.

Shri Ramamurthy started his legislative career as a Member of Tamil Nadu Legislative Assembly, from 1967 to 1971. He also served as the Leader of the Opposition in the Legislative Council of Tamil Nadu, from 1981 to 1984.

Shri Thindivanam K. Ramamurthy served as a Nominated Member of this House, from May, 1984 to May, 1990.

In the passing away of Shri Thindivanam K. Ramamurthy, the country has lost a dedicated social worker, a veteran trade unionist and an able parliamentarian.

We deeply mourn the passing away of Shri Thindivanam K. Ramamurthy.

(One Minute's silence was observed as a mark of respect to the memory of the departed.)

GOVERNMENT BILLS

1. The Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. VIRENDRA KUMAR), moving the motion for consideration of the Bill, said: I would like to thank the leaders of all the political parties and all the honourable members of the House that there has been a consensus to discuss this Bill related to the interests of OBCs. The intent of this Constitutional Amendment Bill is to restore the powers of the state government to prepare state lists of OBCs. It was abolished by the Supreme Court while interpreting the Constitution (One Hundred and Two Amendment) Act. If the state list is abolished, about 671 OBC communities who are included in the state list, would not get the benefit of reservation in educational institutions and appointments. This amendment will

provide an opportunity to the states to act expeditiously on their socio-economic needs. The Bill will amend clauses (1) and (2) of article 342A and introduce a new section 342A(3) specifically authorizing the states to maintain their state lists. In addition, there shall be a consequential amendment to clause (26C) of article 366 and clause (9) of article 338B. In clause (2) of article 342A, an explanatory para shall be inserted that Central List means a list of socially and educationally backward classes prepared by the Central Government. A new clause (3) shall be inserted in article 342A that every State or Union territory may prepare a list of socially and educationally backward classes in which entries may be different from the Central List. This would empower the states to maintain their own state list of OBCs for admission to state institutions and for appointments to state government jobs. Clause (26C) of Article 366 will be amended that the Central and State Lists of OBCs are for the purposes of the Central Government or the State or Union Territories. The condition of mandatory consultation with the National Commission for Backward Classes to decide on the lists of OBCs of the State has been done away with. This amendment Bill will go a long way in protecting the federal structure of the country. This Bill will empower the states to take their own decisions on the state list of OBCs. I request the honourable members to give their views on this Bill and give their cooperation in getting it passed.

DR. ABHISHEK MANU SINGHVI: It is a very strange that in 2018 the jurisdiction of every State of the country was done away with. Today we want to correct this wrong decision by this Constitutional Amendment. It is good that this decision came only a few months back otherwise you would have suffered from 2018 itself. When the matter was referred to the Select Committee, the Members of that Committee had said that there should be a clarification on the jurisdiction of the States. It was then replied by the Ministry that there is no such objective and the two lists will remain intact. Everyone said that there should be an explanation but still the hon'ble Minister said that there is no need for clarification. There is no doubt that the Supreme Court also committed a grave mistake. The Supreme Court

ignored the meaning, intention and purpose of this entire House. The Supreme Court could have said that 2018 law applies and should be limited only to the Central organizations and cannot possibly relating to entities under the direct control and management of the States. The main object of the change seen in 342A (2) is that the idea was that once the President approves the Central List only Parliament can change. It was not to erase the State List at all. You have corrected a mistake by this Amendment but what will be the benefit. This amendment is silent on the 50 per cent reservation limit. The hon'ble Supreme Court struck down the Maharashtra Act on the ground that the 50 per cent limit should not be violated. Most of our States are such where this limit has exceeded 50 per cent. Giving this has no meaning. You have not addressed it. These issues are dynamic. They are ever changing. That is why we asked in the Supreme Court for a reconsideration of Indra Sawhney. The Court refused. You cannot stick to a 50 per cent figure. Interestingly, there are escape routes given. So it is necessary in view of present dynamic situation. Various States have given 81 thousand seats in all India quota in medical and dental etc. Very few of these seats are for OBCs. If seen, OBC reservation in government jobs is less than 22 per cent. Why are you running away from caste census. If you hold the caste census, the real figure might be 42 per cent or 45 per cent. This jurisdiction is always with the States. I have a suggestion that it should also be clear from when the Amendment will come into force.

