

(1500/KKD/PC)

Point No. 2 of the objects of that Bill is:

“With a view to fulfil the mandate of article 46, and to ensure the economically weaker sections of citizens to get a fair chance of receiving higher education and participation in employment in the services of the State, it has been decided to amend the Constitution of India. ”

There are two reasons. Number one, the economically poor people are not adequately represented in services and admissions. Number two, very clearly, they are saying that Article 46 is enabling to bring the law.

So, accordingly, they have brought the law and on the basis of the law, this law has been piloted before the Parliament.

Sir, reservation is not unknown to the Indians. Reservation had taken place some 2,500 years ago. One may be surprised to ask, how reservation could be given 2,500 years back? That reservation was something inhuman and undemocratic. How it was inhuman and undemocratic, I would explain. Four Varnas were divided. They were: Brahmins, Kshatriyas, Vaishyas, and Shudras, the outcaste Scheduled Castes.

All the occupations or jobs were carried out by these four classes. So, that was also a reservation. That reservation was anti-human, inhuman and undemocratic.

Now, the Preamble of the Constitution of India says:

“WE THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC...”

But after the Constitution was enacted, the reservation that has been provided, is human and democratic. Democracy is not merely form of the Government alone, it is essentially an article of respect and reverence towards the fellowmen.

So, in that sense, I am claiming that the reservation is not unknown to the Indians. But the only thing is that that reservation was inhuman and undemocratic, and this reservation is human and democratic.

Sir, as a Member of the DMK, I may apprise that our late leader, Dr. Kalaingar Karunanidhi and his mentor, Anna *allias* C.N. Annadurai and the Father of Tamil Nation, EVR Periyar Ramasamy, were the pioneer for the cause of the reservation, even before the enactment of the Constitution in 1951. The first amendment to the Constitution came into existence in 1951 because of the Dravidian Movement when the reservation was denied to the backward classes.

Even prior to that -- it may be unknown to this House -- in 1927 when our Dravidian Government was in power, we enacted the law for the socially and educationally backward classes, for the Scheduled Castes including Muslims. One could not even dream of it.

So, in that sense, I am very proud that we are entitled to say something whether it is an old Bill or a new Bill. With due respect, the Constitutional validity must be upheld. In that sense only, I may be permitted to be given five to 10 minutes more, to speak on it.

Sir, as I mentioned, there are two aspects to the Bill. One is that the economically weaker sections were not adequately represented. Second is, Article 46.

Firstly, I am coming to Article 46. Article 46, which says:

“The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

The word, which was coined in the Section is ‘economic interests’ whereas the provisions 15 and 16 say that those who are socially and educationally backward classes are entitled for the recruitment and the educational institution admissions.

The Constitution says: ‘class’ whereas Article 46 under which the legislation was being brought here says is only ‘section’. There is a difference between the class and the section. Article 14 was clearly interpreted by the Supreme Court. According to the Article 14, reasonable classification can be made by the Court or by the Parliament by way of legislation. But Class Legislation to a specific Section cannot be made. That is a clear direction given by the Supreme Court in so many cases.

So, a reasonable classification is reservation for socially and educationally backward. What is the class legislation? They are inserting a new degree or a new value or a new term, which is ‘economically weaker sections’.

1504 hours (Shrimati Rama Devi *in the Chair*)

Madam, we are not against economically weaker sections. 'Economic interests' are the words, that have been inculcated in the Constitutional values or Constitutional text. Then, they have to give more scholarships; they have to give more loans; and declare that the entire educational fee is completely widened for those economically weaker sections.

But by bringing this 10 per cent quota into the reservation quota, I think, somewhere some space is going to be trespassed by these people by getting the social justice for really oppressed and depressed classes both in the OBC, BC and SC/ST communities.

(1505/RP/SPS)

So, for that I am just telling a glancing angle of incidence. It is because the policy of reservation is not a matter of complete choice or charity, it is a right which was substantiated even before the British Government. The root and the origin or, if I may say, the genesis, mechanism and development of reservation was there from 1880. I can give you the details.

The first discussion about the reservation – it is available in the Galanter, Mare compilation – took place in 1880. It used the term 'backward class' to describe groups which are illiterate or indigent. They are being entitled to allowances for study in elementary school. This was the first reservation where the word 'backward' was coined in 1880 to give scholarship. Then, on 5<sup>th</sup> January 1985, the Gazette no. 40 provided for grants-in-aid to schools for

backward classes consisting mostly of untouchables. It was done by Madras Presidency.

In 1917 the Maharaja of Kolhapur expressed interest of Montagu-Chelmsford in uplifting the backward classes and especially the untouchable. There was no word of 'economically backward'. The word brought to the text by the British people either in Parliament or outside or in the regional Government was always backward, backward and backward. Of course, it includes untouchables.

In the year 1918, the Government of His Highness the Maharaja of Mysore appointed a committee to enquire into the means of encouraging members of backward classes in public services. In 1920, a Joint Select Committee of the British Parliament reviewed a report and emphasised the need of education advancement of depressed and backward classes. Then in 1921, the Institution Preferential Recruitment Board had defined in London: "All communities other than Brahmins, who are not adequately represented in public services, are backward community." In 1925, there was a Ministry Report on Reforms: "The Reforms Enquiry Commission regarding backward classes did not find an occasion to use the term, but the Ministry Report refers to its use as a synonym for the Depressed Classes (untouchables) and in contradistinction to non-Brahmins."

In 1928, the Hartog Committee defined backward classes as "Castes or classes which are educationally backward including the depressed classes, aboriginals, hill tribes, and criminal tribes." In 1929, the Indian Central

Committee distinguished the problem of backward classes among whom may be counted aboriginals, criminal tribes and others among the less advanced of the inhabitants of British India.

