

Thursday, August 7, 1975  
Sravana 16, 1897 (Saka)

# LOK SABHA DEBATES

(FIFTH SERIES)

*Vol. LIV*



Fourteenth Session, 1975/1897 (Saka)

(*Vol. LIV* contains Nos. 11-14 )

**LOK SABHA SECRETARIAT  
NEW DELHI**

## C O N T E N T S

*No. 14, Thursday, August 7, 1975/Sravana 16, 1897 (Saka)*

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## LOK SABHA DEBATES

### LOK SABHA

Thursday, August 7, 1975/Sravani 16,  
1897 (Saka)

The Lok Sabha met at Eleven of  
the Clock

[MR. SPEAKER in the Chair]

### PAPERS LAID ON THE TABLE

ANNUAL REPORT OF DEVELOPMENT  
COUNCIL FOR AUTOMOBILES, ETC. FOR  
1973-74

THE MINISTER OF STATE IN THE  
MINISTRY OF INDUSTRY AND  
CIVIL SUPPLIES (SHRI A. C.  
GEORGE): I beg to lay on the  
Table a copy of the Annual Report  
(Hindi and English versions) of the  
Development Council for Automobiles,  
Automobile Ancillary Industries,  
Transport Vehicles Industries, Trac-  
tors, Earth-moving Equipment and  
Internal Combustion Engines for the  
year 1973-74, under sub-section (4)  
of section 7 of the Industries (Deve-  
lopment and Regulation) Act, 1951.  
[Placed in Library. See No. LT-  
9929/75].

GUJARAT AND DADRA AND NAGAR HAVELI  
RICE (EXPORT) AND PADDY (MOVE-  
MENT CONTROL) ORDER

THE MINISTER OF STATE IN THE  
MINISTRY OF AGRICULTURE AND  
IRRIGATION (SHRI ANNASAHEB  
P. SHINDE): I beg to lay on the  
Table a copy of the Gujarat and  
Dadra and Nagar Haveli Rice (Ex-  
port) and Paddy (Movement Con-  
trol) Order, 1975 (Hindi and Eng-  
lish versions) published in Notifica-  
tion No. G.S.R. 425(E) in Gazette of  
India dated the 24th July, 1975 under  
sub-section (6) of section 3 of the  
Essential Commodities Act, 1955.  
[Placed in Library. See No. LT-  
9930/75].

### LEVY OF FEES (CUSTOMS DOCUMENTS) AMENDMENT REGULATIONS

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI  
PRANAB KUMAR MUKHERJEE):  
I beg to lay on the Table a copy of  
the Levy of Fees (Customs Docu-  
ments) Amendment Regulations, 1975  
(Hindi and English versions) pub-  
lished in Notification No. S.O. 409  
(E), in Gazette of India dated the  
2nd August, 1975, under section 159  
of the Customs Act, 1962. [Placed in  
Library. See No. LT-9931/75].

### NOTIFICATIONS UNDER MOTOR VEHICLES ACT AND TWO STATEMENTS

THE MINISTER OF STATE IN THE  
MINISTRY OF SHIPPING AND  
TRANSPORT (SHRI H. M. TRI-  
VEDI): I beg to lay on the Table—

(1) A copy each of the following  
Notifications (Hindi and English  
versions) under sub-section (3) of  
section 133 of the Motor Vehicles  
Act, 1939:—

(i) The Delhi Motor Vehicles  
(First Amendment) Rules, 1975  
published in Notification No. SECE.  
3(11)/73-Tpt./4181 in Delhi Gazette  
dated the 21st March, 1975, together  
with an explanatory memorandum.

(ii) The Delhi Motor Vehicles  
(Second Amendment) Rules, 1975  
published in Notification No. SECE.  
3(45)/74-Tpt./4369, in Delhi Gazette  
dated the 29th March, 1975  
together with an explanatory  
memorandum.

(2) Two statements (Hindi and  
English versions) showing reasons  
for delay in laying the above Notifi-  
cations. [Placed in Library. See No.  
LT-9932/75].

**"WHY EMERGENCY" (HINDI VERSION)**

**THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN):** I beg to lay on the Table a copy of the publication entitled "Why Emergency" (Hindi versions). [Placed in Library. See No. LT-9933/75].

**FERTILISER (MOVEMENT CONTROL) (THIRD AMENDMENT) ORDER**

**THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL):** I beg to lay on the Table a copy of the Fertiliser (Movement Control) (Third Amendment) Order, 1975 (Hindi and English versions) published in Notification No. S.O. 392 (E) in Gazette of India dated the 28th July, 1975, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-9934/75].

**STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON VARIOUS ASSURANCES, ETC., GIVEN BY MINISTERS**

**THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI B. SHANKARANAND):** I beg to lay on the Table the following statements showing the action taken by Government on various assurances, promises and undertakings given by the Ministers during the various sessions of Fifth Lok Sabha.

- (i) Statement No. XVIII—Tenth Session, 1974.
- (ii) Statement No. XI—Eleventh Session, 1974.
- (iii) Statement No. X—Twelfth Session, 1974.
- (iv) Statement No. X—Thirteenth Session, 1975.

[Placed in Library. See No. LT-9935/75].

**DELHI URBAN ART COMMISSION (TERMS AND CONDITIONS OF SERVICE) AMENDMENT RULES**

**THE DEPUTY MINISTER IN THE MINISTRY OF WORKS AND HOUSING (SHRI DALBIR SINGH):** I beg to lay on the Table a copy of the Delhi Urban Art Commission (Terms and Conditions of Service) Amendment Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 925 in Gazette of India dated the 26th July, 1975, under sub-section (3) of section 26 of the Delhi Urban Art Commission Act, 1973. [Placed in Library. See No. LT-9936/75].

**NOTIFICATION UNDER APPRENTICES ACT**

**THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI BALGOVIND VERMA):** I beg to lay on the Table a copy of Notification No. G.S.R. 421 (E) (English version) and G.S.R. 422 (E) (Hindi version) published in gazette of India dated the 22nd July, 1975 containing corrigendum to the Apprenticeship (Second Amendment) Rules, 1975 under sub-section (3) of section 37 of the Apprentices Act, 1961. [Placed in Library. See No. LT-9937/75].

—  
11.02 hrs.

**MESSAGES FROM RAJYA SABHA**

**SECRETARY-GENERAL:** Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its

sitting held on the 6th August, 1975, agreed without any amendment to the Election Laws (Amendment) Bill 1975, which was passed by the Lok Sabha at its sitting held on the 5th August, 1975."

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 6th August 1975, agreed without any amendment to the Indian Coinage (Amendment) Bill, 1975, which was passed by the Lok Sabha at its sitting held on the 5th August, 1975."

—  
11.03 hrs.

**PUBLIC ACCOUNTS COMMITTEE**

**HUNDRED AND EIGHTIETH REPORT**

SHRI H. N. MUKERJEE (Calcutta-North-East): I beg to present the Hundred and eightieth Report of the Public Accounts Committee on Excesses over Voted Grants and Charged Appropriations as disclosed in the Appropriation Accounts (Civil) (Defence Services) and (Posts and Telegraphs) for the year 1973-74.

—  
**RAILWAY CONVENTION  
COMMITTEE**

**TENTH REPORT**

SHRI B. S. MURTHY (Amalapuram): I beg to present the Tenth Report of the Railway Convention Committee on Action Taken by Government on the recommendations contained in their Sixth Report.

11.04 hrs.

**CONSTITUTION (FORTIETH  
AMENDMENT) BILL\***

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: Motion moved.

"That leave be granted to introduce a Bill further to amend the Constitution of India."

SHRI MOHAN DHARIA (Poona): Mr. Speaker, Sir, this is a very serious matter. At the outset I would like to make it very clear that I do agree that the offices of the President, Vice President and the Prime Minister enjoy a special status and if some machinery, may be a statutory authority or a statutory body, is created by this House, I am very much in favour of creating such an authority.

(Interruptions)

Sir, so far as the sovereignty of the Parliament is concerned, it is unchallengeable. But regarding the special merits of the Bill, I would like to point out that the Bill was received by me at 8.15 A.M. Sir, it is a very important Bill. If some amendments are to be suggested there is no time at my disposal. Therefore, under the circumstances, I am here to urge on you, Sir, one thing in regard to Direction 19B of the 'Directions by the Speaker' which is being suspended in the House. At least may I request you to bifurcate the ordinary Bills from Bills meant for amending the Constitution? Sir, at least in the case of

[Shri Mohan Dharia]

Bills seeking to amend the Constitution Direction 19B regarding circulation of the Bill before two days should not be suspended. I am opposing at this stage leave being granted to the introduction of this Bill. The minister said, this is being done because of the urgent need. He has not stated what is the urgent need. My information is, the Bill is to be passed by this House today. It is to be passed tomorrow by Rajya Sabha. State Assemblies are being convened to get it ratified by more than 50 per cent of the State Assemblies. I am also told—I shall be happy if I am proved wrong—that on 10th an ordinance creating this machinery—the statutory body or authority—will be promulgated and no sooner it happens than the hearing fixed for 11th August in the Supreme Court will automatically lapse. It is for these reasons that I am objecting to the introduction of the Bill. It is for the minister to clarify.

SHRI H. R. GOKHALE: I have nothing to say because the point was with regard to the notice. You, Sir, in your wisdom and in your discretionary power waived the rule, for which I am very grateful.

SHRI H. N. MUKERJEE (Calcutta—North-East): He has to reply substantially to the point raised by a member who objects to this proposition and he cannot take shelter under your having waived some rule and admitted something. Apart from the rule, there is the substantiality of the matter. Why not the Government, in view of the present position, practise a little of the ordinary parliamentary charity?

MR. SPEAKER: I am informed that today is the last day of this week of the session. This is connected with the election law which we have passed. That was before the Rajya Sabha yesterday. The reason given was, though they wanted to give notice much earlier, unless that was passed, how can that notice be accepted? In view

of this strong reason given, this permission was given. The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted.*

SHRI H. R. GOKHALE: I introduce the Bill. I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Hon. members are familiar with the provisions of article 71 of the Constitution, which relates to matters relating to the election of President or Vice-President. This article provides for two things, namely, (1) disputes arising out of their election shall be decided by the Supreme Court, and (2) that matters relating to their election be regulated by a parliamentary law. Parliament has enacted law on the subject. The time has now come for reviewing whether a change is needed as regards the forum for determining matters relating to their election. Hon. Members are aware that neither the President nor the Vice-President is answerable to courts of law for anything done in the exercise of their powers while in office. It is, therefore, appropriate that issues relating to their election should also be placed beyond the jurisdiction of courts. Accordingly a provision has been made in the Bill to the effect that issues relating to their election should be determined by an authority or body created by a Parliamentary law. Consistently with the provision creating a separate forum other than the Supreme Court for the resolution of disputes relating to their election, a clause has been inserted to the effect that the validity of any law creating the new forum or the decision of such forum shall not be called in question in any court of law.

We now come to the offices of Prime Minister and Speaker. From the point of view of the high offices they hold, their position is in no way different.

At present the validity of an election to either House of Parliament of a person holding the office of Prime Minister or Speaker is governed by the provisions of the Representation of the People Act, 1951. Under article 329 of the Constitution, their election can be questioned by way of an election petition presented to such authority as is provided for in a Parliamentary law. Now section 80A of the Representation of the People Act, 1951, provides that the High Court has jurisdiction to try an election petition. The proposal is to amend the Constitution to provide that no election to either House of Parliament of a person holding the office of Prime Minister or Speaker shall be called in question except before such authority or body as may be provided for by a Parliamentary law. With this end in view a special provision has been made in the new proposed article 329A for resolving disputes arising out of election to Parliament of a person holding the high office of Speaker or Prime Minister. Here again, we have made a provision that the validity of the law creating the new forum or the decision of any authority or body constituted under such a law shall not be called in question in any court.

Opportunity is being taken to include certain laws, Central as well as State, in the Ninth Schedule to give them the protection of article 31B and remove any uncertainty about their validity. As hon'ble Members will recall, we resorted to article 31B in the past whenever we found that the validity of progressive legislation was challenged in courts. The last constitutional amendment was made in 1974. We have had the position as regards important pieces of legislation which have been put in jeopardy in writ proceedings in the Supreme Court and the High Courts, reviewed. We find that it is necessary to give these laws the protection of article 31B. I can give a few instances for your information. Take the case of nationalisation of coal and coking coal mines. Coal reserves were limited and our

idea was to increase production. Government stepped in to assume responsibility, so that enough reserves are made available. Laws were enacted nationalising them, but they have been challenged. We cannot afford to see them struck down. National interest is involved. So is the case with legislation relating to sick textile undertakings and smuggling. Organised smuggling has been on the increase, with the result that it has affected national economy and security. Parliament enacted the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act. But we found that this legislation was also challenged. Our intention is to place this also beyond challenge. I would not take your time by mentioning all the pieces of legislation which are now proposed to be included in the Ninth Schedule. Certain State enactments dealing particularly with Land Reforms are also proposed to be included in the Ninth Schedule.

I would now recommend to the House to take the Bill into consideration.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration."

SHRI BHOGENDRA JHA (Jainagar): Mr. Speaker, Sir, this Bill is a very important Bill. One of the most important amendments to our Constitution ever introduced is being introduced in a great hurry. And I will do injustice to myself as well as to the hon. House if I say that I have thoroughly studied all the provisions and the implications of this Bill. In such a situation, Sir, I would have very much liked if this House could get a bit more of opportunity to give a thoughtful consideration to this Bill.

Sir, before coming to the contents of the Bill, I would like to submit that the Bill in many respects does not

[Shri Bhogendra Jha]

seem to be irrelevant but it could have been moved after giving a proper thought to it. For example, as I see it at present, if we adopt this Bill as it is, greater anomaly will arise than is there at present. By this amendment, we take away the right of the Supreme Court in regard to the election of the Prime Minister. The general understanding is that the case as at present pending in the Supreme Court will become infructuous.

There are two stages of the election of a Prime Minister. One is, when he or she is elected as a Member of Lok Sabha. At that time, we cannot claim that he or she is the Prime Minister. Or, he is a candidate for the office of Prime Minister, or is being elected as Prime Minister. In that sense, Sir, the Allahabad High Court's verdict was not connected in any way with the election of the Prime Minister of India. Those who misused that judgment for their political ends, those who created a furore in the country demanding the resignation of the Prime Minister, not only distorted the judgment of the Allahabad High Court, whatever might have been its other implications, not only did they continue their tirade and their demand of resignation of Shrimati Indira Gandhi from the Prime Ministership—which they have been demanding from the very beginning; but they went far ahead of that, because it was beyond the jurisdiction of the Allahabad High Court to have told anything about the election of the Prime Minister; and it did not do that. It did not go into that sphere. Here, Sir, if this, present amendment is meant to deal with the election of the Prime Minister—we have here a certain method of electing the Prime Minister; the party having majority in this Parliament elects its leader; that leader is called upon by the President to form a Council of Ministers and become the Prime Minister—at what stage will this proposed amendment with regard to the Prime Minister come into force? That is not clear in

these amendments. And that is why I have stated that if we adopt the amendment as it is, it will create a greater and a bigger anomaly, and a bigger confusion. Without going into the other things, I would like to say that we have got a very voluminous Constitution; and despite that, we have seen that this is the 40th Amendment; and with whatever little attention I have been able to give to the amendments already adopted to the Constitution and other provisions that there are in the Constitution; and taking into account the guiding principles of our Constitution and the other provisions of that very Constitution which contradict those guiding principles, I will venture to say, Sir, seeking your indulgence and the indulgence of the House, that it seems that a stage has come when the whole Constitution has to be thoroughly gone into. No question of piece-meal amendment here and there. When we are amending the basic, fundamental things, not once, twice or thrice but several times, a stage has now come when the House should consider, the Government should consider the propriety and the necessity of allowing this very House to sit—I do not want to go into the terms or terminology; it may be a constituent assembly or whatever it is—and give a thorough attention to them. In the changed conditions of the day, we are not passing through the same conditions through which we were passing after Partition with all the problems which we faced from 1947 to 1951, like the future of the Princely States which were declared by the British imperialists as independent and sovereign; it was against that background that we adopted a Constitution which was a great compromise in many matters with our sovereignty and in some senses with our national sovereignty and in other matters with the sovereignty of the people; and this we have tried to remove, bit by bit through several amendments. When we now go into the structural changes, in what is characterized to be a parliamentary democracy mainly patterned on the British bourgeois parliamentary

system, in such a situation, for a developing country like ours, which has set itself the goal of socialism and determined to achieve it, at least we claim that it is our goal, this Constitution, even after all these amendments, is not an instrument at all for the establishment of socialism, for doing away with capitalism, nor changing our economic structure. Nor can the administrative system which is being protected by this Constitution, which is based on this very Constitution, be a suitable instrument for achieving the order which we call socialism.