SHRI SUSHIL KUMAR MODI: I support this Bill. I would like to tell you that only eight days after the Supreme Court's decision, we filed a review petition in the court and today this Constitutional Amendment is before you. The intention of the government is clear that the right of the States will remain same. This Constitutional Amendment is being done only in view of the Central List. This will not curtail the rights of the States. On the one hand you say that the States are deprived of their rights and on the other hand it is said by the Supreme Court in its decision that it is the right of the States to decide the type and percentage of reservation. The government everywhere expressed its intention that the states would not be

deprived of their rights. I want to ask you why you did not implement Kaka Kalelkar Commission. No new Commission was formed by you. When the Mandal Commission presented its report, it was your government at that time. B.P. Mandal's report had not been implemented by your government for 9 years. But , V.P. Singhji's government, which included the Bharatiya Janata Party, implemented the Mandal Commission report to give rights to the backwards in this country. The Congress government did not accord constitutional status to the Scheduled Tribes Commission. When Atal Bihari Vajpayeeji became the Prime Minister, he gave constitutional status to the Scheduled Tribes Commission for the first time in 2003. Your party member Shri B.K. Handik, who was the Chairman of the Committee on Welfare of Other Backward Classes, reiterated in each of his reports that there should be a separate commission for backward classes and constitutional status should be given to it. But his report was shelved. You did not give constitutional status to the Backward Classes Commission. But Prime Minister Narendra Modi accorded constitutional status to the commission for backward classes. We have given the Backward Classes Commission the same powers as the SC Commission and ST Commission. The Supreme Court quashed the 10 per cent reservation given by Prime Minister Narasimha Rao to the economically weaker sections. Then you should have brought a constitutional amendment and provided them reservation. Prime Minister Narendra Modi ji made a provision for reservation for the economically weaker sections by amending the constitution. We have given an additional 10 per cent reservation for the economically weaker sections only by amending the Constitution. In order to prevent atrocities against Dalits and tribals, 11 more new sections were added in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the government. The government of Shri Rajiv Gandhi ji passed the SC/ST Act, but it was implemented by V.P. Singh ji's government, which included the people of Jana Sangh. Regarding SC, ST, an order of the Supreme Court came that reservation in promotion will not be applicable, creamy layer should be applicable to it. But Narendra Modi's government said in the Supreme Court that we are not in favour of implementing creamy

layer for this. It is Shri Narendra Modi's government that has implemented 27 per cent reservation for OBCs in Kendriya Vidyalayas, Navodaya Vidyalayas and Military Schools and today more than 4 lakh children are availing it every year. Regarding the appointment of Assistant Professors and Professors, Allahabad High Court's decision came that every department will have to be considered as a unit, but Shri Narendra Modi's government said that the whole university will be a unit. It is Shri Narendra Modi's government which implemented reservation for backward classes in the appointment of Professors and Assistant Professors. It was Prime Minister VP Singh ji who got Ambedkarji's portrait put up in the Central Hall of Parliament on April 12, 1990, and during his tenure, Ambedkar ji was awarded the "Bharat Ratna". Atal Bihari Vajpayee ji's government amended the Constitution and gave reservation in promotion to SCs and STs. It was Vajpayeeji's government that made a provision to carry over the unfilled vacancies under the Constitutional Amendment, which was beyond the 50 per cent limit. Narendra Modi ji made a provision of reservation for OBCs and EWS in the all India quota of 15 per cent in the admission of graduates and post graduates in medical education through NEET. The Rohini Commission was constituted by Narendra Modi ji for the classification of OBCs. Besides, in the new council of ministers formed by Narendra Modi ji, more than 27 per cent reservation was given to OBCs. You people say that by giving reservation, ineligible people get recruited in the services. The country's first prime minister, Pandit Jawaharlal Nehru ji, wrote to the chief ministers of the state saying that he particularly disliked any kind of reservation in services, as it creates inefficiency. On September 6, 1990 in the Lok Sabha, the then Leader of Opposition, Rajiv Gandhi ji said that if the report of the Mandal Commission is implemented, then my country will be broken up. RSS General Secretary Dattatreya Hosbole says that reservation should continue as long as there is inequality in the society. He said that social justice and social harmony is a matter of commitment for us. So, it Narendra Modi ji who will work for welfare of SCs, STs and OBCs.