In 1930, the Statute Committee in Bombay described only aboriginals, hill tribes and others. In 1930, the Simon Commission referred only to the term 'intermediate castes' and the non-Brahmin movement without any reference to backward and depressed classes. Again in 1932, the Indian Franchise Committee said about backward, untouchables and *shudras*. In 1932, the United Provinces Hindi Backward Classes League submitted a memorandum and suggested that the 'Hindu backward' as a more suitable nomenclature to include socially and educationally backward people. In 1936, reports in the Times of India on the inflation of backward classes in the Madras Presidency by inclusion of several non-Brahmin communities. In 1937, again to include economically backward classes Adoption by Travancore of the term 'backward classes'. In 1947, a separate reservation was provided through G.O. 3437 Public Department on 21<sup>st</sup> November, 1947 by the Government. Separate reservations provided in Madras in the services for backward Hindus for about 145 communities.

After 1947, the Constituent Assembly debate started. What happened in the debates? Pandit Hriday Nath Kunzru from UP brought explanation nomenclature for backward classes: "Delegates from North assume that backward class was victim and was, hence, really a synonym for the Scheduled Castes." Then, what happened to Shri T.T. Krishnamachari? He

said: "We should not go for reservation on the basis of caste". Dr. Ambedkar replied the question of Shri T.T. Krishnamachari in the Constituent Assembly. He said that the Drafting Committee had to produce a formula which would reconsider your two points. Firstly, there shall be equality of opportunity and secondly, there shall be reasons in favour of certain communities which have not so far had representation in the administration.

(1510/RCP/MM)

This is the answer which was given by Dr. Ambedkar to Shri T.T. Krishnamachari. Why am I summarising all these things? It is because, the root lies in 1880. The first amendment took place in 1951. Till the last Lok Sabha, in the legislations of British era, everywhere, economically backward classes were not at all included either in the Constitution or in any Executive Order which was brought or which was meant for reservation for the depressed classes. Suddenly, you brought the legislation, a Constitutional amendment, by which you are giving 10 per cent reservation to economically weaker sections. That is why, let it be referred to the Select Committee. Appeals are pending before the court. Till then, 10 per cent reservation to economically weaker sections can be kept in abeyance. Even economically weaker sections category is liable to be substantiated before the Supreme Court scrutiny.

...(Interruptions)

You have brought in 10 per cent reservation for economically weaker sections. What is the analysis? Is it standard? Is it static? Is it reasonable under Article 14 of the Constitution? I would like to know whether it is abused

or misused. The last Government, the UPA Government appointed a Commission under Major Gen (Retd.) S. R. Sinho for the specific purpose whether 10 per cent reservation can be given to the economically weaker sections under the Constitution. It was a very specific question. The reasons and objects were clearly given. That Report says that economically backward classes can be identified by States for extending welfare measures only. Reservation in Indian context is a form of affirmative action for socially and educationally backward classes alone. Economic backwardness cannot be the criteria for reservation in educational institutions and in jobs.

It was said by the Commission appointed by the UPA Government. The Government appointed a Commission. The Commission gave a very categorical report. You are setting aside the report. You are bringing it in a conspiratorial manner. I can tell that there is a conspiracy. It is because, even the copies were not circulated. ...(*Interruptions*) Even it was not listed in the List of Business. Without listing it in the List of Business, bringing in a Constitutional amendment is a shame on the part of the Government. For the first time, without including it in the List of Business, a Constitutional amendment took place.

In the Sawhney case, in 1991, the former Prime Minister Shri P. V. Narasimha Rao wanted to bring in a symmetrical legislation; it was struck down by the Supreme Court. ...(*Interruptions*) Then, the Economic and Political Weekly made an analysis ...(*Interruptions*)



THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):

Are you challenging the power of the Parliament? ...(*Interruptions*)

SHRI A. RAJA (NILGIRIS): I am not challenging the power of the Parliament.

The way in which you brought the legislation is something fishy.

...(*Interruptions*) That is why I am telling to send it to the Select Committee.

...(*Interruptions*)

Madam, I must be very categorical and firm. ...(*Interruptions*) I am not challenging the amendment made by the Parliament. I am telling the way in which they brought the amendment gives a lot of room for suspicion.

...(*Interruptions*)

So, for all these reasons, I oppose giving 10 per cent reservation to the economically weaker sections. Do not think that we are Eklavyas any more. You do not tell that your mindset should be that of Drona. The mindset of being Drona should be changed. We will prove that we are no more Eklavyas.

Thank you, Madam.

(ends)

(1515/SMN/SJN)

1515 hours

SHRIMATI PRATIMA MONDAL (JAYNAGAR): Madam, India has emerged as the superpower which is alerting the hegemonic balance of power. But this largest democracy is still tainted with caste-based discrimination. There has been a 37 per cent increase in atrocities against Scheduled Castes and Scheduled Tribes in the past decade which is very alarming. Not just prohibiting crimes, there is an urgent requirement for establishing level playing field so that the vulnerable group can be at par with the privileged.

Madam, the Central Educational Institutions (Reservation in Teachers' Cadre) Bill 2019 is yet another effort to bring equality and by reviving the 200 points roster as against 13 points system put forth by the High Court of Allahabad. The aim of the Bill is to consider a Central Educational Institution as a unit in place of departments to ensure proper functioning of the reservation system in direct recruitment of teaching faculty.

I take the opportunity to explain this as the public might be in dilemma as to how this is beneficial. They think that department-wise reservation will yield more employment. But this is false because the number of vacancies for recruitment in each department will not be enough to support reservation. Thus, I appreciate this Bill.