So, it is not a question of simply changing one provision here or there, protecting one person here or there, but a question of more fundamental changes in our economy, in our administrative set up, the set up which is known to have three wings namely the judiciary, the legislature and the executive. So, more fundamental changes are required.

Can we claim that we, Members of Parliament sitting here, duly elected by the people are in a position to deliver the goods in the matter of implementation of any Act, any law, which we may pass here unanimously? After adopting the law, getting done anything in this House, we become a big cipher. Our electors who are called upon to elect Members of Parliament or Members of the State Legislative Assemblies seek redressal of their grievances. They expect implementation of the enactments from their elected representatives. They do not elect the other officer who are irremovable and irreplaceable. If they deserve, they cannot be promoted by the people through democratic method, if they fail in their duties they cannot be demoted or punished by the people.

Gandhiji once declared that the administrative machinery of the British bureaucrats called the steel frame had to be demolished under Swaraj, and Panchayat Raj had to be introduced. We have tried to introduce Panchayat

Raj also. So, the officers who are implementing these Acts have nothing to do with the popular will as expressed through their franchise and those who are elected have nothing to do with the implementation of the enactments. This is not an ordinary contradiction, and that is why many of the Members of Parliament are compelled to resort to rhetoric, demagogic or even worse, because they cannot do anything else. Even if they wish, they cannot undertake any constructive activity on their own. So, in such a situation the Law Minister who has introduced this Bill and the entire Government should now consider basic changes in our economy and in our administrative set-up, and therein comes the power of the judiciary, the Legislative wing and the executive and the correlation among them to make them more democratic, more responsive to the popular needs not only the popular will but the popular needs and requirements also, the constantly changing requirements and developing needs of the progressing social order.

So, we should now consider basic changes in the very structure of the Constitution. The present amendment of certain important aspects of the Constitution bit by bit, I may be forgiven for saying is not based on any clear thinking. We are still groping in the dark, through trial and error methods. Some impediment comes, then we try to pass some amendment of the Constitution; again some other impediment comes and then some other amendment is sought to be passed here, but we do not foresee in which direction we are going and what we should aim to achieve. It has been found that this Constitution is lacking and that is creating much apprehension and confusion even among those circles who can very well appreciate and support it. The whole country says that it is determined in its objective of socialism and accordingly we have to make appropriate changes now in our Constitution. The Constitution might have been very appropriate at the time it was adopted,

[Shri Bhogendra Jha]

but it cannot deliver the goods now in the changed circumstances.

So, this bit by bit amendment when one case is pending in a High Court or the Supreme Court or one judgement has been delivered by any court, does not look very healthy or good. At least this creates a bad taste in our political, social and economic life. Even those who want that such changes should be made feel hesitant in defending it in the background in which it is introduced. So, I would again submit that the stage has now come when a basic threat has been posed in the last one and a half years to our democratic order, to the very fundamental structure of democracy, which called for and openly propagated for a party-less system, called for the forcible resignation of elected Members and even of the Prime Minister and it was partly implemented also in the case of certain legislators. For long the Government treated it either lightly or they did not realise the danger or they lacked courage because they felt they depended for their support on a section which was backed by the moneyed class, landlords and foreign imperialists. It could pick up courage only at the stage when no elbow room was left, no escape route was left. So, at last the Prime Minister has said that these steps could have been taken earlier, that the emergency could have been declared earlier, but could not be delayed by a single day. Hon. Shri Jagjivan Ram has said that by taking action at the appropriate time the Prime Minister has displayed *vilakshana buddhi*, but a *vilakshana buddhi* foresees danger the correlation of class forces in our country, the correlation of world forces and then takes suitable measures. That is why I submit that the Fortieth Amendment is not going to be the last amendment, and that is why at this stage if it is not possible for the Government to decide formally on a thorough overhaul of our Constitution, at least the Minister should declare that the Government

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Constitution  
(40th Amdt.) Bill

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will examine this so that we are saved the trouble of going in for the amendment of this Constitution every year or every month or every week. On some occasions we do not know whether it is going to be brought in another day. The Constitution should not be treated that way. After that, I will emphasize two aspects in this amendment Bill. One is with regard to the election of the President and Vice-President, Speaker and the Prime Minister....

SHRI S. M. BANERJEE (Kanpur): Deputy Speaker should also be there. Why don't you include him also?

SHRI BHOGENDRA JHA: It is not inappropriate. When we are including President and the Vice-President, naturally, to include Speaker and Deputy-Speaker is not inappropriate. Here, we are saying that whatever reasonable amendment is sought to be moved, the Government is taking the stand that what is not acceptable cannot be accepted as if the government is in a position to give a final word or can see that the final word is final. So, in such a situation, naturally, Deputy-Speaker also should be included in it. Particularly, this House owes it to itself and to the Constitution also.

In such a situation, again I will go back to the question with regard to the election of the Prime Minister. According to me, in the Supreme Court, the election of the Prime Minister is not involved in the case pending there. There, the election of Shrimati Indira Gandhi as a Member of Lok Sabha from Rae Bareli alone is involved. Even if the Supreme Court, in its wisdom, but according to me, entirely wrongly, sets aside the Rae Bareli election, even then, the Prime Minister can legally continue if she has the confidence of this House and for six months. I am talking of the legal thing. In such a situation, that confusion is not being removed by the provisions of this Bill or by the objects of this Bill.

The other thing is with regard to President, Vice-President, Speaker and if you like, the Deputy Speaker also...

SHRI S. M. BANERJEE: He belongs to the Opposition.

SHRI BHOGENDRA JHA:....a special arrangement, a special machinery is absolutely necessary. Here, again, the House and the Government will have to think of it, whether under the framework of our present Constitution, we are going to have the Prime Minister and President in the same category? The Prime Minister is very powerful, much powerful and she or he is the real executive head of the country.....

SHRI R. V. SWAMINATHAN (Madurai): That is all the more reason.

SHRI BHOGENDRA JHA: May be more, but not equally with the President and Vice-President. Put it in another category. I am not objecting to 'more or less', but don't put them in the same category because this Constitution has put the Prime Minister in a special category. The President has to sign anything decided upon by the Prime Minister. That way, the President is formally, as Pandit Jawaharlal Nehru said, a constitutional head...

MR. SPEAKER: Please conclude.

SHRI INDRAJIT GUPTA (Alipore): There is no other business before the House. This is the only item on the order paper. Why should you have been in such a hurry to press the bell? I do not understand.

MR. SPEAKER: Because there is no other member to speak, therefore, should one member go on speaking?

SHRI H. N. MUKERJEE: He is talking very substantial sense. As Speaker you should also look on that aspect of the matter.

MR. SPEAKER: He has taken 20 minutes, a little more than that.

Because there is no other speaker does not mean that the Speaker should not invite his attention to the fact that he has taken his time and should conclude. After all, there should be some reasonableness about it.

SHRI INDRAJIT GUPTA: What is the time allotted for the discussion? What is the time allotted for it? Then, we will decide about the time-limit.

MR. SPEAKER: No time is allotted. It is for me to regulate the debate.

SHRI INDRAJIT GUPTA: That is what is happening. No time is allotted; nothing is done. Then, you tell us, he is taking too much time. First allot the time and then regulate it.

MR. SPEAKER: Who knows how many names are there, how many Members want to speak?

SHRI H. N. MUKERJEE: You have appointed me the Chairman of a certain Committee. I find myself in a quandary from day to day as to what to do. What is happening to the House.

MR. SPEAKER: I fail to understand why you are getting so much excited.

SHRI H. N. MUKERJEE: As a Member of Parliament, I am entitled to certain courtesy. I find, the operation of Parliament is conducted in such a fashion that no courtesy is shown, and conveniences are ignored.

MR. SPEAKER: You are quite mistaken about it.

SHRI H. N. MUKHERJEE: You represent the dignity of the House and of the country.

MR. SPEAKER: Where is the dignity being violated?

SHRI H. N. MUKHERJEE: The dignity is being violated by the majority party behaving as if it can steamroller everything and can even get the direction of the House, com-

[Shri H. N. Mukherjee]

mandered from outside. That is how the House is being denigrated.

MR. SPEAKER: I tell you, there is no question of violation of any dignity.

SHRI H. N. MUKERJEE: There is no courtesy, no dignity, no consideration shown to the House.

MR. SPEAKER: You are sitting at a place which is known for that.

SHRI H. N. MUKERJEE: You are welcome to cut jokes

SHRI BHOGENDRA JHA: As I was submitting, our President is a constitutional head. That is the understanding of our Constitution. The Prime Minister is in another category. So, I repeat that all the four offices of the Prime Minister, the President, the Vice-President and the Speaker should not be put together. Otherwise, it will create confusion in many other articles of the Constitution. It will create bigger anomalies in many more articles of the Constitution. That is my submission. Some thought should be given to it.

Then there is another thing, the amendment to the Ninth Schedule. That is all right. But the Government must be knowing that very important Land Ceiling Acts of Punjab and Haryana have been struck down by the High Court at Chandigarh. There are cases pending in the Supreme Court for more than one year. I fail to understand why those Acts have not been included here. The whole State machinery is paralysed. The Land Ceiling Acts have been held up there. Similarly, the Maharashtra State which was lagging behind has passed some enactment. Though the Maharashtra land ceiling legislation is defective in many respects, it is in favour of big landholders, whatever it is, its inclusion in the Ninth Schedule cannot be objected to.

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In Bihar, the Money-Lenders Act has been enacted with regard to agricultural labour, an enactment has been made. Then, with regard to the Bihar Bataidari Act (Amendment to Section 48 of the Bihar Tenancy Act), more than 400 cases have been held up by Patna High Court, by issuing a stay order. I am not passing any remark on the stay order of the High Court. I know many things. In any way, these enactments should also be included here. Because of that, there is turmoil in the State. Many murders have taken place. Several thousands are being prosecuted. Tens of thousands are being prosecuted for loot under Section 279, 147 etc. For what? For growing on their land,—their own land—of which there is documentary proof also. They have got the court decree also. The decree is in their hands but still they are put in jail. And this is in the case of thousands, not hundreds or scores.

So, this Bill as it stands—the amendments to the Bihar Pattadari Act and the Money Lending Act are also very defective—cannot be effectively implemented. The U.P. Money Lending Act is more appropriate and correct, and that of M.P. also. So, a provision on these lines should find a place here again: otherwise, the money lenders by having the barristers and advocates on their side, can turn white into black and the Act will be infructuous. It was be practically nullified, So, an Act on those lines should be included in this.

I think this was done in a hurry. Some Acts which are pending with the Government for the last several months have not been included here.

With this submission, since I have been ordered by you to sit down, I will now sit down.

MR. SPEAKER: You are not sitting down on my order; you are sitting down on your own. After hearing Prof. Mukherjee's order, I withdraw my order and request you to keep going!

**SHRI BHOGENDRA JHA:** I am very grateful to you for this, but I will reserve this right for a future occasion.

**MR. SPEAKER:** Mr. Natwarlal Patel...He is not here. Mr. P. R. Shenoy.

**SHRI P. R. SHENOY (Udipi):** Mr. Speaker, Sir, apart from other important provisions, the Bill seeks to give constitutional protection to 38 Acts by including them in the Ninth Schedule. I agree that it is absolutely necessary to give constitutional protection to most of these Acts, but I have serious objection to the inclusion of the Maintenance of Internal Security Act. Which curbs the civil liberties of citizens.

Sir, the MISA is already protected by the provisions of Emergency. When the Emergency is in force, Article 19 of the Constitution is automatically suspended and Article 14, 21 and 22 are suspended by the President. Therefore, a person arrested under MISA cannot challenge his arrest or detention as long as there is Emergency, under these provisions of the Constitution. But if this Act is included in this Bill, even after the Emergency ceases, even a person arrested or detained for political reasons under the MISA cannot question his arrest either under Article 14 or under Article 19 or under Article 21 or under Article 22 or under any other relevant provisions of the constitution—that is, even after the cessation of Emergency. This is not fair. So far as the smugglers are concerned, there is a different Act for them—the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. That has been sought to be included in the Ninth Schedule. I agree; it is absolutely necessary that this Act should be made non-justiciable by including it in the Ninth Schedule. But there is no reason at all—and no reason is given in the Statement of

Objects and Reasons also—for the inclusion of the Maintenance of Internal Security Act in the Ninth Schedule. Therefore, I strongly oppose the proposal to include the MISA in the Ninth Schedule.

With these words, I conclude.

**श्री० शेर सिंह (झज्जर) :** अध्यक्ष महोदय, जहां तक इस विधेयक के सिद्धान्तों का सम्बन्ध है इस में कोई मतभेद नहीं हो सकता। इसलिये कि ये चारों पद—राष्ट्रपति, उपराष्ट्रपति, स्पीकर और प्रधानमंत्री—प्रतिष्ठित पद हैं और इन चारों पर ही देश के गणमान्य नेता विराजमान हैं। उन के लिये अलग से जो अधारिटी बनाने की बात कही गई है, वह ठीक है, यह व्यवस्था यदि पहले से होती तो और भी अच्छी बात थी। लेकिन मेरा इस बात से इतिफाक नहीं है कि इन को और ज्यादा बढ़ा दें, इन में डिप्टी स्पीकर और डिप्टी चैम्बरमैन को भी शामिल कर दें। यदि इस तरह से बढ़ाले लगें तो इस का महत्व ही समाप्त हो जायगा। इसलिये केवल चार प्रतिष्ठित पदों पर जो लोग हैं उन के लिये ही रखना ठीक है—इस में कोई मतभेद नहीं हो सकता और मैं भी इस का समर्थन करता हूँ।

लेकिन इस में जो क्लाज 4 की सब-क्लाज 4 और 5 है—उन की जरूरत मेरी समझ में नहीं आती है, क्योंकि जो नई अधीरिटी बनेगी उस के सामने ये सारे प्रश्न आयेंगे। उस अधारिटी को फसला करना होगा, उसका फसला अन्तिम होगा। इसलिये इस की क्या जरूरत थी मेरी समझ में नहीं आता है।

**दूसरी बात—** 9वें शहूल में बहुत सारे एक्ट्स को शामिल किया गया है, यह ठीक है उन को शामिल करना चाहिए। इस लिये कि हम ने जो बहुत सारे काम किये हैं, जैसे कोल-माइन्ज का राष्ट्रीयकरण किया,

[प्रो० भेर सिंह]

उन में जो इकावटे आ रही हैं, वे इससे दूर हो सकती हैं। फारन-एक्सबेन्ज और स्मिलिंग के कानूनों को शामिल किया—यह भी ठीक है, उनका शामिल किया जाना चाहरी था। लेकिन इसमें जो पीपुल्ज रिप्रजेन्टेशन एक्ट के 1951 से लेकर अब तक जितने अमेण्डमेन्ट्स हुए उनको भी शामिल कर लिया गया है। अब आगे चल कर इस एक्ट में जो और अमेण्डमेन्ट्स होंगे, उनको भी नौवें शेड्यूल में शामिल करने के लिये आप को फिर से कांस्टीट्यूशन अमेण्डमेन्ट लाने पड़ेंगे। जब हमने चार डिग्नेट्रीज को, जो बड़े बड़े प्रतिष्ठित पद पर हैं, उन को सुप्रीम कोर्ट की जूरिसडिकेशन से निकाल दिया, उन के लिये अथारिटी बनेगी, तो फिर इस को 9वें शेड्यूल में रखने की क्या चाहरत थी। इसके बारे में जो कानून बनता है, अगर उस से कोई गलती रह जाती है या कोई डिस्क्रिमिनेशन होता है तो उस का कोर्ट पर छोड़ दिया जाता तो इस में कोई हर्ज नहीं था। जिन पदों को हम ने बचाया, उनको तो हमने बचा लिया, माधारण सदस्यों के लिये भी हम ने कोई विशेष प्रावीजन नहीं किया, तो फिर पीपुल्ज रिप्रजेन्टेशन एक्ट को इस में रखने का क्या लाभ था। इस एक्ट में आगे जो अमेण्डमेन्ट हम करेंगे, उन को अगर 9वें शेड्यूल में लाने के लिये कांस्टीट्यूशन से फिर से अमेण्डमेन्ट नहीं करेंगे तो अब तक कि जो किया-कराया है वह बेकार हो जायेगा। हमारे लिये यह कांसीक्वेंशन हो जायेगा कि जब भी हम अमेण्डमेन्ट करेंगे, हम को कांस्टीट्यूशन को भी अमेण्ड करना पड़ेगा। इसलिये मेरा निवेदन है कि यदि हम आयटम 87 को इस में से निकाल दें तो कोई हर्ज नहीं होगा।

मेरा इन्हीं दो बातों पर आनंदकाशन है, बाकी बिल का मैं समर्थन करता हूँ।

MR. SPEAKER: Mr. Natwarlal Patel.