SHRI DEREK O'BRIEN: I gladly support the Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021. Now it may be a coincidence that the first speaker from the Opposition was my friend and colleague who is a Member of Parliament from West Bengal. My friend and colleague Abhishek Manu Singhvi is a Member of Parliament sent here by the MLAs of the Congress Party and the Trinamool Congress Party. I was not going to talk about elections. I was going to talk straight into the OBC Bill. But the previous speaker told me that he is going to win some election in 2022 or 2023. So I mildly want to remind him that with nine per cent OBCs in Bengal, with thirty per cent Scheduled Castes and Scheduled Tribes in Bengal, and with fifty per cent women in Bengal, we actually don't want to talk about elections, because we don't talk, we do. We are discussing a Constitution Amendment Bill today. It was not just an election against my party or my party's manifesto versus another party's manifesto. Our interpretation is that it was an election where a manifesto was against the Constitution and the Constitution won. What is this Government's track record on poor legislation? I would use the word 'incompetence'. Let me give you examples. The first one is this. Like every other party, Trinamool Party's dissent note had stated that the amendment to the Constitution through this Bill undermines the role of State Governments, State Commissions, etc. I want to present today as to how deep this incompetence of legislation is because we are talking on a Constitution Amendment Bill. 2016 is a fantastic example. The Government passed the GST Bill. We all supported. We warned them on implementation. 376 changes were made to GST in ten months. My request to the Government is, take our advice. I am giving suggestions. I gave you one example of GST. I will give you one more example. I will only use two words, 'Farm Bills'. Again, what did you do? You did not listen. So, you have a history. Basic hypothesis is that there is fault one, fault two, etc. You correct the fault and then you congratulate yourselves. That is the basic thing which I am trying to say. Now, I come to the core issues of federalism. It is good that in this Bill, you have done the correction. Our whole team in Trinamool have done a study. We studied the last 98 Bills passed in Parliament. Out of the 98 passed, 29 are core anti-

federal Bills. An amount of Rs.6,90,000 crore promised to the States is not released. Now, you are making all these promises quoting federalism. But, you have not given the States that amount of Rs.6,90,000 crore. It is an assault on federalism. I come to one interesting point. It is again about States. In 2014, the States were spending 46 per cent; now, the States are spending 65 per cent on programmes they undertake. Why is there no caste-based census? It is an obvious question. The BJP has one answer to all the problems and it is that the real reason for all this, even given in 2018, is Pandit Nehru did this, Pandit Nehru approved a wrong draft, etc. Whether it is OBC, SC or ST, they are small-small groups. I am trying to make here is that the smaller you become, the more the majoritarianism attacks you. We all welcomed the 126th Amendment because you took the SC, ST reservation up by ten years. We said to take it by 30 years. But, in the case of Anglo Indian community, you took away their reservation in the ten Assemblies and of the two MPs. In the case of OBCs, just do not give them the numbers, make sure they are implemented. I reiterate that we fully support this Constitution Amendment.

#SHRI PRASANNA ACHARYA: (Spoke in Odia.)

SHRI TIRUCHI SIVA: I, with my head held high, support this Bill. In 1951, the first Amendment to the Constitution was made providing reservation. This Government has brought this Amendment to undo what had done earlier. The Supreme Court on 5th May, 2021 held that the President, on the recommendations of the National Commission for Backward Classes, would designate the communities to be included in the OBC list. As a result, 671 OBC communities, their reservations in educational and employment institutions, were affected. In this Government's rule, this is the firstever time with a view to and in the consideration of the federal nature of this country. This Bill empowers the States and Union Territories to select on their own and notify the OBC list in their respective States and Union

Synopsis of speech delivered by hon'ble Member in Odia will be published separately as supplement.

Territories. Only because our party President and Tamil Nadu Chief Minister, 27 per cent reservation could be allowed in the medical colleges for the seats which the States have shared with the Central pool. The court has said that 50 per cent ceiling could be breached in case of exceptional circumstances. Whether to decide which is exceptional circumstance, lies with the court? Any law that is legislated must be unambiguous. So it is very imperative that we have to address this ambiguity in such things. We insist two things very much. Kindly look into the lifting of the 50 per cent cap in providing reservations and conduct the caste-wise census. The Union Government has to take into consideration. Otherwise, the allocation of the reservation percentage to the respective communities in the States will not be proportionate. We support this Bill only on this ground.