Through you, Madam, I would like to seek a clarification from the hon. Minister on the necessity of promulgating the Ordinance dated 7<sup>th</sup> March, 2019. Article 123 of the Indian Constitution as interpreted by Shri H.N. Kunzru is to

deal with the situation where an emergency in the country necessitated urgent action. The Clauses of UGC Guidelines, 2006 were quashed by the High Court of Allahabad on 7<sup>th</sup> April, 2017. Why did not the Government introduce the Bill in the following Sessions? The Supreme Court also gave a similar verdict on 23<sup>rd</sup> January, 2019. The Parliament was in Session from 31<sup>st</sup> January to 13<sup>th</sup> February, 2019 in which a historic Bill was passed. Why did not the Government make an effort to legislate on the important national issue?

Madam, instead an Ordinance was promulgated on 7<sup>th</sup> March, 2019, that is just three days prior to the announcement of election. This cannot be a mere coincidence. It had a clear intention of attracting vote bank. Promulgating Ordinances time and again is going against the very nature of a Parliamentary form of Government. This House is constituted of eminent and learned representatives of people and by promulgating Ordinances on every matter, the Government is exhibiting an absolute authoritarian feature. It is discarding the views and inputs of the House and by doing so, it missed to include the Economically Weaker Sections in the Ordinance. The House legislates better laws to India by going beyond the purview of party politics. It should be given importance and respect as it deserves.

Now, coming to Section 4 of the Bill, the Clause 'b' of sub-section 1 is a valid point and in accordance with the Fundamental Rights of the minority community.

(1520/MMN/GG)

But sub-clause (a) provides for certain institutions which will be kept out of the provisions of this Bill. I would request the Minister to explain the basis of selection of the institutes. As much as I could interpret, all of them have one thing in common, that is 'science'. All the institutes fall under the category of science and technology. By doing so, is the Government again repeating the mistake of doubting the capabilities of the concerned category? When these universities have reservation for the student community, then why not for the teachers as well?

Madam, I would like to put forth a couple of suggestions. Firstly, reservation should be allowed for the universities that are excluded. It is because if the criteria put forth by them are met, by any candidate of the concerned section, then, why not the opportunity be given to him or her? After all, it is our fundamental duty to promote scientific temper in the society and what could be a better way than promoting the people who have been neglected throughout.

Secondly, a regulatory board should be constituted to ensure proper functioning of the provisions of the Bill. And, in case of any dispute, it can give quick verdicts. This is necessary because even after the Ordinance, four universities, namely Central University of Punjab, Karnataka University, Tamil Nadu University and Indira Gandhi National Tribal University, did not comply with the provisions. This would have gone unnoticed if it was not brought up by Shri Javed Ali Khan during 'Zero Hour' in the Rajya Sabha. Now the resolution

of the matter, as asked upon to do so by the hon. Chairman of the Rajya Sabha, will take a lot of time, thereby either delaying the whole recruitment or else depriving the eligible. This is why, a responsible body to handle the affairs is necessary. This body should also be entrusted with the duty of looking into the redressal matter, if any, arising after employment. This is because every other day we come across cases involving hatred towards the vulnerable sections of the society mentioned in the Bill, namely Scheduled Caste, Scheduled Tribe, socially and educationally backward community and economically weaker sections and also doubting and questioning their capability ...(*Interruptions*)

Madam, please allow me to speak two more minutes.

There is a high chance that the teachers will also face similar problems.

A Hindi poet has put it in this manner:

“दफ्तर में सब ठीक-ठाक चल रहा था  
फिर दलित हूँ मैं, मैंने बता दिया सबको...”

To avoid cases like that, which involved suicide of Rohith Vemula, this is a very important step that the Government can and should take. It cannot be done until serious steps are taken because another young girl Payal Tadvi lost her life. Sukhdeo Thorat, a Professor Emeritus of JNU and former UGC Chairman who headed the Committee to investigate the allegations of discriminatory treatment against the Scheduled Caste and Scheduled Tribe students at AIIMS, had found that lower caste students faced discrimination in everyday lives at the premier institute.

About the measures that should be taken to check the discriminatory behaviour, he said:

“There has to be an Act by the Government to make caste-based discrimination at the university campuses a punishable offence. Apart from this, a set of guidelines should be formulated for the upper caste students on how to behave in the presence of the students from the marginalised sections.”

Finally, I would like to conclude by saying that in order to ensure the compliance of Constitutional provisions under article 14, 15 and 16, the Government must consider the suggestion and not just discard it.

Lastly, I would conclude by quoting Sheetal Sathe, a young Ambedkarite:

“Nausea served in the plate, the untouchable nausea  
The disgust grows in the belly, the untouchable disgust  
It’s there in the flower buds, it’s there in sweet songs  
That a man should drink another man’s blood,  
This is the land where this happens  
This is the land of hellish nausea.”

We have to strive hard in order to change this scenario. While concluding my speech, I thank you, Madam, for giving me the opportunity.

(ends)

(1525/VR/KN)

SHRI N. REDDEPPA (CHITTOOR): Hon. Chairperson, thank you for giving me this opportunity to speak on the issue regarding reservation of people belonging to Scheduled Castes/ Scheduled Tribes/ Backward Classes and Economically Backward Classes in education.

Madam, I hail from Chittoor constituency in Andhra Pradesh. First of all, I extend my thanks to our hon. Chief Minister, Y. S. Jaganmohan Reddy *Garu*, who implemented reservation even in his Cabinet by appointing five Deputy-Chief Ministers from Scheduled Caste, Scheduled Tribe, Backward Community and Economically Backward Communities for five important Departments – Home, Revenue, Education, Commerce and Excise. He is a role model Chief Minister in our country. He has given more than 60 per cent reservation to the people of SCs/STs communities in his Cabinet.

The Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 was promulgated on March 7, 2019. The Ordinance provides for reservation of teaching positions in Central educational institutions for persons belonging to the Scheduled Castes, Scheduled Tribes and the socially and educationally backward classes.