SHRI NATWAR LAL PATEL (Mehsana): Sir, I am quite astonished. I have not given my name at all. I have not given notice of any amendment also.

MR. SPEAKER: You came to my Chamber. The chit which you had sent at that time seems to have come along with the agenda and other papers. That is a very genuine mistake. I am very sorry I called you twice. Your chit was lying on my table and it had been collected along with agenda and other papers.

Mr. Aravinda Bala Pajanor.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): Mr. Speaker, Sir, I am not going to say anything about the time as some of the speakers did. When we assembled for the first time in this House, we agreed to certain things and accordingly today is the last day as we understand and there cannot be any further time for us. Within the given time, I would like to analyse this Bill on its merits.

My friend just now said so many things about the inclusion of certain offices and the contemplated amendment; he spoke about later part regarding inclusion of certain legislations under 9th Schedule. So far as the first part is concerned, I think, many times we say that the House of Commons is the mother Parliament. We know very well that once a member becomes Speaker there, he is not opposed. They give that respect. There is no electoral law there to question that by means of an election petition. Similarly, if we elevate the Speaker here to that level or to keep him at par with the President, I do not find anything wrong in that. But some hallucination is there to some of us, when we speak of the

Prime Minister; we say that she is the Prime Minister of the nation; she reflects the nation and she speaks for this Parliament and for the ruling party. Because of the hallucination, certain colour is given and you read it with a coloured glass. If you accept that the institution of the Prime Minister is something above, or something safe or serious, then there is nothing wrong in including the Prime Minister along with the President, Vice-President and the Speaker. If you say, that the Deputy-Speaker and the Chairman should also be added, I would like to say that I may also be added. But that is not the correct thing.

If you view it from a serious angle, we know the things that are existing in this country; let us not pay only lip-service, let us really realise it, and I think, it is high time that serious consideration is given to this Bill under the given time. The time is very important. We know pretty well that certain things are going to take place after 11th or 12th; that is there. Again, we know that three days back, we passed legislation amending the Representation of the People Act. There itself it is clear, but I know, Sir, there are certain bad elements; they can challenge even that, and they can create confusion in this country. They will not stand, but they can create confusion.

When the President of India was brought down to the Supreme Court, people were discussing, whether he would be placed on the same pedestal as the Speaker or the Chief Justice. But we had never thought that President is above the Supreme Court, or the Supreme Court is above the President. At that time, a clarification was given that both are same; but I differ from that and I say, it is not the same. The President is above all these institutions.

Now, Sir, I would like to discuss the Bill from the merits of it. We

are not taking the authority to question the President or the Prime Minister. But which should be the authority? Sir, in the Act, I can see that there will be a different authority. They may be in a hurry, or for reasons best known to them, they have not defined the authority. I am sure, they will define it soon. But the authority that is called the Supreme Court, that is called the High Court, is now changed. Some people say that a person can easily become a dictator. That is what they say. In my college days in 1956, Iver Jennings gave a lecture in Madras University. He spoke on the possibility of the Indian President to become a dictator within the Constitution. The same thing is now talked about the Prime Minister. It is a known fact. But I tell you that we all agree here and say that Parliament is the supreme authority and we are the law making authority. Nobody can question it. But the Parliament is represented by whom? By the Prime Minister who holds the majority, who speaks for the majority and for the nation. So, we take the institution of the Prime Minister, not Mrs. Indira Gandhi as she says. It is the institution of the Prime Minister that we take from that pedestal and put it there.

Similarly, we take the Speaker. Once he is elected as Speaker, he belongs to no party, he is impartial. To err is human. That is a different matter. But we respect the Chair as we respect the chair of a judge. That is a different situation. The other day, we also discussed and classified the Executive, the Legislature and the Judiciary. Now the question is which is superior? A time has come for us to judge, because after 27 years, we are unable to move forward for the simple reason that there are so many impediments in the way. These impediments must be removed once and for all. That is why we have this emergency; that is why we are welcoming this emergency.

[Shri Aravinda Bala Pajanor]

It is a well-known fact that this Constitution is not a perfect Constitution. It needs a lot of amendments. But that cannot be done in a day. So, these are the things which are very essential at the moment and must be brought forward immediately. When you are bringing forward such legislations, any remark made by way of criticism should be taken in the proper spirit.

As I pointed out earlier, there are certain forces which are lying low now. They are trying to disrupt even the legislations that are passed within a short time. We know that we have passed 26 or 27 Acts and even these can be challenged by these forces by making use of the Judiciary.

All of us know about the judgment of the Allahabad High Court. I do not want to go into the merits of this judgement. But everybody is of the opinion that it is a political judgment; it is not a judgment that is based on law. The other day when we amended the Representation of the People Act, we tried to remedy certain things so that in future such calamities may not arise.

When the Prime Minister was called to the Allahabad High Court, many of us had a feeling how could the Prime Minister waste so much time in a court. That is my feeling also. The Prime Minister can be examined if he or she is not properly elected by an authority which need not be a court.

Similarly, if the Speaker is not properly elected, he must be questioned by a different authority and that authority can be found even from amongst us. Why do you give this supreme power to somebody else?

Very often I have heard, when I was doing my practice in the court, that these judges used to express that they are the highest authority and they sometimes can strike down even the legislations that are made by the supreme authority, because these people have got some experience in life. This is the common remark made by these judges. But we know it from our experience that many of us think that these judges are very superior. That is not the case. That is why the authority is changed from one place to another. If you view it from that angle, I think there is nothing wrong in it.

Under Article 71, disputes relating to the election of the President and the Vice-President will be settled by the Supreme Court. Now, they have put the office of the President, the Vice-President, the Prime Minister and the Speaker of the Lok Sabha beyond the judicial purview by introducing a new clause under Article 71. There also, for deciding the disputes relating to the election of these four offices the authority is being taken away from the Supreme Court and a new body is being created. That is a fact I need not go into the merit of it.

As far as legislations that are included in the Ninth schedule are concerned, I think the Law Minister must have felt that along with this, we must include certain legislations that are passed at present and in the past also to enforce the economic programme and the emergency efficiently. But my feeling, as was mentioned by an hon. Member, is that it may lead to certain complications. We need not have included so many laws in it. If we take only those economic laws, if we take only those land legislations into it, it would have been better. To include certain laws, certain things which will wither away after some time may be after 5 years or 10 years, that could have been the best thing.

13 hrs.

Instead of classifying it or giving a serious thought to it, they have included 38 legislations at one stroke and said that it is all right. There also I feel that just by including it under 31(B) and Ninth Schedule, we are not going to implement it. I know in many States there are a number of land legislations and ceilings law-passed not today or yesterday, but some years back. But, I am sorry to say, not even 25 per cent of it are implemented. So the question of implementation must be there. Just to give a protection to it and not implementing it may not be the solution for it. Just by putting it under 9th Schedule and leaving it to the discretion of the State, we will not be doing justice to the people and the Act itself. We must think of legislation by which it must be implemented at all costs. That kind of serious thinking, that kind of discussion alone can save us. So, I support this piece of amendment, not from the angle of any sentiment, not from the angle of just supporting it, not from the angle of criticising it, but because it is the need of the time. We have to feel the pulse of the nation and I know disruptive forces are still active. As they are still active it is essential to do so and we have to give up the argument that there is no time and we should have been given two more days. I know in a number of legislations even two months time had been given but none of us cared to study them and then come here. They are viewing this legislation from a coloured glass. In the past we have not cared even to look at the title of Bills, not to talk of going through the papers. But today we come and say that time to go through it is not enough. I will simply say we should get along otherwise time will overcome us and we will be nowhere.

MR. SPEAKER: Shri Mohan Dharia.

SHRI VASANT SATHE (Akola): You have taken the wind out of the sail of Mohan Dharia.

SHRI MOHAN DHARIA (Poona): Mr. Speaker, Sir, my friend Mr. Sathe was kind enough to offer the remarks. Unfortunately, today the Schedule is before us and so many laws, I have not exactly counted them, but they are nearly 40. We have no time to go through these laws. This Bill was circulated at 8.15 A.M.

SHRI SHANKAR DEV (Bidar): I received it at 6.30 A.M.

SHRI MOHAN DHARIA (Poona): (Interruptions). Sir, the Bill was received by me at 8.15 A.M. There are nearly 40 laws to which we shall be giving our consent to be included in the 9th Schedule without reading these Bills. My friend who just now wanted to say that it is not being done in haste but many times we have to do accordingly, otherwise time will overtake us and all that, I know this thing very well. At least I am not a person to give my consent without reading these Bills. So far as Maharashtra Government legislations are concerned, I am having my own doubts about it. The assent was not given by the President for a pretty long time because of certain doubts and all that. There are some Bills, 64 and odd, I do not know whether they are amended according to the recent guidelines from the Agriculture Minister. I do not know anything about it. (Interruptions) It was in 1950 that we adopted our Constitution and this whole House is aware that so far our social and economic objectives are concerned they were not clear. It was in 1955 that socialistic pattern of society was accepted by the party in power. It was only in 1964 at Bhuvaneshwar that democratic socialism as an objective was accepted by the party in power, and naturally in this changed context when a new philosophy has been accepted this constitution, as it stands today requires basic fundamental and structural changes.

[Shri Mohan Dharia]

Not to understand these perspectives is to ignore ourselves. I am not here to do that because I feel that so far as this House is concerned and Rajya Sabha is concerned, whenever we take any Constitution Amendment Bill for discussion, we are not only a Parliament, but a Constituent Assembly. This House will kindly appreciate that under Chapter XX, Article 368, the moment any Constitution Amendment Bill is taken up, we convert ourselves into a Constituent Assembly. Therefore, we sit today as a Constituent Assembly. I am not going to accept the argument that a new Constituent Assembly is to be called. When the Constitution was framed, with all my respects for the Members of the Constituent Assembly, I say this—they were the Members who were indirectly elected by the then State Legislatures not based on adult franchise, whereas we, as Members of the Lok Sabha, are directly elected by the people. I do feel and I believe that this House is more sovereign than that Constituent Assembly. This I say with all my respects and regards to the Members of the Constituent Assembly. Therefore, when a call is given saying, a new Constituent Assembly should be called, I ask, 'why?' What are we here for? Under Article 368, Chapter XX, we ourselves are the Constituent Assembly and so far as State Assemblies are concerned, to the extent power is given to them, certain things are to be ratified by them, they are also parts of the Constituent Assembly. Therefore, it is in this light that I say this.

Sir, I was under the impression that the hon. Law Minister will come forward with an exhaustive legislation to amend the Constitution having regard to the new changes which are contemplated in our social and economic structure. I must concede here today that there, I have been disappointed by the Government and also

by my colleague, Mr. Gokhale, the Law Minister.

Sir, today, when we look at our own chapters of the Constitution, Chapter IV which gives us directive principles, would have been actually Chapter III, if this philosophy had been accepted then. It would not have remained as Chapter IV. These important things would have been the fundamental rights for the people of this country. Sir, right to property is a fundamental right. Under Article 19(1)(f) right to 'acquire, hold and dispose of property' is fundamental right. But right of existence is not a right which is a fundamental right. Such directive principles are very much there. Under these circumstances, when the whole context has changed, what is needed today in the country is to have a Constitution which can respond to and respect the aspirations and the objectives that we have been cherishing, those which we have already accepted. And it is in this context that I support what Mr. Jha has said. I do agree that some structural changes, basic changes, are necessary and I do stand by it. I do feel that as a Parliament we are a completely sovereign body and there is no need for a new Constituent Assembly. Maybe it is the view or advice of a few persons or individuals but that is absolutely immaterial for us as we are a sovereign body under democratic set up, a body elected directly by the people. Therefore Parliament is the supreme, sovereign authority and there cannot be any doubt whatsoever on this account.

Now, Sir, taking all these aspects in view, may I know this from the Government? Will the Government of India bring forward package programme of having structural amendments to the Constitution? Nothing has been indicated by the Law Minister. This sort of simply introducing bills in ad hoc manner or haphazard manner will not help us long. So far

as this Bill is concerned, as I have stated earlier, I do feel this. The President, Vice-President, Prime Minister and Speaker are foremost dignitaries in the country. The election of the Vice-President is by the Members of Lok Sabha and Rajya Sabha. And naturally, there should be no possibility of a challenge at all. And even if it is included in the Bill, I have no objection.

But, so far as three offices are concerned—President, Prime Minister and the Speaker—naturally, they have got an absolutely different status. And to maintain the dignity and decorum of these personalities or their offices, nothing has been explained by the Law Minister regarding some special machinery, statutory authority or body that is needed. I hope he will throw some ideas as to what he has got in his mind. It is not at all clear from the Bill as it stands at present. I do feel that this sort of creation of an authority or body is absolutely essential in the country. I am not here to oppose that. On the contrary, I feel that the Prime Minister, is just not the leader of our own party but, once she becomes Prime Minister, she is the leader of the whole House and the whole country. Naturally, when we think of the election petition against her and, when it comes before the High Court a lot of cross examination does take place. So many things come out of that. That is not adding to the decorum of Parliament. Therefore, I am not here to say that there is something wrong here. (Interruptions). Mr Speaker, Sir, so far as the principle of creating a statutory body or authority is concerned, I shall be happy to extend all my possible support to this Bill. But, I am having my objections to clause 4, sub-clauses (4) and (5). According to these two clauses, I hope, the hon. Law Minister will bear with me, if certain decisions are taken by a High Court or if certain matters are pending before the Supreme Court, everything will be void or invalid. This is

a subjective way of doing a thing by this amending Bill. Whether the Constituent Assembly should go in for consideration of the subjective matter or not it is for all the Members of this House to decide. I am not here personally to support this sort of measure. I can understand the creation of a body. But, that should have been done much earlier. Then it would have been perfectly all right. But, now, since the decision goes against a particular individual if you go in for making amendments to the Constitution, then I cannot support that. You bring in all sorts of things in Ninth Schedule so as to make them non-justiciable. I am not satisfied with that. When you come forward with this sort of provision, I would beg of my friends to kindly consider one thing. I am not here to say anything more on this. It is not my nature to have any attack on an individual I do not like that. I always would like to speak on principles and insist on principles I only struggle for that principle. I do not want to go into subjective aspects of it. I would beg of my colleagues to consider whether it will be fair and proper on our part to have such sorts of amendments to our Constitution. It is not fair. When we are thinking in terms of amending the Constitution we should be dispassionate and more reasonable. That is my urgent plea to my hon. friends.