DR. BANDA PRAKASH: On behalf of our party, we support the 127th Amendment intended to restore the powers of the State Governments to maintain their list of the OBCs which was taken away by the earlier Amendment. We appreciate the Government of India for rectifying their mistakes. The State has to maintain their lists. But, the demand of the reservations is more in the States. With the 50 per cent cap on the reservations, we will not get particular reservation. We had demanded number of times for the Backward Classes Census in the country. But, as on today, nothing has been done. We once again request the Government of India to implement the OBC census. Even in admissions also, the implementation of this policy is violated. In the big banks like State Bank of India, the reservation percentage is only 19 per cent. I request the Government to kindly see that the reservation should be implemented in a proper way. We even want political reservation also in the legislature. Our Telangana Government made a Resolution for reservation of 33 per cent for the Backward Classes in the legislature and sent to the Centre. Are you bringing it to the Parliament? What is your commitment on reservation of Backward Classes in the Parliament? Kindly examine the numbers of Members of Lok Sabha and Rajya Sabha belonging to Backward Classes. The Government should go in for political

reservation in State legislatures and Parliament. The Central Government itself has violated the 50 per cent ceiling by giving 10 per cent reservation to EWS category. In the case of Backward Classes, they think of creamy layer and of putting a cap of 50 per cent. Why not in other cases? We demand to create a Ministry for Backward Classes. Kindly come out with a policy for the OBCs which constitute 60 crores of the Indian population. Without development of the Backward Classes, there is no development of the country.

SHRI A. NAVANEETHAKRISHNAN: In our system of judicial governance, view of the Judge or the court alone prevails. The Government has taken timely intervention, by bringing this 127th Constitutional Amendment to set right the error. Now, the States are empowered to identify the communities or the castes for the reservation. This Bill is to assert the primacy and supremacy of our Parliament in public policy matters. The Government has upheld the federal structure of our Constitution by bringing this Bill.

***SHRI SUBHASH CHANDRA BOSE PILLI:** The YSR Congress Party fully supports this Bill. It seeks to restore the power of States and Union Territories to make their own lists of Backward Classes. After the One Hundred and Second Constitution (Amendment) Act, confusion arose whether to consider the list prepared by the Centre or by the State for OBC. Hon'ble Supreme Court delivered a ruling that the list prepared by the Centre should be considered for awarding OBC status. The intention of the Central Government in bringing this Bill is that there will be no injustice done in identifying the OBC if States are given the power to prepare their own lists. But, nowhere in the Bill it is mentioned that the lists prepared by the States should be approved by the NCBC. I request the Central Government to insert this point in this Bill.

* Spoke in Telugu.

SHRI ELAMARAM KAREEM: I am supporting this Bill. The religious minorities, Dalits and OBCs in the country have learnt from their past experiences that this Government is against them. Most of the eligible families in the State of Kerala are not getting the reservation meant for economically weaker sections because of the socio-economic conditions of the State. So I urge upon the hon. Minister to review the norms for getting reservation under the economically weaker sections of the society. In the State of Kerala also, now the Nadar Christian community has been provided the reservation. The High Court has struck it off because 50 per cent norm is not there. Also, nobody is listening to the issues of Dalit Christians. They are also entitled for reservation. The federal system of the country should be well protected. The State's obligation is to undertake the emancipation of deprived sections of the community and eradicate inequalities.

PROF. RAM GOPAL YADAV: I support this Constitution Amendment Bill. If some new castes come in addition to the castes which are in the current list of OBCs, then existing OBC communities will have to suffer. OBC can benefit only if the reservation ceiling of 50 percent is increased. Unless there is a caste census in the country, this law cannot be implemented properly. I apprehend that when the new list is prepared, the Uttar Pradesh Government will exclude three castes Yadav, Kurmi and Gujar from the existing OBC castes. Ever since the reservation for OBCs came into force, many people were not sent for training despite getting selected in class one service and were replaced by other persons belonging to unreserved category. OBC people are neglected despite being in majority. 90 percent of the posts are vacant in Central Universities, IISERs and IISC in India even today . There is no need to make OBCs fool.