The Ordinance also provides for reservation of posts in direct recruitment of teachers out of the sanctioned strength in Central educational institutions. For the purpose of such reservation, a Central educational institution will be regarded as one unit.

The Ordinance will apply to the Central educational institutions which include universities set up by the Acts of Parliament, institutions deemed to be a university, institutions of national importance and institutions receiving aid from the Central Government.

However, it excludes certain institutions of excellence, research institutions and institutions of national and strategic importance which have been specified in the Schedule to the Ordinance. It also excludes minority educational institutions.

I also wish to point out that the new system will consider a university or college as one unit instead of treating department or subject as one unit. So, it will not help many institutions which do not come under the 'Centres of Excellence' tag.

The reservation for OBCs was not implemented in the appointment of Professor and Associate Professor. This is evident from the fact that no OBC candidates have been appointed to the posts of Professor and Associate Professor while OBC constitutes 14.38 per cent in the appointment of Assistant Professors against its sanctioned quota of 27 per cent. The figure talks about the appointments made in the Central Universities till April 1, 2018.

This needs to be mentioned here that candidates belonging to SC/ST categories did not get their share in the appointments of all three faculty positions. The SC/ST candidates occupied 3.47 per cent and 0.7 per cent in the appointment of top faculty position, that is, Professor while SC/ST candidates have a share of 4.96 per cent and 1.3 per cent respectively in the



appointment of Associate Professor against their respective quote of 15 per cent and 7.5 per cent.

Madam, in view of the above, we can see that reservation system could not be implemented properly through all these years in our country. I hope that Modi's Government will at least implement it in education as mentioned in the Constitution by Dr. B.R. Ambedkar.

Thank you very much.

(ends)

(1530/CS/SAN)

1530 बजे

**श्री विनायक भाउराव राऊत (रत्नागिरी-सिंधुदुर्ग):** महोदया, आपने मुझे केन्द्रीय शैक्षणिक संस्था (शिक्षकों के काडर में आरक्षण) विधेयक, 2019 पर बोलने का समय दिया, इसके लिए आपका धन्यवाद। मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। मैं माननीय मंत्री महोदय जी को धन्यवाद दूँगा कि कई वर्षों से जिस विषय के लिए, जिस मौके के लिए इस देश के उम्मीदवार राह देखते थे, उनकी संधि उपलब्ध करके देने का एक महत्वपूर्ण काम इस बिल के माध्यम से हुआ है।

महोदया, इस बिल की कई विशेषताएं हैं। खासकर मैं कहना चाहता हूँ कि जो रोस्टर निर्माण किया गया, उच्च न्यायालय ने कहा, सर्वोच्च न्यायालय ने कहा, सिर्फ इसके लिए यह बिल लाया गया है, मैं ऐसा नहीं मानता हूँ। यह बिल लाते वक्त, अध्यापकों की संख्या निर्माण करते वक्त जो रोस्टर माना गया, वे जो 200 बिन्दु माने गए, यह इस बिल की सबसे बड़ी विशेषता है। ये 200 बिन्दु मानने के बाद हर एक संस्था को रिक्रूटमेंट के अधिकार दिए गए हैं और इसलिए यह पदों की ज्यादा संख्या तैयार हुई है। मैं इसके लिए केन्द्र सरकार और संबंधित मंत्री महोदय का अभिनन्दन करता हूँ। जैसे कि 200 बिन्दु मानकर इसकी संख्या निश्चित की गई है और इसकी वजह से 7 हजार अध्यापकों के पद सृजित हुए हैं। पिछले 2011-12 से हमारे महाराष्ट्र के साथ-साथ सारे देश में अध्यापकों की भर्ती के ऊपर पाबंदी लाई गई है। अध्यापकों की भर्ती का दरवाजा खुलने का काम इस विधेयक के माध्यम से सर्वप्रथम हो रहा है। पूरे देश में 7 हजार अध्यापकों के पद कोई बड़ी संख्या नहीं है, लेकिन इससे आगे की संधि शुरू हुई है। आगे अध्यापकों की भर्ती की जो उपलब्धियाँ होने वाली हैं, उसकी शुरुआत इस बिल के माध्यम से हो रही है।

दूसरी बात यह है कि एस.सी./एस.टी. के साथ-साथ सोशली इकनॉमिक बैकवर्ड जो क्लॉसेज हैं, जिनके लिए पिछले टर्म में माननीय प्रधान मंत्री जी ने आर्थिक सर्वेक्षण के आधार पर 10 प्रतिशत का जो मौका दिया है, उसके लिए इस बार पहली बार एक संधि प्राप्त होने वाली है।

भर्ती के अधिकार डिपार्टमेंट को नहीं रहते हैं। जो इंस्टीट्यूशन्स हैं, उन्हें यह भर्ती का अधिकार दिया गया है। मैं इसलिए खुश हूँ, एक तो पिछले कई वर्षों से भर्ती के ऊपर पाबंदी थी, लेकिन भर्ती करते वक्त भी डिपार्टमेंट सामने आ रहा था और डिपार्टमेंट के माध्यम से भर्ती के कई विज्ञापन आते थे, कहीं भर्ती होती थी, कहीं नहीं होती थी, तो इस बार यह 7 हजार अध्यापकों की जो भर्ती है, वह पार्टिकुलरली इंस्टीट्यूशन्स के माध्यम से की जाने वाली है। मैं मानता हूँ कि इस भर्ती में सही लाभार्थियों को न्याय मिले और साथ-साथ पात्र उम्मीदवारों को ही न्याय मिले।