Sir, I am not here to take much more time of the House. I would only submit that having regard to the new changes that are developing in the country, many more changes are necessary in our Election Laws and many more changes in our educational system are necessary in order to bring about a socio-economic progress in our country. They call for a national dialogue. Without going into the merits or demerits of the emergency, I do believe in the creation of discipline. I would only urge on all Members of this House again to take into consideration this aspect

[*Shri Mohan Bhattacharya*].

of the matter. Will it or will it not be proper or advisable to have a national dialogue so as to meet the challenges in the country? To meet this challenges we should have a national dialogue. If it is necessary to amend the Constitution structurally, basically and fundamentally, the national programme of action is to be accepted by all sections of this House and the country at large. That should be given the highest priority and that should be implemented in the interest of the country and the people. That is the need of the day. That is how we can serve the common people and thereby we may maintain the dignity and decorum of this Parliament—this great institution of our democracy. I hope that wisdom will prevail on them and my points of view will be accepted.

**SHRI INDRAJIT GUPTA (Alipore):** Mr. Speaker, Sir, I am very glad as rumours have it—because we have not yet been officially told—but as rumours have it the House is going to adjourn today—whether *sine die* or upto a particular date. I do not know. Even that we have not been told. But I am glad we are going to adjourn today because the hon'ble Law Minister requires time for a little rest. I think his thought processes have reached a stage now where if he is not given some rest, I do not know to what extent of confusion and to what extent of this kind of piecemeal pecking at the Constitution and other laws he may indulge in. It is better he gets some time to think over all these valuable suggestions made from this side of the House about the need for a more thorough over-hauling and re-structuring of the Constitution and other laws. That is the way it should be done and not the way it is being done.

I must also admit that having received this Bill this morning, I really

am not yet able to digest all its possible implications. I am not a lawyer. I am not in a happy position as a Member ever there who remarked that he received the Bill at 6.30 this morning and, therefore, he understood all of it.

There are some obvious questions which have arisen and which I would like the Law Minister to clarify because we have no time to do anything, no time to discuss, no time to table amendments, etc.

A very important matter has been brought before the House but I for one am unable to understand that in view of what is provided here under the new proposed to be amended Bill, namely, Article 329(a) (4) in view of this I am not really able to follow what was the necessity two days ago of amending the Representation of Peoples' Act because by virtue of Article 329(a) (4) it is put beyond all possible shadow of doubt that no petition of any kind which is pending or which has been pronounced upon by any court or so on can continue.

**AN HON. MEMBER:** That is for other Members also.

**SHRI INDRAJIT GUPTA:** I do not know really whom it is meant for. You please clarify whether it is meant for all Members because many Members since morning have been discussing this matter in the Central Hall and the lobbies. In my opinion while it is true that the President, Vice-President, Prime Minister and the Speaker are all occupying very important and high offices yet I have my doubts, whether in terms of law

one can put all of them on the same footing for this purpose. After all the President and the Vice-President occupy high offices of State, not of Government. They are not party offices. The Speaker, Sir, is in a separate category altogether as he is the Presiding Officer and he is above all parties. He is the Presiding Officer of the House of the people. The Prime Minister becomes Prime Minister only after being elected as a Member of either House and then being elected Prime Minister by the party, the majority party. This is a party election. The Prime Minister is Prime Minister by virtue of being the leader of the majority party. That is the system by which we are functioning at present. The system may change. That is a different matter. Therefore, when it comes to the question of setting up a new authority or a new body to replace the Courts in the matter of going into any disputes over elections—I have no quarrel with the idea of a new authority or a new body—I want to suggest, though I am not able to spell it out at the moment, that it may be necessary and desirable that the form and the constitution of that authority or body, the forms of its procedure and so on, need not necessarily be identical in the case of the Prime Minister and the other offices which are pointed out here. There is a difference.

Then, Sir, some Members have been asking me since this morning—I cannot give any reply to that question; I hope the Law Minister can—will it not still be possible for somebody to go to Court and say that this protection which is sought to be given here to the Prime Minister's post, to which a person has been elected after being elected to either House, is discriminatory against other Members. Any Member who is elected to this House or the other House, any of them, may, thereafter, by choice of the ruling party or the party to which he is originally elected, be eligible to be elected as Prime Minister.

PROF. NARAIN CHAND PARA-SHAR (Hamirpur): In future not from the other House, as proposed.

SHRI INDRAJIT GUPTA: Mr. Parashar, please don't confuse me still further. I know you are a lawyer; I am not. You please allow the Law Minister to deal with this. Therefore, I would like to know, what will happen if somebody chooses to raise the ground of discrimination because at the initial stage, the election which we contemplate can be challenged. It is not the election of a person as Prime Minister but election of that person in the original election to either House. Therefore, are you quite sure that there is no loophole still left to challenge this by petition on the ground of discrimination against other Members of either this House or the other House? Why should they not be entitled to the same protection? Some Members said that everybody is protected by the proposed new Article 329A. Some Members just now remarked that this is for all of us. I do not think so. But, I am being advised by so many of your Members.

SHRI JAGANNATH RAO (Chatrapur): That is the earlier law.

SHRI INDRAJIT GUPTA: Let us understand what we are passing. Are we not entitled to at least know this much as to what we are passing and understand its implications? That is all I am asking.

Then, Sir, as far as this proposed new authority or body is concerned, I dare say that the constitution or the setting up of this authority or body cannot be delayed very long. It will have to be done within the space of a few days I suppose. In this respect, I want to state with all seriousness that the details regarding the form, the structure, the composition and method of functioning etc. of this body or this authority, should not be

[Shri Indrajit Gupta]

finalised without proper consultation and discussion at least with those parties which are supporting you particularly in this entire emergency situation. Do you want our cooperation or don't you want it? You must make up your mind. I know there are some people who do not want it. That is a different matter. I do not consider they are the majority. There are some people and they make it so obvious here. But, the ruling party as such has got to decide irrespective of what any of its individual Members like or do not like. I know many people are here. They have not gone away. They have not vanished into thin air. People who were meeting in Mr. Chandrasekhar's house and so on—where have they gone? They are all somewhere around.

AN HON. MEMBER: Not many.

SHRI INDRAJIT GUPTA: I did not say many, I did not say they were a majority. But I am saying that the Party has to decide whether or not they want co-operation, I mean a meaningful cooperation, of these parties and groups which have made their position amply clear and which are giving the Government full support in all the measures and actions they are taking since the emergency.

Therefore, on this matter now of this authority and body which is proposed to be set up, I beg the Government, I urge upon the Government, not to finalise it in a hurry without proper consultation and discussion.

SHRI MOHAN DHARIA: It will be done on the 10th by ordinance.

SHRI INDRAJIT GUPTA: Well, I am giving—what shall I say?; I do not like to use these words—a friendly warning. Take it as a friendly warning. Do not strain our desire for co-operation too much. Today is the last day. I am sorry I have to say

these things. I have not struck a note like this from the beginning of this session. But I am seeing certain trends and tendencies which are very upsetting. Here is this Constitution Amendment Bill today before us. It is a very important Bill. It raises so many basic issues. But you did not think it necessary to have any kind of consultation or discussion or anything.

As regards this inclusion in clause 5 of the Bill of all these Acts in the Ninth Schedule, that, I admit, was a point or general idea on which some suggestions and proposals had been made to you from our side also, and am glad that in a way it has been accepted. So that generally we welcome the idea behind this.

Here also I must say this—and I think Shri Shenoy over there raised a valid point. I would ask this question of my friend, the Home Minister, who is sitting here. Only the other day when in this House we were debating the amendments to the MISA, the Amendment Bill, and he was piloting it—I hope he remembers it—I had specifically asked a question: as regards these amendments which you are bringing under, I think it was clause 6 of that Bill, is it the intention that their duration will be limited to the period of the emergency only, or is it supposed to be something which will be there for all time put permanently on the statute book? The Home Minister gave a categorical reply. It is there in the proceedings anybody can check it up and see He said: You are perfectly right. This means quite clearly that it is only for the period of the emergency.

Now, what are you doing here? You are taking the whole Maintenance of Internal Security Act with all its amendments and putting it permanently under the Ninth Schedule, so that it is protected for all time, emergency or no emergency. What has

happened to that assurance given on this same floor only a few days ago? This is a serious matter. Do not brush aside these things so lightly. Either that position was wrong or this is wrong. One of the two has to be corrected.

AN HON. MEMBER: That was wrong.

SHRI INDRAJIT GUPTA: All right. That one was wrong. Let him say so.

SHRI H. R. GOKHALE: Both are right.

SHRI VASANT SATH: He will say both are right.

SHRI INDRAJIT GUPTA: Then, Sir, I have nothing here to say on this Bill because there is no point in saying anything. We have no time to understand it or discuss it properly.

I want to end up by saying once again—I am now speaking on behalf of my Party and not of any other party here; if you want our meaningful cooperation, I do not mean general political cooperation—that is a different matter outside—I am talking about cooperation in the functioning and proceedings in this House, then I would respectfully suggest to my friends on that side that if they can bring themselves to remember always that the Communist Party of India is a separate and independent Party, which has its own policy and programme and its own ideology, if you remember that and behave towards us like that, there will be no difficulty in having real, meaningful cooperation. But if you start thinking or indulging in wishful thinking that the CPI is nothing but the B team of the Congress... (Interruptions) then I am giving a friendly warning to my friends that this cooperation will run into difficulties. Because this is a very simple matter. Do not tend

to forget that we are not the Congress; we are a separate party. We want to cooperate in many things. Sometimes we agree. But even if we agree to differ on something or the other, we can do it without bitterness and rancour. But the moment you start thinking that this is after all our 'B' team, you will have great difficulty in having cooperation. I am giving you this friendly warning.

One last point as far as this particular session is concerned. Because it was the first session after the Emergency was declared, we have cooperated with everything that has been done in this House including so many abnormal and unusual infringements of the normal procedure. We have done it not only because we thought that immediately after the emergency we should not strike any kind of discordant note on these matters of procedure and so on but also because we were assured on the very first day in the House, you all remember the motion moved by the Minister of Parliamentary Affairs which was adopted here, that this was an emergent session called to deal with only certain very urgent Government business. So we decided, it is all right. He also said that this would not be the normal practice in future sessions. I do not know by this time what the thinking on that side of the House has become; that this is very good and this should continue always and so on, may be they are thinking like that. I want to make it clear on behalf of my party that we agreed to those limitations and restrictions for the duration of this session because it was an emergent session. We do not believe that true and proper functioning of Parliament can go on, for example, by just abolishing for all times to come the practice of having questions and answers, that Minister should be absolved for all times to come from answering any question pertaining to their department or work. What is the meaning? Is it the meaning of emergency that they are to be given

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full protection. What they do not have to answer to everybody for anything? We do not agree to that.

**SHRI G. VISWANATHAN (Wandiwash):** Bring them under the Ninth Schedule.

**SHRI INDRAJIT GUPTA:** It is coming to that. There are certain dangerous trends of thinking; I would not be surprised if the protection which is sought to be given in this Bill to the office of the Prime Minister is sought after a few weeks to be stretched to cover the Chief Ministers also. Why not? Why not bring the Chief Ministers also in, in their respective States? They are like miniature Prime Ministers. There will be no end to it if you go on thinking along those lines. That is why, I am saying with this reference to the normal functioning in the sense of Ministers being answerable to the House through well-established procedures of questions and answers or call attention notices, and so on. We all agreed to give it up for this session. This should not be made a permanent feature at all.

Lastly one point because it concerns vitally in my opinion the proceedings of this House. This is the sovereign Parliament of this country. The manner in which censorship rules are being applied to the proceedings of this House helps in my opinion nobody except the enemies of democracy. I say it quite bluntly. Is there no limit to these things?

We all think we should not be under the Supreme Court; we should not be under so and so but we are all under some gentleman sitting there; I do not know who he is; he is called the Chief Censor. Replying to the debate on the promulgation of emergency Shri Jagjivan Ram made a categorical statement: "I want to assure the House that the arrested or

detained leaders are, all of them in good health." That sentence was cut out and deleted by the censor. Who is sitting there? I want to know. This statement made by him, if published in all the papers, would have gone a long way to quell the rumours that mischief mongers are spreading throughout the country, rumours that so and so was dying in jail and so and so is on hunger strike in jail. That sentence was cut out by the censor. I am not bothered about myself. Even Members of the ruling party. I know what their feeling about this matter is.

I know the speeches of the Prime Minister are being censored. Who is responsible? Who is going to be called to account for this? Where is the Minister responsible, I want to know. Is this the way to carry out censorship as a political weapon?

**SHRI H. N. MUKHERJEE:** There must be an answer to this, Sir, by this evening. (Interruptions).

**SHRI MOHAN DHARIA:** It is a very serious suggestion. The way in which all this censorship is taking place. I was the man who opposed it on that day and I wish Mr. Indrajit Gupta supported my contention then. But I am very happy that to-day at least....(Interruptions)

**SHRI INDRAJIT GUPTA:** I do not know what your contention was. My contention of censorship is not this that he is somebody sitting above politics holding an equal balance between the forces of democracy and your friends. That is not my idea of censorship. My idea of censorship is it is a political weapon which has to be used in this emergency to strengthen the forces of democracy and to attack and weaken and expose those reactionary forces which were trying to seize power. Is it being used like that? It is being used and misused in a way, I should say it is only strengthening our enemies. What is wrong, I would like to know if some of these speeches

which are made in this House by parties, by Members, by your own Members who are supporting the Government in an abbreviated form or a summarised form are printed in which good arguments are given? What is wrong in it? Heavens will fall or what? But what kind of censorship is this, I am not able to follow. Some of the arguments which have been raised by the Members are being answered in this House. At least the answer should be conveyed to the public. They should know what we are saying.

DR. HENRY AUSTIN (Ernakulam): Not even the names.

SHRI INDRAJIT GUPTA: Now, in the beginning, at least by the great mercy of the censor, the names were being printed that so and so spoke. In the second stage, the names were cut out. In the third stage the fact that the debate has taken place at all was also cut out. So, the people outside think that the Minister is making the speech everyday and that the House is passing the Bills no debate, no discussion. This is the impression sought to be given. Is it going to help you to create an impression? What impression is created outside? What impression are you creating abroad? A big hullabaloo is going on about stopping of, censoring of many of these foreign journals and the papers which are carrying on a most vituperative campaign against India, against the Government, personally against the Prime Minister and so on. But we should not behave and do things which only give them more ammunition. People are here in this country, foreign correspondents—many have gone away; many are still here and they are getting full reports of what goes on in this House—are smuggling out their reports. Who does not know it? The pilots of these foreign airlines are carrying away these things in a sealed cover and they are being printed and published abroad. The other day I was reading the *London Economist*. In the *London Economist*—I would say this because many Members do not

perhaps read this—which is coming to our Library here in Parliament, you will find all sorts of vituperative stuff. That paper is coming. The censor does not know because he has the habit of reading only the *Time Magazine* and *Newsweek*. But here you will find the *New York Times* which has written a big editorial, I read it yesterday, which begins by saying 'Backed by a servile Parliament, Mrs. Gandhi is going ahead doing away with all the last vestiges of democracy and independence in India and if her father and Mahatma Gandhi had been alive today, she would have put them in jail also for expressing their views.' Here *Times* and *Newsweek* are not coming, so we are safe. Here the *New York Times* is lying in the Library of Parliament. There are some Pakistan papers and some other papers. In the *London Economist*, a letter was printed last week or a week before from a gentleman called Mr. Ashok Mitra who is known to many people here, who was formerly the Chief Economic Adviser to the Government of India, who wrote to the editor referring to some previous letter which I have not read saying that in that previous letter it is stated that these stern measures taken in India are directed against the rightist forces and not against the leftist forces. So, Mr. Ashok Mitra writes that this is all wrong and he says 'I want to correct this; How can you say that this is not directed against the leftist forces when a member of the Polit Bureau of the CPI(M) Shri Basava Punnaiah has been arrested; So, this proves that the leftists also being attacked.' The letter is published. If I want to say something in reply to it that after all Mr. Basava Punnaiah has been released soon after that, I cannot say it anywhere. Where can I say it, because the censor is sitting and he has issued a guideline that no opposition member's speeches in Parliament are to be reported in any shape or form? But what about members who are not opposition members? They are also counted as opposition members from the point of view of the censor? How ridiculous and childish the whole thing has become!