SHRI RAM NATH THAKUR: I stand to speak in favour of this Constitutional Amendment. We would like to request the Government that all the vacant posts in education sector should be definitely filled. The reservation should be implemented with the same intention with which the Government has brought it. It is our demand

that census should be started because census is the only way to solve the problems of the most backward sections of the society.

PROF. MANOJ KUMAR JHA: I am in favour of this Bill. I would request the hon. Minister that Clause 1, Sub-clause 2 should be amended immediately. It states that this shall come into effect from August 15, 2018. I understand that this will eliminate all discrepancies in between and there will be no need for the fourth paragraph of the Statement of Objects and Reasons. Without ensuring caste census, it will not work because everyone who cares for Bahujan is feeling it from the ground up. Reservation ceiling of 50 percent is a hindrance in the way of all-round representation. I believe that NITI Aayog should also have an 'Neeyat Prakoshtha' because Indian democracy cannot be imagined without social justice. We have to change our caste-based thinking to eliminate casteism from our country. When the people of the backward class of the society are counted, only then the country will develop.

DR. NARENDRA JADHAV: I rise to wholeheartedly support this Constitution Amendment Bill. This Constitution Amendment Bill amends the Constitution to restore the powers of States and Union Territories to prepare their own list of Socially and Educationally Backward Classes. This Amendment seeks to undo the Supreme Court's ruling in the case of Maratha reservation. Had the State List of OBCs been abolished, nearly one-fifth of the total OBC communities would have lost access to affirmative action policies thereby adversely impacting them. This is precisely what is being corrected by the present Constitution Amendment. I commend the Government for ensuring social justice to Socially and Educationally Backward Classes by bringing out this Constitution (Amendment) Bill.

SHRI SANJAY RAUT: This Bill is historic and revolutionary and the credit for this revolution has to be given to the Maratha movement going on in Maharashtra. Lakhs of Maratha youth and children agitated in a very disciplined manner for their rights.

Maharashtra, Maratha society has fought a long battle for this, but even after this amendment, the wait for Maratha reservation will be longer. The 102nd Amendment which was done in the year 2018, brought the rights of the state to the Centre. The Government had made this mistake at that time. This Bill is insufficient. 50 per cent ceiling on reservation is 30 years old. Today lakhs of youth from backward classes are looking towards us not only in Maharashtra but across the country as to what we are going to do. It is a matter of social justice. To establish social justice, the first to give 50 per cent reservation in the country was the king of Maharashtra, a Maratha. Today the same Maratha society is demanding justice for its rights in Maharashtra. I am sure that the Government will raise the ceiling of 50 per cent reservation and give justice to the other backward class people of the entire country.

SHRIMATI VANDANA CHAVAN: This Bill has come after the Supreme Court judgment which held that the States and the Union Territories had been denuded of powers after the passage of the 102nd Constitution Amendment. Should we, not have incorporated the so called 'adequate clarification' in the 102nd Constitution Amendment itself? Unfortunately, in Maharashtra, the blatant adamant attitude of the Government cost us a lot. Our role here is to not just enact laws but good laws, sound laws and, to have a sound law, it is necessary that it is unequivocal and unambiguous. The second question is by passing this amendment Bill, will we be able to do justice to the people who are anxiously waiting for it. Almost all the States have already got a quota of more than 50 per cent. In effect, this Bill is giving us the power to make the list but unfortunately, without any action. If the Government is really keen on doing justice, it will have to iron out the hurdle created by Indira Sawhney judgement. The Government will have to compile an empirical data of people seeking reservation. We will also have to consider that the minorities, the Muslims and others are also taken care of while developing this formula so as to maintain a judicious balance. I support the Bill but I condemn that is it not in the form which would assure justice to the people or the class of citizens that it is meant for.

SHRI G.K. VASAN: I support the Bill to give back the powers to the States to maintain their own OBC list. This Bill has been brought with a good intention to protect the rights of the OBCs and improve their economic conditions. This Bill will also ensure employment and admission in the educational institutions for the OBCs. This is a timely intervention by the Central Government. Whenever there is a demand for providing more reservation, for including more communities under reserved categories, we will be facing the problem of 50 per cent ceiling on reservation. I would like the Central Government to find a way to solve this problem.