महोदया, रिक्रूटमेंट में अनेक बार बहुत जगहों पर गड़बड़ियाँ होती हैं। वैसी गड़बड़ी इस बार इस भर्ती में न हो, इसकी तरफ सरकार को ध्यान देना चाहिए। सरकार को इस तरफ पूरी तरह से ध्यान देने की जरूरत है, क्वालिटी मेनटेन करने की जरूरत है। क्वालिटी में किसी भी हालत में कम्प्रोमाइज नहीं होना चाहिए। इंस्टीट्यूट को जब हम रिक्रूटमेंट का अधिकार देते हैं, तो एक डर रहता है। इस सदन में भी शिक्षा क्षेत्र में काम करने वाले कई माननीय सदस्य हैं। पिछले कई वर्षों से शिक्षा क्षेत्र एक स्ट्रेस निर्माण करने वाला क्षेत्र तैयार हुआ है। जब से आरटीई एक्ट आया, आरटीई का जितना फायदा है, उसका दुष्परिणाम उससे ज्यादा है। आरटीई के माध्यम से, जो-जो शिक्षण संस्थाओं में काम करने वाले लोग हैं, उन्हें स्ट्रेस में ज्यादा जाना पड़ा है। उन्हें कई मुसीबतों को सहन करना पड़ता है। बच्चे हैं, स्कूल्स हैं, छात्र हैं, लेकिन वहाँ अध्यापकों के निर्माण करने की कोई सुविधा नहीं है। आरटीई का इतना दुरुपयोग हुआ कि जिस स्कूल में 20 से कम बच्चे हैं, उन स्कूल्स को बंद करने की बात आई।

(1535/RV/RBN)

कई पहाड़ी इलाकों के जो स्कूल्स हैं, वहाँ अगर बीस से ज्यादा बच्चे हैं तो उन्हें एक विशेष दर्जा दिया जाता था और कुछ सहूलियतें दी जाती थीं, लेकिन वर्ष 2011 के बाद आर.टी.ई. के माध्यम से पहाड़ी इलाकों के स्कूलों पर जितना अन्याय हुआ, उतना अन्याय कहीं नहीं हुआ।

सभापति महोदया, पहाड़ी इलाकों में बच्चे ज्यादा नहीं मिलते हैं। अगर दस बच्चे मिल जाएं तो यह बहुत बड़ी बात होगी। ऐसे स्कूलों में वर्षों से एक भी अध्यापक को नियुक्त नहीं किया गया।

उनकी नियुक्ति करने का अधिकार भी स्कूलों को नहीं दिया गया। जो प्राइवेट शैक्षणिक संस्थान हैं, उनकी तो हालत बहुत खराब है। जिला परिषद् और बाकी जगहों की बात छोड़िए, लेकिन जो रेकग्नाइज्ड या रजिस्टर्ड प्राइवेट स्कूल्स चलाते हैं, उनके कई क्लासेज ऐसे हैं जहां वर्षों से अध्यापकों की नियुक्ति करने की परमिशन ही नहीं दी गयी है। मैं माननीय प्रधान मंत्री नरेन्द्र मोदी जी के प्रति आभार व्यक्त करता हूँ कि उनके नेतृत्व में सबसे पहले इसकी मीटिंग हुई और इस विषय को लाया गया। तब मुझे मालूम पड़ा कि उन्होंने इस डिपार्टमेंट को यह कहा कि आप तुरन्त इसे चालू करें और सिर्फ यह कहा नहीं, बल्कि उसके लिए अच्छी तरह से प्रावधान किया, जिसकी शुरुआत आज इस बिल के माध्यम से हो रही है। इस बिल को स्टैन्डिंग कमेटी के पास नहीं जाना चाहिए। इसका रिजल्ट आज ही इस हाउस में होना चाहिए। हम कितने वर्षों तक अध्यापकों की राह देखेंगे, कितने वर्षों तक अपने बच्चों को बिना अध्यापक के रखेंगे?

महोदया, हमारे महाराष्ट्र में आज भी कम से कम 13,000 अध्यापकों की जगहें रिक्त हैं। चाहे वह पूर्व प्राथमिक हो, सेकण्डरी हो, जूनियर कॉलेज हो, सेकण्डरी कॉलेज हो, सारी जगहों पर, आप कहीं भी जाइए, 'नो टीचर्स' का बोर्ड लगा है। वहां बच्चे हैं, पर 'नो टीचर्स' का बोर्ड लगा है। वहां के जो लोग हैं, वे इसके लिए आंदोलन करते हैं। वे यह मांग करते हैं कि हमें टीचर्स दे दीजिए। दूसरी तरफ, कम से कम लाखों की संख्या में बी.एड. के उम्मीदवार हैं। दुर्भाग्य से एन.सी.टी.ई. के माध्यम से बी.एड. कॉलेज चलाने की जो अनुमति दी गई, वह सरासर गलत हुआ। राज्य सरकार की एन.ओ.सी. के बगैर भी एन.सी.टी.ई. के माध्यम से बी.एड. और डी.एड. कॉलेज शुरू करने की अनुमति दी गई। इसका परिणाम यह हुआ कि एक तरफ लाखों की संख्या में टीचर्स बाजार में आ गए और दूसरी तरफ हर एक स्कूल में 'नो टीचर्स' यानी 'नो रिक्रूटमेंट' की बात हुई। इसके कारण छात्रों को अच्छी तरह से जो शिक्षा मिलनी चाहिए थी, वह नहीं मिल सकी, यानी 'क्वालिटी एजुकेशन' का जो मकसद था, उसके ऊपर पाबंदी लाने का काम 2014 के पहले की सरकार ने किया था। आज इस बिल के माध्यम से एस.सी., एस.टी. के लिए शुरुआत हो रही है और मैं विनती करता हूँ कि एन.टी. प्रवर्ग के जो उम्मीदवार हैं, उनके लिए भी इसमें प्रावधान कर देते तो और भी