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This is not the way to wield the weapon of censorship. It is a political instru-  
ment. I demand that the whole censorship should be properly screen-  
ed and scrutinised to see who are the agents of the Jan Sangh sitting there  
and doing all these things. Nobody  
is bothering about it. If Mr. Vidya  
Charan Shukla comes here, I would  
have something to say to him. Why  
does he not come here?

AN HON. MEMBER: He is sitting  
with the censor officer!

SHRI INDRAJIT GUPTA: I do  
not think he bothers to sit with the  
censor officer. I had suggested in a  
previous debate that at least some sort  
of an advisory committee should be set  
up, which will review these things  
from time to time. But nothing is  
done. Nobody responds; nobody  
says, "We are going to consider your  
suggestion." Nothing. It is like spe-  
aking to a stone wall. These things  
should not continue in future. This  
is the first session and we are all in  
a new situation which we have not  
faced before. So, we are liable to  
make many mistakes. I am prepared  
to grant that. But in future this  
should not happen. We do not want  
Parliament to be emasculated in this  
way for all time to come. Of course,  
we are not going to oppose this Bill.  
In this session, we are not going to op-  
pose. But I think in the interests of the  
country, it is necessary for all the  
democratic forces to cooperate with  
each other and stand united. If you want that cooperation, which we are  
quite willing to give in regard to all  
measures which are really against the  
rightists and reactionaries, then please  
treat us, the ADMK and other groups  
as independent parties. with their  
own independent identities, their own  
policies and their own view of look-  
ing at things and not as your sub-  
sidiary agents. If you take that atti-  
tude, it will become very difficult to  
cooperate. I hope in future, this will  
be done in a more meaningful way.

MR. SPEAKER: Shri Ebrahim  
Sulaiman Sait. After him, the Law

Minister will reply to the debate.  
After that, there will be continuous  
voting. Because it is a Constitution  
Amendment Bill, two-thirds majority  
will be required. There will be divi-  
sion on each clause.

SHRI S. M. BANERJEE (Kanpur):  
I was not allowed to move an amend-  
ment. I want that the Deputy Spea-  
ker also should be included.

SHRI EBRAHIM SULAIMAN SAIT  
(Kozhikode): Sir, I was really very  
hesitant to speak on this Constitution  
(Fortieth Amendment) Bill which  
has been presented here today. The  
fact is, that we all received this Bill  
very late—only this morning—and we  
had no time to consult my colleagues  
and take a stand regarding this Bill.  
But still I never wanted that our Party  
should go unheard on this very im-  
portant piece of legislation which has  
come before this House as Constitu-  
tion Fortieth Amendment Bill. As  
far as my party and other parties like  
CPI and ADMK are concerned all of  
us have supported the Emergency  
because we felt and felt earnestly,  
that if such an action was not taken  
by the Prime Minister, the right reac-  
tionaries, the militant Communal ele-  
ments and extreme leftist would have  
taken our country to anarchy and  
chaos. Therefore we have supported  
the declaration of Emergency. But  
it pains me to point out that such  
important pieces of legislation are  
brought before Parliament without  
taking us into confidence. It has been  
the practice—a very healthy practice—  
in the past that whenever an impor-  
tant Bill came before Parliament the  
Opposition parties were consulted.  
Now, the right reactionaries and arch  
Communalists are not there, but it  
does not mean that other parties have  
to be taken for granted. This atti-  
tude is not a healthy attitude and is  
not a healthy trend as has been very  
rightly pointed out by my respected  
colleague, Shri Indrajit Gupta. There-  
fore, I would very much like to say  
that if this Bill had been introduced

after consulting the Opposition parties, it would have got much more support. So far, we have had 39 amendments to the Constitution and this is the 40th amendment of the Constitution. That means, we really are on the way to change the very character of the Constitution. I would desire that the democratic character, the secular character of our Constitution must be maintained and protected and must not be altered. As far as our Constitution is concerned, it is a very sacred Constitution among the constitutions of the world, and particularly our Constitution has got fundamental rights given to minorities together with the democratic rights given to all people—the citizens of the Country. Our Constitution has a democratic character. Minorities have been given the fundamental rights. This makes the Constitution secular.

Many things have been said here that our Constitution needs a package deal for bringing about change, and not piecemeal amendments. I say, whatever happens, the fundamental rights of the minorities should not be touched. That is what I feel. My apprehension is that if you want to have a package deal, or structural change, then the fundamental rights of the minorities may also be influenced. Therefore, I want to put forth this fact that whatever may be the change in the Constitution, whatever may be fate of this Bill. Fundamental Rights of the minorities rights must not be touched because then the minorities not feel safe and will have to resist.

Now, as far as this piece of legislation is concerned, we are taking away the jurisdiction of the Supreme Court and the High Court to hear election petition of the Prime Minister, President, Vice-President and the Speaker. Here, there is one thing which I feel should have been done. There is no doubt, that all these personalities are very big dignitaries. The Prime Minister is not only the leader

of the ruling party but also the leader of the country. But why is that Deputy-Speaker has not been included in this Bill to get the same benefit? Why not the Deputy Speaker also be included in this? It might be enacted also that even the election of the Deputy Speaker should not be under the jurisdiction of the Supreme Court and the High Court. That should have been done; and I do not know why it has not been done. While you made provision in the bill to take away the right of the High Court and the Supreme Court to hear the appeals and petitions against the Prime Minister, the President, Vice-President and the Speaker, the provision is being made that there will be an authority, in Section 71(1), which says:

“Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President, including the grounds on which such election may be question.”

Parliament is given the authority now; not that no authority can question their election. But who will this authority be, who will constitute the same has also to be provided. The election cannot be questioned in the Supreme Court or the High Court; but Parliament will have the right to go in to the validity of their election to the Parliament. That has been provided here, as I understand it. As much time has not been given to us to go into the details of this legislation, I have nothing much to say. One thing is very clear, viz. that we are passing through a period of national crisis. Our party has always thought it fit to support the Government in a period of emergency. We do not want a feeling to go round that there is a difference of opinion among friends. Organizations like the RSS and the Anand Marg have been put down. I welcome this because we the Muslims were the main

[Shri Ebrahim Sulaiman Sait]

targets of all these reactionary elements. We have been actually demanding that there should be a ban on these right reactionary elements like the RSS and armed militant communal forces. This has been done now. But I would like to make one thing clear that our support must not always be taken for granted because we have thought fit to support the government of this period of crises. There should be consultation; and only after consultation, such bills should be introduced. Today we stand with the government because the country is passing through a national crisis and I feel that we should strengthen the hands of the Government and of those of the Prime Minister, so that the country might be saved from reactionary elements and disruptive forces from chaos and confusion and led on the path of peace and progress, in the interests of the people. With these few words, I am supporting this bill and I hope the Government will keep in mind the apprehensions that I have expressed.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Mr. Speaker, Sir, I am grateful for the substantial support which this Bill has received from almost all the Members of this House, including parties sitting in the Opposition. Before I go to some very valid and legitimate points which have been raised in the course of the discussion—and particularly those which have been raised by my hon. friend Mr. Indrajit Gupta for whom I have great personal regard and whose speech was not only *par excellence* in its eloquence but also in its contents and meaningfulness—I will deal generally and broadly with the scheme of the present Constitution Amendment Bill and then try to answer some of the issues which have been raised by the hon. Members who have participated

in the debate. Sir, there is a general consensus—as is evidenced by the speeches here and from what we have gathered from the debate and discussion which is going on outside—that the four high dignitaries, namely, the President, the Vice-President, the Speaker and the Prime Minister occupy pivotal positions in the scheme of our Parliament; and they cannot be treated on the same basis as other positions. It is precisely to give effect to this consensus that the present Bill has been brought. As hon. Members are aware, we have got in the Constitution as it is, before this amendment, a provision, namely, article 71, under which all doubts and disputes—that is the phraseology used—relating to the election of the President and the Vice-President are to be determined and settled by the Supreme Court. In fact, it is also fresh in our memory that some such doubts and disputes, not in the distant past, were taken to the Supreme Court when the election of the former distinguished President of this country was challenged, and the Supreme Court determined those doubts and disputes.

But a situation where all these dignitaries, when elected by the support of a very vast majority of the people, are subject to judicial determination as to the validity of their elections is a very ridiculous position. It is ridiculous that the Prime Minister, for example, who has not only been herself elected in her constituency by a vast majority of the people but who has been recognised throughout the length and breadth of the country and even outside as the undisputed leader of this nation—not only as the head of the Government but as the undisputed leader of the nation—should be subjected to a process in which judicial scrutiny takes place, and it becomes all the more ridiculous when it takes place on flimsy and even ridiculous grounds and the election gets set aside. There was also

consensus, including in the speech of Shri Dharia, for the proposal that this should be left to an appropriate authority or body created for this purpose. So, it can be said that this proposal has received unanimous support in this House.

I agree that that body or authority has not been specified in this Bill. But the precise reasons for not doing so are two. One thing is made clear in the Bill itself that it will not be a judicial or quasi-judicial authority; it will not be a court. It will be some other authority or body which may be appropriate to go into questions relating to the elections of these four dignitaries. Now, whether it should be two separate authorities, one for the President and the Vice-President and another for the Prime Minister and the Speaker, what should be the constitution and framework of that authority or body these are matters of detail, although of great significance, which require to be worked out in considerable depth, after taking into account the practices prevailing in other countries. I know at least of some countries where these disputes are not referable and are not justiciable in a court of law. I can mention one example from memory, although I know a few others also. Under the French Constitution it is a committee constituted by the Chamber of Deputies which goes into the question which arises as to the doubts and disputes about the election of the President and such other dignitaries. Therefore, the proper thing might be to decide it after consideration in greater detail. I am not in a position to say anything by way of an assurance as to what the details of this authority could be; but we have certainly in mind that it would not be an authority like a court, an authority which has the trappings and paraphernalia of a court, as it is ordinarily understood, but it will be consisting of an authority which will be in consonance not

only with the dignity of these four offices but in consonance with the sovereignty and supremacy of this Parliament itself.

I fully agree that before the functions of this authority are spelt out, when a challenge is made in future with reference to the election of any one of these dignitaries before that authority which is specified, we have also to have a close look at the question as to what are the grounds, what is the basis on which such charges can be looked into by this authority. These are matters of detail, and I have no hesitation whatsoever in assuring the House, and my hon. friend, Shri Indrajit Gupta, because he has specifically mentioned this, and I think rightly, that when we take a major step like the formation of an authority, it should not be a one sided affair, it should be after arriving at a consensus, after having a dialogue with all concerned, particularly those who have been broadly sympathetic and supporting and cooperating in respect of the progressive economic and social policies of the Government. Therefore, I have no hesitation in giving this assurance that when we spell it out, we will consult all concerned, those who are cooperating with us. In the very nature of things, we cannot claim to be perfect in anything. If there are some suggestions which are made by the opposition parties, or the other independent leaders, by those who are cooperating with us, will certainly take those suggestions also into consideration before a final shape is given to the framework or to the constitution of this authority or body.

13 hrs.

I use both the words "authority" and "body" with some deliberateness, because "authority" is an expression which is very legalistic, which has been sometimes very narrowly interpreted, as an authority which has

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the trappings of a court or a quasi-judicial tribunal, which it need not necessarily be. I am quite convinced here and I do not want to leave any room for doubt that it need not be such an authority. In parliamentary practice in other countries, committees which are set up by Parliament or other forums which are set up by Parliament are generally described as parliamentary bodies. Therefore, it can be an authority or body, leaving it to Parliament to decide by proper legislation brought for this purpose, of course, after consultation with all those who are cooperative and helpful, as to what the shape, content scope and frame work of this authority should be.

Sir, it has been said that perhaps there was no necessity to amend the Representation of the People Act, which we have done only yesterday in the Rajya Sabha, when we have got this clause 4 in the present Bill. Now there seems to be a certain amount of confusion, not only on the other side but, I dare say, even on this side. For the sake of clarity it is better that I should mention what was the purpose of the amendment which was carried out in the Representation of the People Act. Now it is not correct, as somebody seems to think, that clause 4 of this Bill applies to all; it does not apply to all. There is a purpose in having the amendments in the Representation of the People Act. Because, as you might have seen, the amendments to the Representation of the People Act were not made applicable, were never intended to be made applicable, only to specified classes of candidates holding certain offices.

In fact, a basic issue arose there, particularly with reference to, may I say a concept which has been borrowed from abroad, holding out and things like that, where anomalous

situations and situations which I might even describe as absolutely untenable had arise in as a result of judicial interpretations. Clarity with regard to this was not meant only for these four offices: it was meant for all candidates. Therefore, they were intended to protect all from the vagaries of the law instead of leaving it to the judicial interpretation to decide in a given case whether X held out on A date or Y held out on B date. In order to remove that uncertainty and to have clarity in respect of all candidates standing for election to Parliament that amendment has become necessary. I have mentioned it here in this House, and the other House yesterday, that the corrupt practice of taking the assistance of a Government servant belonging to the four or five specified categories had been carried to such an extent which almost became notorious which to my mind, appears to be absolutely ridiculous. The amendment made in the Representation of the People Act does not relate only to the protection of the office of the Prime Minister or for that matter any other office, but it also relates to every Member of this House.

I even remember to have mentioned in this House that the Opposition leaders have also been given protection indeed, whether they wanted it or not, by virtue of the fact that the Government's duty is to see that their life and security is not in danger, whether they agree with us or not, and for the sheer protection of these individuals, whether they are big or small. I do not know how to distinguish between these two, but I regard all of them equal. And therefore a provision was made to remove this anomaly of a Government servant's assistance resulting in the election being set aside, even though this assistance which was in the due performance of the duties of the office was given not only to these dignitaries who are governed by this Act but to

Therefore, that amendment was made necessary. I do not go into the details, because I have referred to this in the course of the debate when we discussed that Bill. Only by way of an illustration, I have mentioned these two things; whether we pass this Act or not—as indeed we will, I am quite sure—the amendment to the Representation of the People Act was necessary. It is not right to say that Clause 4 applies to it. But it is more than right that the amendment of the Representation of the People Act, as amended from time to time, applies to all; only subject to this Act with reference to the four dignitaries who are mentioned in this Bill.

That is why the provision of this Act make it clear that so far as these dignitaries are concerned, the provision ~~concerns~~ itself to matters relating to disposal of and the settlement of doubts and disputes as to the validity of the election. For example, it does not say that the Speaker or the Prime Minister need not be a candidate and file her or his nomination paper as required under the Representation of the People Act; it does not say that the nomination paper will be valid paper merely because it is a nomination of that particular distinguisher personality. Nor does it say that the qualifications which are given under Article 102—I am speaking subject to correction—that a person must have the minimum age required for being a candidate should not apply in these cases; or that he must not be a person of unsound mind and or he should not be a declared insolvent and so on and so forth.

Now, these are the matters which do apply even to all these authorities, because these are the basic qualifications which are required for all candidates. But this is done for the limited purpose of providing for a machinery of an authority or a body; ultimately Parliament will decide, so that only that authority or body can

determine disputes which arise as to the validity of the election or otherwise of these four offices. That is the limited scope of this Bill.

Therefore, I want to remove all apprehensions that as it were these authorities are discriminated against as to the application of all other laws in respect of the representation of the People Act; that is not quite correct at all. This is confined only to the settlement of disputes and doubts.