SHRI SANJAY SINGH: I rise to support this amendment. In the report of the National Commission for Backward Classes, it has been clearly stated that in Uttar Pradesh, only 3.8 per cent reservation was given to backward classes in teacher recruitment. In the states where there is government of the Bharatiya Janata Party, the Dalits, the backwards, downtrodden people have been suppressed. The intention of this government is not to give their due to the backward and downtrodden people. I want to demand that a Bill should be brought in the Parliament to increase the ceiling of 50 per cent reservation for Dalits and Backward, otherwise it will be just a sham. The backward class people of this country are troubled by inflation. Their jobs are gone. If you want to realise their pain, give them their right.

SHRI BINROY VISWAM: While I support this Bill, I feel very much that this Bill should be called as an election urgent Bill. BJP has nothing but only a thought of votes. They don't want any kind of consideration on the grounds of religion, caste and communities. They believe that reservation is a crime. It is a matter for consideration based on castes. I may ask the Government to consider this. What is the sanctity of fifty per cent ceiling? The reality in many States is different. Let the States have a right to decide how much cap should be there on reservation. You are talking that you are giving consideration to people in appointments to posts in public sector. That sector is dying. I request the Government to consider

the matter of applying reservation in private sector also. The Government is saying that we are for the poor, for dalits and for reservation but the truth is far from it.

SHRI RAJMANI PATEL: It will not be an exaggeration to say that this Bill has been brought up by the Government to set right their mistakes. In fact, till 2018, only the state governments had the right to make list of and identify backward classes on social and educational grounds in the light of the 102nd constitutional amendment. But after an amendment in 2018, Maratha reservation in Maharashtra was nullified by the Supreme Court. The Court said that now only the Central Government could notify OBCs and these powers of the state governments were thus abrogated. Now through the 127th Constitutional Amendment Bill, the states are being given the right to make lists again on social and educational basis, which was also there earlier. To this only a new clause named 342(1)(a) has been added. I request the Government to conduct a caste-based census so that the OBC class can get the benefit of the policies of the government. I want that if this Bill is to be made meaningful, then there must be a provision to increase the limit of 50 per cent reservation, there should be a provision for reservation in promotion, 13/200-point roster should be replaced by a binary roster and there should be a provision to do away with the creamy layer.

SHRI HARNATH SINGH YADAV: I rise to speak in support of the "Constitution (One Hundred and Twenty Seventh Amendment) Bill, 2021". Shri Narendra Modi, the honourable Prime Minister of India wanted the rights to be restored to the states, which was earlier rejected by the Supreme Court. Our government has brought this Bill for the states to get their rights back. This Bill will create an enabling environment for the formulation of lists of socially and educationally backward classes of the State Governments and Union Territories. From the very first day, the goal of the Modi government was to improve the lives of all the countrymen and resolve their grievances and to ensure that social justice and facilities may reach the last man, the downtrodden and the deprived in

the society. The constitutional status given to the Backward Classes Commission clearly reflects Modi government's commitment to social justice. I support this Amendment Bill.

DR. AMAR PATNAIK: I rise to support the Bill. This is basically a clarificatory Amendment to let the States identify people belonging to OBCs and SEBCs. We are doing all this for the welfare of OBCs and Socially and Economically Backward Classes. But before making any kind of policy in this regard, we first need to determine the number of persons who have to be given this benefit. While I support the Bill, I think we should increase the ceiling of reservation and conduct the caste census. Then only we will actually be successful in making the benefits reach the people for whom they are intended.

DR. M. THAMBIDURAI: I rise to speak on this seminal Bill which will go a long way in establishing an equitable and just society in our country. It is the spirit of social justice that, I on behalf of my party, AIADMK, welcome this Constitutional Amendment Bill which aims to empower the State Governments and Union Territories to identify, prepare and maintain their own State list and Union Territory List of socially and educationally backward classes. I thank the Government of Shri Narendra Modi for recognizing the rights of the States to identify OBCs.

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Desh Deepak Verma,
Secretary-General.

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