ज्यादा अच्छा होता क्योंकि एन.टी. में सबसे ज्यादा उम्मीदवार हैं और उन्हें न्याय देने की ज्यादा जरूरत है।

सभापति महोदया, धन्यवाद। एक अच्छा बिल लाकर शिक्षा के क्षेत्र में एक क्वालिटी एजुकेशन देने का काम हो रहा है। इसके साथ-साथ जिन्हें न्याय देने की जरूरत थी, जैसे एस.सी., एस.टी. और आर्थिक रूप से कमजोर वर्गों के उम्मीदवारों को न्याय देने का काम इस बिल के माध्यम से हो रहा है। मैं सरकार का अभिनन्दन करता हूँ और मंत्री महोदय को धन्यवाद देता हूँ।

(इति)

1539 बजे

**श्री राजीव रंजन उर्फ ललन सिंह (मुंगेर):** महोदया, सरकार द्वारा जो यह केन्द्रीय शैक्षणिक संस्था (शिक्षकों के काडर में आरक्षण) विधेयक, 2019 लाया गया है, जिस पर यहां चर्चा हो रही है, उसका हम समर्थन करते हैं। वास्तव में, सरकार ने एक बहुत अच्छा काम किया है। इलाहाबाद हाई कोर्ट के एक फैसले के बाद से इस देश की एक बड़ी आबादी, जिसमें अनुसूचित जाति, अनुसूचित जनजाति के लोग थे, उन्हें केन्द्रीय शैक्षणिक संस्थाओं में आरक्षण का जो लाभ मिल रहा था, वह समाप्त हो गया था।

(1540/MY/SM)

सरकार गई, माननीय मंत्री जी ने भी बताया। सरकार उच्चतम न्यायालय में गई, उच्चतम न्यायालय में रिवीज़न पिटिशन फाइल हुआ और सभी को सुप्रीम कोर्ट ने अमान्य किया। सरकार के पास इसके अलावा कोई विकल्प नहीं था, अनुसूचित जाति और जनजाति के लोगों को लाभ देने का।

आज सरकार जो यह विधेयक लाई है, इसका जितना भी समर्थन किया जाए, वह कम है। विष्णु दयाल जी ने बहुत विस्तार से उसकी चर्चा की कि आरक्षण कैसे समाप्त हो गया, रोस्टर बिंदु कैसे प्रभावित हुआ, लेकिन यह सब कुछ एक फैसले से हुआ। इलाहाबाद हाई कोर्ट ने जो फैसला दिया, उसके बाद यह कह दिया कि विभाग या विषय वार आरक्षण के रोस्टर का आधार हो, जबकि उसके पहले से यह व्यवस्था थी कि विश्वविद्यालय या महाविद्यालय में उसके रोस्टर का यूनिट माना जाता था। आज इस विधेयक को सरकार लाई। उसके कारण कई तरह से लोग प्रभावित हो रहे थे। वर्ष 2017 में इलाहाबाद हाई कोर्ट का फैसला आया, एक लंबी प्रक्रिया के कारण बहुत सारी रिक्तियां पूरे देश भर के शैक्षणिक संस्थानों में हो रही थीं, लेकिन नियुक्ति की प्रक्रिया नहीं चल रही थी। आज इस विधेयक को लाने के बाद, एक तो जो नियुक्ति की प्रक्रिया है, वह प्रारंभ हो गई है और उसमें एक बड़ी आबादी को रोजगार के अवसर मिलेंगे। इस विधेयक के माध्यम से सरकार ने,

आर्थिक तथा सामाजिक रूप से जो पिछड़े वर्ग के लोग हैं, उनके भी आरक्षण का प्रावधान कर दिया है। इसके लिए भी मैं सरकार का पूरी तौर पर सहयोग करता हूँ।

इसमें कई तरह की बातें आई हैं। कांग्रेस संसदीय दल के नेता अधीर रंजन चौधरी जी प्रारंभ में भी बोल रहे थे, उन्होंने अध्यादेश का विरोध किया। अगर सरकार अध्यादेश नहीं लाती, वह वाइब्रेन्ट डेमोक्रेसी की बात कह रहे थे, यह भी कह रहे थे कि इस अध्यादेश के माध्यम से सरकार ने पूरी पार्लियामेन्ट्री डेमोक्रेसी के सिस्टम को नेस्तनाबूत कर दिया। अरे भाई, पूरे पार्लियामेन्ट्री डेमोक्रेसी के सिस्टम को तो आप नेस्तनाबूत करना चाह रहे थे। उस पूरे चुनाव के दौरान ये सारी पार्टियां धारणा और सत्याग्रह चला रही थी और यह साबित करना चाह रही थी कि यह सरकार आरक्षण विरोधी है, इस सरकार के रहते आरक्षण समाप्त हो जाएगा! आरक्षित वर्ग के लोगों का हित इस सरकार में सुरक्षित नहीं है और आप वाइब्रेन्ट डेमोक्रेसी की बात कर रहे हैं! आप उसकी बात कर रहे हैं कि पार्लियामेन्ट्री डेमोक्रेसी को नेस्तनाबूत कर दिया गया। इस अध्यादेश को लाकर सरकार ने साबित किया है कि हमारे रहते आरक्षण की व्यवस्था को कोई छू नहीं सकता है।