Then a question was raised and in fact I have answered it—that the authority or body need not be identical and that we should work on the framework of the authority as expeditiously as possible. We all agree and we can talk to people who are cooperative and we can arrive at a formula which is appropriate and generally acceptable to all. As soon as possible, we should be in a position to provide for this authority. I do not agree that it will be discriminatory to treat the Prime Minister and the Speaker differently who both have to be candidates before their election to Parliament. I am not putting it on a legalistic ground because now Article 14 is suspended and so on. That of course, will be protected. But I am not on that legalistic ground. Even on the basis that Article 14 is there, even on the basis that all the fundamental rights are applicable, it will not be discriminatory, because even on the interpretations which have been given to Article 14, a reasonable classification has always been regarded as a non-discriminatory classification. I have no doubt that apart from the fact of its being in the Ninth Schedule, and the fact that article 14 is not therefore the time being—that is not a permanent feature—I do not think that it can be attacked on the ground that it is discriminatory. I do not think any such attack can succeed on the ground that it is discriminatory.

It was mentioned by many hon. Members and, generally, I am in agreement, that nobody likes that you

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should go in for an amendment of the fundamental law which is the Constitution on an *ad hoc* basis from time to time. We had to do it several times before to meet contingencies on more than one occasion when the economic and social programme of the Government was hampered by judicial interpretation. I would very much like—I said this in the Rajya Sabha yesterday—and I want to repeat it here that the time has now come when we have to have a fresh look at the whole fundamental structure of the Constitution itself. The Constitution was framed years back when the situation was different. It was a document as a result of the compromise of different forces existing at that time. The immediate urgency of the situation at that time was, first of all, to get rid of the shackles of British imperialism and obtain independence. So, so long as it went, it was all right. But we have passed through a period when, as anywhere else, even in India also the conditions cannot be static and you cannot regard something as fundamental, to say that even to meet the emergent needs of the situation, you are bound down, as if you are imprisoned, by a document which will fetter you in all your efforts in making the country progress. I fully agree with it.

As I have been saying repeatedly, after all, the Constitution is an instrument; it is a means to an end and it is not an end in itself. If it is not to be an end in itself, as indeed it cannot be, I do agree that we all have to start an exercise of looking at the provisions of the Constitution with a view to see that democracy, socialism, secularism, all these, are strengthened and adequately given effect to by a framework chosen by the people themselves.

I do not want to go into the details, into the jurisprudence, as to whether Parliament is a Constituent

Assembly or not. I am not disputing it. It may or may not be. That is a matter which has to be thought over. But I agree with the basic idea that this is a matter which has assumed grave urgency and it has got to be looked into not only by the Government but by all of us who want the basic framework to change.

Something has been mentioned with regard to the inclusion of the MISA. A reference was made particularly to the statement made by my hon. colleague, the Home Minister, when MISA was discussed in this House. Although I was not present, I gather from Mr. Indrajit Gupta that the Home Minister himself was here at that time when he spoke that. In substance he did say what Mr. Indrajit Gupta mentioned. Now, all that I am saying is that the idea that by putting it in the Ninth Schedule, you give it a permanent place, is not correct because the Ninth Schedule only protects an Act from its constitutional validity as long as the Act is not repealed or as long as the Act is not amended. Therefore, the situation is still open for consideration, after the emergent situation is over to see whether certain provisions of MISA can be amended so that they can be by the very operation of article 31A, as it is today, out of protection of the Ninth Schedule. Whether it should be repealed or amended or it should not be is a matter for consideration at an appropriate time. But all seem to agree that in the present situation, it was necessary to have it. That is why this House passed it, in the emergent situation. At least, in order that the very purpose for which it was enacted is not defeated and the forces which have been trying to subvert democracy in this country are kept under control, at least for a time for which it was necessary to do so, the purpose should not be defeated on a technical, legalistic and constitutional ground that this Act is bad. Somebody may say, I ought to be released. I must be released because

this Act is bad. Then, the purpose of taking the necessary step in an emergent situation is itself defeated. But the possibility is that the situation may come to an end sooner or later and when these provisions are not necessary, they may be changed. It is not precluded, merely because of the fact that they are included in Schedule IX.

SHRI INDRAJIT GUPTA: But the MISA is already protected due to the fundamental rights being suspended.

SHRI H. R. GOKHALE: You are only thinking of the suspension of certain fundamental rights under Art. 359 of the Constitution, but that is not the end of it. I did not want to be legalistic and therefore I did not go into it. But we cannot avoid it because the courts are legalistic and this was decided on that basis, although we did not like it. For example, when we had the earlier Act for smugglers, these rights under Art. 14 etc. were suspended but, still, the High Court released the smugglers on another legalistic ground that although these rights were not available under the Constitution, similar provisions were contained in the Act itself. The MISA or the Defence of India Act as it stood at that time contained more or less the same provisions as contained in Art. 22 of the Constitution in regard to the giving of grounds and so on and so forth. So the court said that they need not go to the Constitution at all because this was given by the Statute itself.

Now, today it is argued and there is one school of opinion, that although you may suspend Article 14, you cannot pass a legislation in contravention of Article 14—although the party is not in a position to invoke it. I cannot envisage any emergent situation where anything should be done so as to defeat the very purpose for which MISA was passed: but I may again repeat that this House is not precluded from amending MISA or, for that

matter, even from repealing it if such a situation arises. It does not become a permanent feature merely because it is included in Schedule IX.

A mention was made by the last Hon'ble speaker in regard to minority rights. We have not suspended minority rights at any time and certainly not now. If at all anybody has been solicitous and careful about the preservation of minority rights, it is the Party on whose behalf I now stand in this House. I see no reason for any apprehension that these powers will be utilised to suppress or detract from the minority rights given under the Constitution itself.

It was said that certain other Acts could have been included in the Schedule. I do not rule out the possibility of there being certain other Acts which could have been included. This is a matter which requires closer examination. Some Acts were mentioned by some Hon'ble Members like some Punjab Act etc., but there are other Acts—some new ones—which are basically, economic measures. So, it is not a process which has come to an end. If we want to pass a law for social or economic uplift, merely because we have got to amend the Constitution, we should not run away from it. The point is that if we want to do it, we should see that it does not get struck down by judicial interpretation.

So, there may be other Acts and after further consideration we can decide whether certain other Acts also should be included in Schedule IX.

In regard to censorship, the last point I would deal with, I am in agreement with my Hon'ble friend Shri Indrajit Gupta when he said that he is not opposed to censorship itself. What he said is that if we want to use a weapon, it should be a weapon which could be used for subserving democracy and for seeing that the reactionary and anti-democratic forces which are trying to subvert it are exposed. While this is true, it may

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It is possible that in an emergent situation there might have been lapses here and there. As I said earlier, nobody and certainly not me or anyone on this side can claim to be infallible. All that I can say is that these are suggestions which I am sure the Minister concerned and the Government will pay attention to and necessary changes may be made.

I have broadly dealt with all the points raised during the debate and I once again thank the Hon'ble Members for having substantially supported the Bill, and I now recommend it for consideration by the House.

MR. SPEAKER: Before I put the motion for consideration to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division. Let the lobbies be cleared....

SHRI MOHAN DHARIA: With your permission, Sir, I leave. I express 'no'. I will not come again.

*Shri Mohan Dharia then left the House.*

MR. SPEAKER: The lobbies are cleared now. The question is:

"That the Bill further to amend the Constitution of India be taken into consideration."

Now, Division:

*The Lok Sabha divided:*

Division No. 10]

[13.26 hrs.

AYES

Achal Singh, Shri

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Alagesan, Shri O. V.

Ambesh, Shri

Anand Singh, Shri

Ansari, Shri Ziaur Rahman  
Appalanaidu, Shri  
Arvind Netam, Shri  
Austin, Dr. Henry  
Awadhesh Chandra Singh, Shri  
Azad, Shri Bhagwat Jha  
Aziz Imam, Shri  
Babunath Singh, Shri  
Bajpai, Shri Vidya Dhar  
Balakrishniah, Shri T.  
Banamali Babu, Shri  
Banera, Shri Hamendra Singh  
Banerjee, Shri S. M.  
Banerjee, Shrimati Mukul  
Barman, Shri R. N.  
Barua, Shri Bedabrata  
Barupal, Shri Panna Lal  
Basappa, Shri K.  
Basumatari, Shri D.  
Besra, Shri S. C  
Bhagat, Shri B. R.  
Bhagat, Shri H. K. L.  
Bhargava, Shri Basheshwar Nath  
Bhatia, Shri Raghunandan Lal  
Bhattacharyya, Shri Chapalendu  
Bhaura, Shri B. S.  
Bheeshmadev, Shri M.  
Bhuvarahan, Shri G.  
Bist, Shri Narendra Singh  
Brahmanandji, Shri Swami  
Brij Raj Singh-Kotah, Shri  
Buta Singh, Shri  
Chandra Gowada, Shri D. B.  
Chandrakar, Shri Chandulal  
Chandrappan, Shri C. K.  
Chandrashekharappa Veerabasappa,  
Shri T. V.  
Chaturvedi, Shri Rohan Lal  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shrimati Premalabai  
Chavan, Shri Yeshwantrao  
Chellachami, Shri A. M.

Chhotey Lal, Shri  
Chhutten Lal, Shri  
Chikkalingaiah, Shri K.  
Choudhury, Shri Moinul Haque  
  
Daga, Shri M. C.  
Dalbir Singh, Shri  
Dalip Singh, Shri  
Damani, Shri S. R.  
Darbara Singh, Shri  
Das, Shri Anadi Charan  
Das, Shri Dharnidhar  
Dasappa, Shri Tulsidas  
Daschowdhury, Shri B. K.  
Deo, Shri S. N. Singh  
Desai, Shri D. D.  
Deshmukh, Shri K. G.  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shrimati Roza  
Dhamankar, Shri  
Dharamgaj Singh, Shri  
Dinesh Singh, Shri  
Dixit, Shri G. C.  
Dixit, Shri Jagdish Chandra  
Doda, Shri Hiralal  
Dube, Shri J. P.  
Dumada, Shri L. K.  
Dwivedi, Shri Nageshwar  
  
Engti, Shri Biren  
  
Ganesh, Shri K. R.  
Ganga Devi, Shrimati  
Gangadeb, Shri P.  
Garcha, Shri Devinder Singh  
Gautam, Shri C. D.  
Gavit, Shri T. H.  
Ghosh, Shri P. K.  
Gill, Shri Mohinder Singh  
Giri, Shri S. B.  
Giri, Shri V. Shanker  
Godara, Shri Mani Ram  
Gogoi, Shri Tarun

Gohain, Shri C. C.  
Gokhale, Shri H. R.  
Gomango, Shri Giridhar  
Gopal, Shri K.  
Goswami, Shri Dinesh Chandra  
Gupta, Shri Indrajit  
  
Hansda, Shri Subodh  
Hanumanthaiya, Shri K.  
Hari Kishore Singh, Shri  
Hari Singh, Shri  
Hashim, Shri M. M.  
  
Ishaque, Shri A. K. M.  
Ismail Hossain Khan, Shri  
  
Jadeja, Shri D. P.  
Jaffer Sharief, Shri C. K.  
Jagjivan Ram, Shri  
Jamilurrahman, Shri Md.  
Jeyalakshmi, Shrimati V.  
Jha, Shri Chiranjib  
Jharkhande Rai, Shri  
Jitendra Prasad, Shri  
Joshi, Shri Popatla] M.  
Joshi, Shrimati Subhadra  
  
Kadam, Shri J. G.  
Kadannappalli, Shri Ramachandran  
Kader, Shri S. A.  
Kahandole, Shri Z. M.  
Kailas, Rr.  
Kakodkar, Shri Purushottam  
Kakoti, Shri Robin  
Kale, Shri  
Kalyanasundaram, Shri M.  
Kamala Prasad, Shri  
Kamble, Shri N. S.  
Kamble, Shri T. D.  
Kamla Kumari, Kumari  
Kapur, Shri Sat Pal  
Karan Singh, Dr.  
Kasture, Shri A. S.  
Kathamuthu, Shri M.

Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Kedar Nath Singh, Shri  
 Khadilkar, Shri R. K.  
 Kinder Lal, Shri  
 Kishu, Shri A. K.  
 Kotoki, Shri Liladhar  
 Kotrashetti, Shri A. K.  
 Krishnan, Shri G. Y.  
 Kulkarni, Shri Raja  
 Kureel, Shri B. N.  
 Lakkappa, Shri K.  
 Lakshminarayanan, Shri M. R.  
 Lambodar Baliyar, Shri  
 Laskar, Shri Nihar  
 Lutfal Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallanna, Shri K.  
 Mallikarjun, Shri  
 Mandal, Shri Jagdish Narain  
 Manhar, Shri Bhagatram  
 Marak, Shri K.  
 Maurya, Shri B. P.  
 Mehta, Dr. Mahipatray  
 Melkote, Dr. G. S.  
 Mirdha, Shri Nathu Ram  
 Mishra, Shri G. S.  
 Mishra, Shri Jagannath  
 Modi, Shri Shrikishan  
 Mohammad Tahir, Shri  
 Mohan Swarup, Shri

Mahapatra, Shri Shyam Sunder  
 Mohsin, Shri F. H.  
 Muhammed Sheriff, Shri  
 Munsi, Shri Priya Ranjan Das  
 Murmu, Shri Yogesh Chandra  
 Muruganantham, Shri S. A.  
 Muthuswamy, Shri M.  
 Nahata, Shri Amrit  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Pahadia, Shri Jagannath  
 Painuli, Shri Paripoornanand  
 Pajanor, Shri Aravinda Bala  
 Palodkar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandey, Shri Sarjoo  
 Pandey, Shri Sudhakar  
 Pandey, Shri Tarkeshwar  
 Pandit, Shri S. T.  
 Pant, Shri K. C.  
 Paokai Haokip Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantrao  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe.  
 Patil, Shri Krishnarao  
 Patil, Shri S. B.  
 Patil, Shri T. A.

Patnaik, Shri J. B.

Peje, Shri S. L.

Prabodh Chandra, Shri

Pradhan, Shri Dhan Shah

Pradhani, Shri K.

Purty, Shri M. S.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Ram, Shri Tulmohan

Ram Dayal, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Singh Bhai, Shri

Ram Surat Prasad, Shri

Ram Swarup, Shri

Ramji Ram, Shri

Rao Shrimati R Radhabai A.

Rao, Shri J. Rameshwar

Rao, Shri Jagannath

Rao, Dr. K. L.

Rao, Shri K Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Prasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagopala

Rao, Dr. V. K. R. Varadaraja

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ravi, Shri Vayalar

Ray, Shrimati Maya

Reddy, Shri P. Antony

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Ganga

Reddy, Shri P. Narasimha

Reddy, Shri P. V.

Reddy, Shri Sidram

Reddy, Shri Y. Eswara

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Rudra Pratap Singh, Shri

Saini, Shri Mulki Raj

Sait, Shri Ebrahim Sulaiman

Salve, Shri N. K. P.

Sambhali, Shri Ishaque

Sanghi, Shri N. K.

Sangliana, Shri

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Sathe, Shri Vasant

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Savitri Shyam, Shrimati

Sayeed, Shri P. M.

Sen, Dr. Ranen

Sethi, Shri Arjun

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shanker Dayal Singh, Shri

Shanker Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shanker Dayal

Shastry, Shri Biswanarayan

Shastry, Shri Ramavtar

Shastri, Shri Sheopujan  
 Shenoy, Shri P. R.  
 Shetty, Shri K. K.  
 Shinde, Shri Annasaheb P.  
 Shivappa, Shri N.  
 Shivnath Singh, Shri  
 Shukla, Shri B. R.  
 Siddayya, Shri S. M.  
 Siddheshwar Prasad, Prof.  
 Singh, Shri Vishwanath Pratap  
 Sinha, Shri Dharam Bir  
 Sinha, Shri R. K.  
 Sohan Lal, Shri T.  
 Sokhi, Sardar Swaran Singh  
 Somasundaram, Shri S. D.  
 Stephen, Shri C. M.  
 Subramaniam, Shri C.  
 Sudarsanam, Shri M.  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri  
 Suryanarayana, Shri K.  
 Swaminathan, Shri R. V.  
 Swamy, Shri Siarameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S. B.  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mani  
 Tombi Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiram, Shri V.  
 Ukey, Shri M. G.  
 Unnikrishnan, Shri K. P.

Vekaria, Shri  
 Venkatswamy, Shri G.  
 Verma, Shri Balgovind  
 Vikal, Shri Ram Chandra  
 Virbhadra Singh, Shri  
 Viswanathan, Shri G.  
 Yadav, Shri Chandrajit  
 Yadav, Shri D. P.  
 Yadav, Shri Karan Singh  
 Yadav, Shri N. P.  
 Yadav, Shri R. P.  
 Zulfiqar Ali Khan, Shri

## NOES

Nil

MR. SPEAKER: The result\* of the division is:

AYES: 335; NOES: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

MR. SPEAKER: There are no amendments to clauses 2 and 3. I will be putting these clauses together. The question is:

*"That Clauses 2 and 3 stand part of the Bill".*

Now, division.

*The Lok Sabha divided:*

\*The following Members also recorded their votes for AYES: Sarvashri Ramshekhar Prasad Singh, Anant Prasad Dhusia, S. C. Samanta and Genda Singh.

## AYES

Achal Singh, Shri  
 Aga, Shri Syed Ahmed  
 Agarwal, Shri Shrikrishna  
 Ahirwar, Shri Nathu Ram  
 Alagesan, Shri O. V.  
 Ambesh, Shri  
 Anand Singh, Shri  
 Ansari, Shri Ziaur Rahman  
 Appalanaidu, Shri  
 Arvind Netam, Shri  
 Austin, Dr. Henry  
 Awdhesh Chandra Singh, Shri  
 Azad Shri Bhagwat Jha  
 Aziz Imam, Shri  
 Babunath Singh, Shri  
 Bajpai, Shri Vidya Dhar  
 Balakrishniah, Shri T.  
 Banamali Babu, Shri  
 Banera, Shri Hamendra Singh  
 Banerjee, Shri S. M.  
 Banerjee, Shrimati Mukul  
 Barman, Shri R. N.  
 Barua, Shri Bedabrata  
 Barupal, Shri Panna Lal  
 Basappa, Shri K.  
 Basumatari, Shri D.  
 Besra, Shri S. C.  
 Bhagat, Shri B. R.  
 Bhagat, Shri H. K. L.  
 Bhargava, Shri Basheshwar Nath  
 Bhatia, Shri Raghunandan Lal  
 Bhattacharyya, Shri Chapalendu  
 Bhaura, Shri B. S.  
 Bheeshmadev, Shri M.  
 Bhuvarahan, Shri G.  
 Bist, Shri Narendra Singh  
 Brahmanandji, Shri Swami  
 Brij Raj Singh-Kotah, Shri  
 Buta Singh, Shri

Chandra Gowda, Shri D. B.  
 Chandrakar, Shri Chandulal  
 Chandrappan, Shri C. K.  
 Chandrashekharappa Veerabasappa,  
 Shri T. V.  
 Chaturvedi, Shri Rohan Lal  
 Chaudhary, Shri Nitiraj Singh  
 Chavan, Shri Yeshwantrao  
 Chellachami, Shri A. M.  
 Chhotey Lal, Shri  
 Chhutten Lal, Shri  
 Chikkalingaiah, Shri K.  
 Choudhury, Shri Mainul Haque  
 Daga, Shri M. C.  
 Dalbir Singh, Shri  
 Dalip Singh, Shri  
 Damani, Shri S. R.  
 Darbara Singh, Shri  
 Das, Shri Anadi Charan  
 Das, Shri Dharnidhar  
 Dasappa, Shri Tulsidas  
 Daschowdhury, Shri B. K.  
 Deo, Shri S. N. Singh  
 Desai, Shri D. D.  
 Deshmukh, Shri K. G.  
 Deshmukh, Shri Shivaji Rao S  
 Dhamankar, Shri  
 Dharamgaj Singh, Shri  
 Dhusia, Shri Anant Prasad  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Dixit, Shri Jagdish Chandra  
 Doda, Shri Hiralal  
 Dube, Shri J. P.  
 Dumada, Shri L. K.  
 Dwivedi, Shri Nageshwar  
 Engti, Shri Biren  
 Ganesh, Shri K. R.  
 Ganga Devi, Shrimati  
 Gangadeb, Shri P.  
 Garcha, Shri Devinder Singh

Gautam, Shri C. D.  
Gavit, Shri T. H.  
Ghosh, Shri P. K.  
Gill, Shri Mohinder Singh  
Giri, Shri S. B.  
Giri, Shri V. Shanker  
Godara, Shri Mani Ram  
Gogoi, Shri Tarun  
Gohain, Shri C. C.  
Gokhale, Shri H. R.  
Gomango, Shri Giridhar  
Gopal, Shri K.  
Goswami, Shri Dinesh Chandra  
Gowda, Shri Pampan  
Gupta, Shri Indrajit  
Hansda, Shri Subodh  
Hanumanthaiya, Shri K.  
Hari Kishore Singh, Shri  
Hari Singh, Shri  
Hashim, Shri M. M.  
Ishaque, Shri A. K. M.  
Ismail Hossain Khan, Shri  
Jadeja, Shri D. P.  
Jaffer Sharief, Shri C. K.  
Jagjivan Ram, Shri  
Jamilurrahman, Shri Md.  
Jeyalakshmi, Shrimati V.  
Jha, Shri Chiranjib  
Jharkhande Rai, Shri  
Jitendra Prasad, Shri  
Joshi, Shri Popatlal M.  
Joshi, Shrimati Subhadra  
Kadam, Shri J. G.  
Kadannappalli, Shri Ramachandran  
Kader, Shri S. A.  
Kahandole, Shri Z. M.  
Kailas, Dr.  
Kakodkar, Shri Purushottam  
Kakoti, Shri Robin  
Kale, Shri

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Kalyanasundaram, Shri M.  
Kamala Prasad, Shri  
Kamble, Shri N. S.  
Kamble, Shri T. D.  
Kamla Kumari, Kumari  
Kapur, Shri Sat Pal  
Karan Singh, Dr.  
Kasture, Shri A. S.  
Kathamuthu, Shri M.  
Kaul, Shrimati Sheila  
Kavde, Shri B. R.  
Kedar Nath Singh, Shri  
Khadilkar, Shri R. K.  
Kinder Lal, Shri  
Kisku, Shri A. K.  
Kotoki, Shri Liladhar  
Kotrashetti, Shri A. K.  
Krishnan, Shri G. Y.  
Kulkarni, Shri Raja  
Kureel, Shri B. N.  
Lakkappa, Shri K.  
Lakshminarayanan, Shri M. R.  
Lambodar Baliyar, Shri  
Laskar, Shri Nihar  
Lutfal Haque, Shri  
'Madhukar', Shri K. M.  
Mahajan, Shri Vikram  
Mahajan, Shri Y. S.  
Maharaj Singh, Shri  
Mahishi, Dr. Sarojini  
Majhi, Shri Gajadhar  
Majhi, Shri Kumar  
Malaviya, Shri K. D.  
Malhotra, Shri Inder J.  
Mallanna, Shri K.  
Mallikarjun, Shri  
Mandal, Shri Jagdish Narain  
Manhar, Shri Bhagatram  
Maurya, Shri B. P.  
Mehta, Dr. Mahipatray

Melkote, Dr. G. S.  
 Mirdha, Shri Nathu Ram  
 Mishra, Shri G. S.  
 Mishra, Shri Jagannath  
 Modi, Shri Shrikishan  
 Mohammad Tahir, Shri  
 Mohan Swarup, Shri  
 Mohapatra, Shri Shyam Sunder  
 Mohsin, Shri F. H.  
 Muhammed Sheriff, Shri  
 Munsi, Shri Priya Ranjan Das  
 Murmu, Shri Yogesh Chandra  
 Muruganantham, Shri S. A.  
 Muthuswamy, Shri M.  
 Nahata, Shri Amrit  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Pahadia, Shri Jagannath  
 Paruli, Shri Paripoornanand  
 Pajanor, Shri Aravinda Bala  
 Palodkar, Shri Manikrao  
 Pandey, Shri Demodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandey, Shri Sarjoo  
 Pandey, Shri Sudhakar  
 Pandey, Shri Tarkeshwar  
 Pandit, Shri S. T.  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal

Patel, Shri Prabhudas  
 Patil, Shri Anantrao  
 Patil, Shri C. A  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri S. B.  
 Patil, Shri T. A.  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Pradhan, Shri Dhan Shah  
 Pradhani, Shri K.  
 Purty, Shri M. S.  
 Qureshi, Shri Mohd. Shafi  
 Raghu Ramaiah, Shri K.  
 Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Ram, Shri Tulmohan  
 Ram Dayal, Shri  
 Ram Prakash, Shri  
 Ram Sewak, Ch.  
 Ram Singh Bhai, Shri  
 Ram Surat Prasad, Shri  
 Ram Swarup, Shri  
 Ramji Ram, Shri  
 Ramshekhar Prasad Singh, Shri  
 Rao, Shrimati B. Radhabai A.  
 Rao, Shri J. Rameshwar  
 Rao, Shri Jagannath  
 Rao, Dr. K. L.  
 Rao, Shri K. Narayana  
 Rao, Shri M. S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri Nageswara  
 Rao, Shri P. Ankineedu Prasada  
 Rao, Shri Pattabhi Rama  
 Rao, Shri Rajagopala  
 Rao, Dr. V. K. R. Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola

Ravi, Shri Vayalar	Sharma, Shri A. P.
Ray, Shrimati Maya	Sharma, Dr. H. P
Reddi, Shri P. Anthony	Sharma, Shri Madhoram
Reddy, Shri K. Ramakrishna	Sharma, Shri Nawal Kishore
Reddy, Shri M. Ram Gopal	Sharma, Shri R. N.
Reddy, Shri P. Ganga	Sharma, Dr. Shanker Dayal
Reddy, Shri P. Narasimha	Shastri, Shri Biswanarayan
Reddy, Shri P. V.	Shastri, Shri Ramavtar
Reddy, Shri Sidram	Shastri, Shri Sheopujan
Reddy, Shri Y. Eswara	Shenoy, Shri P. R.
Richariya, Dr. Govind Das	Shetty, Shri K. K.
Rohatgi, Shrimati Sushila	Shinde, Shri Annasaheb P.
Roy, Shri Bishwanath	Shivappa, Shri N
Rudra Pratap Singh, Shri	Shivnath Singh, Shri
Saini, Shri Mulki Raj	Shukla, Shri B. R.
Sait, Shri Ebrahim Sulaiman	Siddayya, Shri S. M.
Salve, Shri N. K. P.	Siddheshwar Prasad, Prof.
Samanta, Shri S. C.	Singh, Shri Vishwanath Pratap
Sambhali, Shri Ishaque	Sinha, Shri Dharam Bir
Sanghi, Shri N. K.	Sinha, Shri R. K.
Sangliana, Shri	Sohan Lal, Shri T.
Sankata Prasad, Dr.	Sokhi, Sardar Swaran Singh
Sant Bux Singh, Shri	Somasundaram, Shri S. D.
Sarkar, Shri Sakti Kumar	Stephen, Shri C. M.
Sathe, Shri Vasant	Subramaniam, Shri C.
Satish Chandra, Shri	Sudarasanam, Shri M.
Satpathy, Shri Devendra	Sunder Lal, Shri
Satyanarayana, Shri B.	Surendra Pal Singh, Shri
Savant, Shri Shankerrao	Suryanarayana, Shri K.
Savitri Shyam, Shrimati	Swaminathan, Shri R. V.
Sayeed, Shri P. M.	Swamy, Shri Sidrameshwar
Sen, Dr. Ranen	Swaran Singh, Shri
Sethi, Shri Arjun	Tarodekar, Shri V. B.
Shafee, Shri A.	Tayyab Hussain, Shri
Shafquat Jung, Shri	Tiwari, Shri Shankar
Shahnawaz Khan, Shri	Thakre, Shri S. B.
Shailani, Shri Chandra	Thakur, Shri Krishnarao
Shambhu Nath, Shri	Tiwari, Shri Chandra Bhal Mani
Shankar Dayal Singh, Shri	Tombi Singh, Shri N.
Shankar Dev, Shri	Tula Ram, Shri
Shankaranand, Shri B.	Tulsiram, Shri V.

Uikey, Shri M. G.  
Unnikrishnan, Shri K. P.  
Vekaria, Shri  
Venkatswamy, Shri G.  
Verma, Shri Balgovind  
Vikal, Shri Ram Chandra  
Virbhadra Singh, Shri  
Viswanathan, Shri G.  
Yadav, Shri Chandrajit  
Yadav, Shri D. P.  
Yadav, Shri Karan Singh  
Yadav, Shri N. P  
Yadav, Shri R. P.  
Zulfiqar Ali Khan, Shri

NOES

Nil

MR. SPEAKER: The result of the  
\*Division is: Ayes: 334; Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Clause 4— (Insertion of new article 329A).

MR. SPEAKER: There is an amendment given notice of by Shri Mohan

\*The result of this Division applies to each of the clauses 2 and 3, separately.

†The following Members also recorded their votes for 'AYES':  
Sarvashri Ram Prakash, Genda Singh and K. Marak.

Dharia and Shri Sher Singh. Shri Mohan Dharia has informed me in writing that he is not moving his amendment. Shri Sher Singh is not present in the House.

There are two amendments given notice of by Shri H. R. Gokhale.

AN HON. MEMBER: Let him explain the amendments.

SHRI H. R. GOKHALE: These are very minor amendments, changing the number of the Constitution Amendment Bill; Fortieth becomes Thirtyninth. The Bill has already been introduced and is before the Joint Committee and hence the number has to be changed.

*Amendments Made:*

Page 2, line 47,—

for "Fortieth" substitute "Thirtyninth" (5)

Page 3, line 14,—

for "Fortieth" substitute "Thirtyninth" (6)

(Shri H. R. Gokhale)

SHRI INDRAJIT GIPTA: This is the first time that we have passed an amendment which was not circulated to the Members.

MR. SPEAKER: That was read out by him.

The question is:

"That clause 4, as amended, stand part of the Bill".

Now, division.