आपके दाँत दो तरह के हैं, आपके एक दाँत खाने वाले हैं और एक दाँत दिखाने वाले हैं। दिखाने वाले दाँत का उपयोग आप चुनाव के दौरान कर रहे थे। हमारे बिहार में घूम-घूम कर लोग धारणा दे रहे थे, बिहार के यहां कई साथी हैं, घूम-घूम कर लोग धारणा दे रहे थे, सत्याग्रह कर रहे थे, बड़े-बड़े क्रांतिकारी नेता हो गए थे, जिनको यह भी पता नहीं है कि आरक्षण की व्यवस्था को कोई समाप्त नहीं कर सकता, वे भी आरक्षण पर बोल रहे थे। इनके वह दिखाने वाले दाँत थे, जो ये चुनाव के दौरान इस देश को दिखाना चाह रहे थे और अब खाने वाले दाँत दिखा रहे हैं, कह रहे हैं कि इस बिल को स्टैंडिंग कमेटी में भेज दीजिए, इस बिल को सेलेक्ट कमेटी में भेज दीजिए। अगर आप आरक्षण के समर्थन हैं, आप उन गरीब अनुसूचित जाति तथा जनजाति के लोगों को आरक्षण देना चाहते हैं तो आपको एक स्वर में कहना चाहिए था कि सरकार जो यह बिल लाई है, हम उसका समर्थन करते हैं और बिना बहस के पास करते हैं।

आज आप वाइब्रेन्ट डेमोक्रेसी की बात कर रहे हैं! अरे, वाइब्रेन्ट डेमोक्रेसी किसको कहते हैं? वाइब्रेन्ट डेमोक्रेसी का मतलब यह है कि इस देश की बड़ी आबादी जो महरूम हो गई थी, इलाहाबाद हाई कोर्ट के फैसले के बाद से, उसको सरकार ने दिया, यह वाइब्रेन्ट डेमोक्रेसी थी, जिसको सरकार ने स्थापित करने का काम किया। इसलिए, मैं इस बिल का पूरे तौर पर समर्थन करता हूँ और इस बिल के माध्यम से सरकार ने एक बड़ी आबादी को, जो आबादी महरूम हो गई थी, उसको न्याय देने का काम किया गया। मैं इसका पूर्ण समर्थन करते हुए अपनी बात समाप्त करता हूँ।

(इति)



(1545/AK/CP)

1545 hours

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam Chairperson, I stand here to deliberate on the Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019.

Again, this Bill emanates from an Ordinance, which was promulgated on 7 March, 2019. This was given effect to because of judgements of Allahabad High Court, which was again concurred by the Supreme Court of India. Sub-Clause (c) of Clause 6 and Sub-Clause (a) of Clause 8 of UGC Guidelines of 2006 provides that the cadre or unit for determining reservation roster points in teaching posts in Central Universities should be the University or the College and not the Department or subject. However, the said Clauses were quashed by the Allahabad High Court on 7 April 2017, which was upheld by the Supreme Court. The Supreme Court took a stand that the cadres cannot be combined for the purpose of reservation. In a way, this cast aspersion on the decision of the UGC.

Thus, this Government says that it adversely impacted the teaching process and academic standards. I have heard the Minister explain in detail about the vacancies that has been caused because of the High Court and Supreme Court judgement. But I would like to understand this. How the standards have been hampered, namely, the academic standards have been hampered and teaching process have been hampered? Is it because of the

vacancies of around 7,000 that has actually hampered it or is there something else that needs to be explained?

Further, how many such posts have been filled up after the Ordinance was promulgated? When there are vacancies of more than 7,000 teaching professionals, how many have been actually recruited within the last 3-4 months' time? For reservation of posts in direct recruitment of teachers, out of the sanctioned strength in the Central Educational Institutions, a Central Institution will be regarded as one unit and not one Department of that Institution. This is the crux of the Bill today for consideration.

The necessity of promulgation of Ordinance has been put forth by the Government. One can never justify an Ordinance. It is an Executive Order, which is imposed on the country without the popular support. An Ordinance was promulgated before the election. Were you so sure that you will be coming back to power and will be piloting this Bill for concurrence of this House?

Let us understand that this Ordinance could have waited for so long. The vacancy of 7,000 did not arise immediately. Vacancies were there, and we have heard during the last Lok Sabha where Members have been ventilating their anger that for a specific Department, advertisements were being made or for specific institutions, advertisements were being made. It was not to fill up the total vacancy that was there in that institution or University. It was partly done, and that was one of the major reasons why people had gone to the Allahabad High Court, and subsequently the Supreme Court took cognizance of it.

Are you tiding over that problem? I do not find any mention of the fact that whenever advertisement will be made, it will be made for the full strength that is sanctioned, and accordingly the reserved category can get recruited in that University.

(1550/SPR/NK)

But you were in a hurry. Then, tell us how many teachers have been recruited after the Ordinance came into force? What is the time-frame within which most of the vacancies would be filled up?

In Odisha, there is a Central University in Koraput. Hon. Member from Koraput is also present here. A large number of vacancies are there. I think, that university is functioning with only 11-12 faculty members. Can you imagine a Central University functioning with only 10-12 faculty members? How best that university is functioning can very well be imagined?

The Supreme Court took a stand that cadres cannot be combined for the purpose of reservation. Some find merit in this contention but because of this process of recruitment had come to a complete standstill leaving more than 7,000 faculty vacancies in various Central Universities, this has adversely affected the teaching process and the academic standards.

Here, I come to a clause which needs a little bit of elaboration. That is clause 3. Actually, here the crux of the Bill is very much mentioned. Clause 3 is in two parts. One is: 'Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution

to the extent and in the manner as may be specified by the Central Government by notification in the Official Gazette'. I was given to understand that it is the UGC which actually determines about the manner and the extent to which recruitment will be done. But here in this clause 3, it is categorically mentioned - the Central Government by notification in the Official Gazette. That means, whether the HRD Ministry will be issuing this notification or the UGC will be empowered to issue the notification. This needs some clarification.

Second part is: 'For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.' I support this because for one unit when an advertisement is issued and recruitment is made, it should be made for the totality of the vacancies that is there.

With these words, I conclude.

(ends)

1553 hours

SHRIMATI SUPRIYA SADANAND SULE (BARAMATI): Thank you, Madam, for giving me an opportunity to speak on such an important Bill. I stand here to support the Bill obviously because it is in the interests of the people, who deserve to contribute to the development of India. Education is a very important and integral part of the growth story of India.

There are two or three pointed questions. I would like to ask the hon. Minister. The Minister has talked about the entire mess created by the Department. Originally, what was the bifurcation of reservation? You went to court. In that, you got caught in your own trap. I have no idea of this magic number of 13. Where did it come from? You could kindly explain to me where this number does come from? What was the Government's legal system doing when this unnecessary chaos was created? Shri Rajiv Ranjan *ji* talked about a very positive step, and people went out. It is these people who went out on the road, and that is why this Ordinance has come. Otherwise, what was the need of an Ordinance? You could have brought in a Bill. None of this was required.

Shri Raut talked about Right to Education being in a mess. I am actually surprised. It is one of the flagship programmes of India. So, I want clarifications from the Government. Is the Government not supporting the Right to Education? He said that school has to be shut if 20 children are not studying in the school. That is not the case. Even if there are less than 10 children in a tribal area, schools can function. In the last five years, both in the Central and in Maharashtra, we have the same Party in power. They have brought in this

law. If there are less than 10 children, then, you may close schools. We have vehemently opposed it. Even if there is one child, there has to be a school to provide access to education. That is the spirit and soul of the Right to Education.

(1555/SPR/SK)

What is reservation for? This reservation is for opportunity for all. I am coming to this 13 number again. Now, you have changed this again because you had no option. The Supreme Court had quashed it. Thank God, somebody in Bihar raised it. If nobody had raised this, you would have pushed it through. It was only a political motive. When you realised elections were coming close, that was the only reason you brought in. Otherwise, what was the reason? Please explain to me. That Ordinance is not the route. When you have such a huge majority, you could have passed in the form of a Bill. You have got knotted in your own trap. That was the real truth. It is unfortunate that the common man gets trampled in it.

What about the vacancies? I was just going through some data, and how the bifurcation is done about it. I have no idea from where you got this 13 magic number. About these appointments and the vacuum that have created, I would take Shri Mahtab ji's question forward. This is not only about reservation of jobs. This is about good quality education for the future of this country. The focus of this reservation should always be giving quality education. समानता सबको मिलनी चाहिए, भले ही वह बच्चा बिहार का हो, बारामती का हो, मुम्बई का हो, बंगलौर का हो। सबको अच्छे दर्जे की शिक्षा मिलनी चाहिए इसलिए तो हम राइट टू एजुकेशन लेकर आए थे। सभापति जी, तब हम उस तरफ थे और आप इस तरफ थीं। मुझे याद है, तब आपने भी साथ दिया था, आप भी तब पार्लियामेंट में थीं। With full majority we had passed the Right to Education Bill.

One more question I would like to ask you. What is this ideal number in a unit? How would you handle the Vice-Chancellors? When the question comes of the Vice-Chancellors, will you club all the Central Universities and give reservation? How will promotions work? There is no clarity in any of these - for example, career advancement, recruitment, promotion. What is the percentage of benefit accrue to the people?

I will give a simple example. In the last elections, where your Party formed the Government was committed to give reservation to Dhangar community in the first Cabinet meeting. Till now 200 Cabinet meetings have taken place. No reservation to Dhangar community has been given in the SCs/STs, which has been their demand consistently for the last five years. The Maratha reservation was not given by the Government. They had to get on to the streets, fight it, and the courts have given the Maratha reservation. So, reservation to Dhangar community has not been given. How will children from this community be included in this? Thank God - hon. courts have given the Maratha reservation. What is the opportunity outflow of this?

Thousands of vacancies are there. I am making this pointed question for my own knowledge. I am not an expert on this. I will give an example of Tamil Nadu since Shri Raja ji spoke here. Advertisements is for 113 seats; reservations are only for 40; and the quota, according to what you have put out, is 56. So, how is this gap? If there are only one or two seats, how would you go about it? All Central Universities were formed decades ago. Suppose if there are only two seats for senior teachers, how would the SCs, STs, OBCs get it? At this rate, this would just be an icing on the cake. It would really never trickle down to the

bottom. If there are only two seats, how would you do it? So, I want a complete clarification about its implementation because I have serious questions on reservations.

Even Shri Raut *ji* has said that there are 7,000 vacant posts in Maharashtra. I want to ask him this. This is the official data. It is your Government in Maharashtra, not our Government. I am quoting your Government data, which says that in Government jobs, in category A, B, C and D, the total number is 7.17 lakh teachers. Vacancy stood at 1.91 lakh teachers, which is 26.6 per cent. I would urge Shri Raut. He is such a honest man. In his speech, he always talks the truth. That is one thing about *Shiv Sena*; they always talk very honestly.

**श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग):** माननीय सभापति जी, माननीय सुप्रिया जी को मैं बताना चाहता हूँ, मराठा आरक्षण के बारे में कहा कि कोर्ट ने मराठा आरक्षण दिया, गवर्नमेंट ने नहीं दिया। मैं खुलासा करना चाहता हूँ कि महाराष्ट्र की सरकार ....

**SHRIMATI SUPRIYA SADANAND SULE (BARAMATI):** If it is about education, I would yield. But I would not yield for Maratha reservation. No, I am not yielding for this. The point is, when you talk about categories A, B, C and D, it was 7.17 lakh vacancies. He himself said that - his Party was part of the Government in Maharashtra - 26 per cent of Government posts in Maharashtra are vacant today. How is this reservation going to benefit? This is my pointed question. I expect the hon. Minister to give us clear answers. We are not opposing this Bill; we are supporting this Bill. But I do not buy your argument. Nobody here is so naive to believe that this Ordinance is in the interests of the nation.