The Lok Sabha divided:

each of the clauses 2 and 3,

AYES

Achal Singh, Shri  
Aga, Shri Syed Ahmed  
Agrawal, Shri Shrikrishna  
Ahirwar, Shri Nathu Ram  
Alagesan, Shri O. V.  
Ambesh, Shri  
Anand Singh, Shri  
Ansari, Shri Ziaur Rahman  
Appalanaidu, Shri  
Arvind Netam, Shri  
Austin, Dr. Henry  
Awadesh Chandra Singh, Shri  
Azad, Shri Bhagwat Jha  
Aziz Imam, Shri  
  
Babunath Singh, Shri  
Bajpai, Shri Vidya Dhar  
Balakrishniah, Shri T.  
Banamali Babu, Shri  
Banera, Shri Hamendra Singh  
Banerjee, Shri S. M.  
Banerji, Shrimati Mukul  
Barman, Shri R. N.  
Barua, Shri Bedabrata  
Barupal, Shri Panna Lal  
Basappa, Shri K.  
Basumatari, Shri D.  
Besra, Shri S. C.  
Bhagat, Shri B. R.  
Bhagat, Shri H. K. L.  
Bhargava, Shri Basheshwar Nath  
Bhatia, Shri Raghunandan Lal  
Bhattacharyya, Shri Chapalendu  
Bhaura, Shri B. S.  
Bheeshmadev, Shri M.  
Bhuvarahan, Shri G.  
Bist, Shri Narendra Singh  
Brahmanandji, Shri Swami  
Brij Raj Singh-Kotah, Shri  
Buta Singh, Shri

AUGUST 7, 1975

Constitution  
(40th Amdt.) Bill

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[13.34 hrs]

Chakleshwar Singh, Shri  
Chandra Gowda, Shri D. B.  
Chandrakar, Shri Chandulal  
Chandrappa, Shri C. K.  
Chandrashekharappa Veerabasappa,  
Shri T. V.  
Chaturvedi, Shri Rohan Lal  
Chaudhary, Shri Nitraj Singh  
Chavan, Shrimati Premalabai  
Chavan, Shri Yeshwantrao  
Chellachami, Shri A. M.  
Chhotey Lal, Shri  
Chutten Lal, Shri  
Chikkalingaian, Shri K.  
Choudhury, Shri Moinul Haque  
Daga, Shri M. C.  
Dalbir Singh, Shri  
Dalip Singh, Shri  
Damani, Shri S. R.  
Darbara Singh, Shri  
Das, Shri Anadi Charan  
Das, Shri Dharnidhar  
Dasappa, Shri Tulsidas  
Daschowdhury, Shri B. K.  
Deo, Shri S. N. Singh  
Desai, Shri D. D.  
Deshmukh, Shri K. G.  
Deshmukh, Shri Shivaji Rao S.  
Dhamankar, Shri  
Dharamgaj Singh, Shri  
Dhusia, Shri Anant Prasad  
Dinesh Singh, Shri  
Dixit, Shri G. C  
Dixit, Shri Jagdish Chandra  
Doda, Shri Hiralal  
Dube, Shri J. P.  
Dumada, Shri L. K.  
Dwivedi, Shri Nageshwar  
Engti, Shri Biren  
Ganesh, Shri K. R.  
Ganga Devi, Shrimati

Gangadeb, Shri P.  
 Garcha, Shri Devinder Singh  
 Gautam, Shri C. D.  
 Gavit, Shri T. H.  
 Ghosh, Shri P. K.  
 Gill, Shri Mohinder Singh  
 Giri, Shri S. B.  
 Giri, Shri V. Shanker  
 Godara, Shri Mani Ram  
 Gogoi, Shri Taurn  
 Gohain, Shri C. C.  
 Gokhale, Shri H. R.  
 Gomango, Shri Giridhar  
 Gopal, Shri K.  
 Goswami, Shri Dinesh Chandra  
 Gowda, Shri Pampan  
 Gupta, Shri Indrajit  
 Hansda, Shri Subodh  
 Hanumanthaiya, Shri K.  
 Hari Kishore Singh, Shri  
 Hari Singh, Shri  
 Hashim, Shri M. M.  
 Ishaque, Shri A. K. M.  
 Ismail Hossain Khan, Shri  
 Jadeja, Shri D. P.  
 Jaffer Sharief, Shri C. K.  
 Jagjivan Ram, Shri  
 Jamilurrahman, Shri Md.  
 Jeyalakshmi, Shrimati V.  
 Jha, Shri Chiranjib  
 Jharkhande Rai, Shri  
 Jitendra Prasad, Shri  
 Joshi, Shri Popatlal M.  
 Joshi, Shrimati Subhadra  
 Kadam, Shri J. G.  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S. A.  
 Kahandole, Shri Z. M.  
 Kailas, Dr.  
 Kakodkar, Shri Purushottam

Kaoti, Shri Robin  
 Kale, Shri  
 Kalyanasundaram, Shri M.  
 Kamala Prasad, Shri  
 Kamble, Shri N. S.  
 Kamble, Shri T. D.  
 Kamla Kumari, Kumari  
 Kapur, Shri Sat Pal  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kathamuthu, Shri M.  
 Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Kedar Nath Singh, Shri  
 Khadilkar, Shri R. K.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Kotrashetti, Shri A. K.  
 Krishnan, Shri G. Y.  
 Kureel, Shri B. N.  
 Lakkappa, Shri K.  
 Lakshminarayanan, Shri M. R.  
 Lambodar Balyar, Shri  
 Laskar, Shri Nihar  
 Lutfal Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallanna, Shri K.  
 Mandal, Shri Jagdish Narain  
 Manhar, Shri Bhagatram  
 Marak, Shri K.  
 Maurva, Shri B. P.

Mehta, Dr. Mahipatray  
Melkote, Dr. G. S.  
Mirdha, Shri Nathu Ram  
Mishra, Shri G. S.  
Mishra, Shri Jagannath  
Modi, Shri Shrikishan  
Mohammad Tahir, Shri  
Mohan Swarup, Shri  
Mohapatra, Shri Shyam Sunder  
Mohsin, Shri F. H.  
Muhammed Sheriff, Shri  
Murmu, Shri Yogesh Chandra  
Muruganantham, Shri S. A.  
Muthuswamy, Shri M.

Nahata, Shri Amrit  
Negi, Shri Pratap Singh  
Nimbalkar, Shri  
Oraon, Shri Kartik  
Oraon, Shri Tuna  
Pahadia, Shri Jagannath  
Painuli, Shri Paripoornanand  
Pajanor, Shri Aravinda Bala  
Palodkar, Shri Manikrao  
Pandey, Shri Damodar  
Pandey, Shri Krishna Chandra  
Pandey, Shri Narsingh Narain  
Pandey, Shri R. S.  
Pandey, Shri Sarjoo  
Pandey, Shri Sudhakar  
Pandey, Shri Tarkeshwar  
Pandit, Shri S. T.  
Pant, Shri K. C.  
Paokai Haokip, Shri  
Parashar, Prof. Narain Chand  
Parikh, Shri Rasiklal  
Parthasarathy, Shri P.  
Paswan, Shri Ram Bhagat  
Patel, Shri Arvind M.  
Patel, Shri Natwarlal  
Patel, Shri Prabhudas

Patil, Shri Anantrao  
Patil, Shri C. A.  
Patil, Shri E. V. Vilke  
Patil, Shri Krishnarao  
Patil, Shri S. B.  
Patil, Shri T. A.  
Patnaik, Shri J. B.  
Peje, Shri S. L.  
Pradhan, Shri Dhan Shah  
Pradhani, Shri K.  
Purty, Shri M. S.  
Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.  
Rai, Shrimati Sahodrabai  
Raj Bahadur, Shri  
Rajdeo Singh, Shri  
Ram, Shri Tulsimohan  
Ram Dayal, Shri  
Ram Sewak, Ch.  
Ram Singh Bhai, Shri  
Ram Surat Prasad, Shri  
Ram Swarup, Shri  
Ramji Ram, Shri  
Ramshekhar Prasad Singh, Shri  
Rao, Shrimati B. Radhabai A.  
Rao, Shri J. Rameshwar  
Rao, Shri Jagannath  
Rao, Dr. K. L.  
Rao, Shri K. Narayana  
Rao, Shri M. S. Sanjeevi  
Rao, Shri M. Satyanarayan  
Rao, Shri Nageshwara  
Rao, Shri P. Arkineedu Prasada  
Rao, Shri Pattabhi Rama  
Rao, Shri Rajagopala  
Rao, Dr. V. K. R. Varadaraja  
Rathia, Shri Umed Singh  
Raut, Shri Bhola  
Ravi, Shri Vayalar

Ray, Shrimati Maya  
 Reddi, Shri P. Antony  
 Reddy, Shri K. Ramakrishna  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Ganga  
 Reddy, Shri P. Narasimha  
 Reddy, Shri P. V.  
 Reddy, Shri Sidram  
 Reddy, Shri Y. Eswara  
 Richhariya, Dr. Govind Das  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Rudra Pratap Singh, Shri

Saini, Shri Mulki Raj  
 Sait, Shri Ebrahim Sulaiman  
 Salve, Shri N. K. P.  
 Samanta, Shri S C.  
 Sambhali, Shri Ishaque  
 Sanghi, Shri N. K.  
 Sangliana, Shri  
 Sankata Prasad, Dr.  
 Sant Bux Singh, Shri  
 Sarkar, Shri Sakti Kumar  
 Sathe, Shri Vasant  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra  
 Satyanarayana, Shri B.  
 Savant, Shri Shankerrao  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sen, Dr. Ranen  
 Sethi, Shri Arjun  
 Shafee, Shri A.  
 Shafquat Jung, Shri  
 Shahnawaz Khan, Shri  
 Shailani, Shri Chandra  
 Shambhu Nath, Shri  
 Shankar Dayal Singh, Shri  
 Shankar Dev, Shri  
 Shankaranand, Shri B.  
 Sharma, Shri A. P.

Sharma, Dr. H. P.  
 Sharma, Shri Madhoram  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri R. N.  
 Sharma, Dr. Shankar Dayal  
 Shastri, Shri Biswanarayan  
 Shastri, Shri Ramavtar  
 Shastri, Shri Sheopujan  
 Shenoy, Shri P. R.  
 Shetty, Shri K. K.  
 Shinde, Shri Annasaheb P.  
 Shivappa, Shri N.  
 Shivnath Singh, Shri  
 Shukla, Shri B. R.  
 Siddayya, Shri S. M.  
 Siddheshwar Prasad, Prof.  
 Singh, Shri Vishwanath Pratap  
 Sinha, Shri Dharam Bir  
 Sinha, Shri R. K.  
 Sohan Lal, Shri T.  
 Sokhi, Sardar Swaran Singh  
 Somasundaram, Shri S. D.  
 Stephen, Shri C. M.  
 Subramaniam, Shri C.  
 Sudarsanam, Shri M.  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri  
 Suryanarayana, Shri K.  
 Swaminathan, Shri R. V.  
 Swamy, Shri Sidrameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S. B.  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mani  
 Tombi Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiram, Shri V  
 Uikey, Shri M. G

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkateswamy, Shri G.

Verma, Shri Balgovind

Vikal, Shri Ram Chandra

Virbhadra Singh, Shri

Viswanathan, Shri G.

Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

Zulfiqar Ali Khan, Shri

NOES

Nil

MR. SPEAKER. The result\* of the division is:

Ayes: 333.

Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 4, as amended, was added to the Bill

Clause 5—(Amendment of the Ninth Schedule).

MR. SPEAKER: Shuklaji, are you moving your amendments.

SHRI B. R. SHUKLA (Bahraich): I am moving my amendments and I want to make submissions.

SHRI KRISHNA CHANDRA PANDEY (Khaliabad): He is not moving his amendments....(Interruptions).

MR. SPEAKER: I will put it again like this. I could not listen to what you said earlier. Are you moving your amendments?

SHRI B. R. SHUKLA: I am not moving my amendments.

श्री जावुबंत थोटे (नालपुर) : मेरा प्वाइंट आफ़ आर्डर है। एमेंडमेंट नं० 9 और एमेंडमेंट नं० 10 पर जिन सदस्यों ने एमेंडमेंट दी है, वह सदस्य, जब आप ने कहा था कि एमेंडमेंट मूव करना चाहते हैं या नहीं चाहते हैं, उस बक्त एमेंडमेंट मूव करने के लिए खड़े हुए थे। (व्यवधान)

अध्यक्ष महोदय : आप क्यों ज्ञागड़े में पड़े हुए हैं।

श्रोता जावुबंत थोटे : अध्यक्ष महोदय, पहले आप मेरा प्वाइंट आफ़ आर्डर सुन लें। (व्यवधान)

अध्यक्ष महोदय : आर्डर प्लीज। मैं आप को बताऊँ कि रूल्स क्या हैं। डिवीजन आवर में स्पीचेज नहीं होतीं। जिस की एमेंडमेंट है, वह मूव करता है, जिस की क्लाज है वह करता है और उस पर बोटिंग होती है। ऐसा रूल्स में है।

They will not go on record.

श्री जावुबंत थोटे : अध्यक्ष महोदय, मेरा प्वाइंट आफ़ आर्डर है। आप को दो मिनट सुनना पड़ेगा।

अध्यक्ष महोदय : थोटे साहब, मैं आप को फिर बता रहा हूँ कि रूल्स में ऐसा है कि जब

\*The following Members also recorded their votes for AYES: Sarvashri Ram Prakash, Raja Kulkarni and Genda Singh.

डिविजन आवर हो तो उस में वा अध्यक्ष आर्डर हो सकता है और न स्पीच हो सकती है ।

श्री जावुबत शोटे : अध्यक्ष महोदय, बात वह नहीं है, एमेंडमेंट मूव करने वाले सम्मान्य सदस्य शुक्र ना जो जब एमेंडमेंट मूव करने के लिए खड़े हुए (अध्यक्षन) जब वह एमेंडमेंट मूव करने के लिए खड़े हुए, उस बक्त पोछे से कुछ सदस्यों ने उन को अब्रादस्ती बिठाने की कोशिश की... (अध्यक्षन) अध्यक्ष महोदय, अब्रादस्ती से पोछे के दो सदस्यों ने उन को बिठाने की कोशिश की.. (अध्यक्षन)

अध्यक्ष महोदय : आर्डर, आर्डर

श्री जावुबत शोटे : जब उन्होंने नाना नहीं, तब पार्लियामटरी एफेयर्स के मिनिस्टर खुद वहां गये और उन्होंने वहां जा कर उन को बिठागा... (अध्यक्षन) पार्लियामेंट में ऐसा नहीं चलेगा, ऐसा चल नहीं सकता । अध्यक्ष महोदय, पार्लियामेंट में विचार करने का और विचार रखने का स्वातंत्र्य हर सदस्य को दिया है । जब पार्टी-इन-पावर के सामान्य मदस्य श्री शुक्र ना अपनी एमेंडमेंट मूव करने के लिए खड़े हुए, तो यह उन की कानसेंस पर ही बात छोड़ देनी चाहिए थी । प्रश्न यह है कि विहृप का इस्तेमाल पहले किया जाना चाहिए था । जब वह खड़े होते हैं, वार बार खड़े होते हैं, तो पीछे के सदस्य उन को अब्रादस्ती बिठाते हैं ।

अध्यक्ष महोदय : आप पहले मेरी बात सुनिये ।

श्री जावुबत शोटे : वहां जा कर अब्रादस्ती बिठाते हैं, यह ठीक नहीं है ।

अध्यक्ष महोदय : आर्डर प्लीज ।

श्री जावुबत शोटे : यह हाउस के हिसाब से ठीक नहीं है, यह प्रोसीजर के हिसाब से ठीक नहीं है, यह पार्लियामेंटरी डेमोक्रेसी

के हिसाब से ठीक नहीं है । इस पर आप की उम्मीद है... (अध्यक्षन)

अध्यक्ष महोदय : आप बठिये । जो पार्टी का चीफ विहृप होता है या दूसरे डिप होते हैं, उन को अजित्यार होता है पार्टी में करने का ।

श्री जावुबत शोटे : वह कौन से बक्त होता है ।

अध्यक्ष महोदय : और यह डिविजन आवर है और इस में स्पीच नहीं होती है ।

श्री जावुबत शोटे : अध्यक्ष महोदय, फिजिकली उन को बिठाया, पार्लियामेंटरी एफेयर्स मिनिस्टर ने फिजिकली उन को बिठाया । यह नहीं हो सकता ।

अध्यक्ष महोदय : आप इस को याद रखना । आप इस बात को याद रखना, जब इस तरफ से कभी होगा तब मैं बताऊँगा कि यह हो रहा है ।

श्री जावुबत शोटे : अध्यक्ष महोदय, चीफ विहृप कम से कम फिजिकली ऐसा नहीं कर सकता । पार्लियामेंटरी एफेयर्स मिनिस्टर एक जिम्मेदार पद पर हैं । जिस ढाँग से यह बात हुई और सदस्य को जिस ढाँग से बिठाया ऐसा नहीं हो सकता ।

अध्यक्ष महोदय : जिस मेम्बर को शिकायत है, जित मेम्बर का एमेंडमेंट आया, वह मुझे बताए कि उस के साथ ऐसा किया गया है । आप क्यों कह रहे हैं ।

The whip has right to issue instructions to his partymen.

श्री जावुबत शोटे : अध्यक्ष महोदय, हम ने प्वाइल्ट आफ आर्डर आप के सामने पेश किया है । उस पर आप की रुलिं चाहिए ।

अध्यक्ष महोदय : आप मानते नहीं हैं ।

श्री जाम्बुवंत धोटे : अध्यक्ष महोदय, आप ने जो रूलिंग दिया है, वह स्पीकर का रूलिंग नहीं है।

अध्यक्ष महोदय : यह कैसी बात करते हैं आप ?

श्री जाम्बुवंत धोटे : यह रूलिंग पार्टी-इ-पावर के एक मेल्डर का रूलिंग है। इसलिए हम आप का निषेध करते हैं, स्पीकर का निषेध करते हैं, स्पीकर की रूलिंग का निषेध करते हैं, बहिर्गमन करते हैं। वह नहीं चलेगा।

MR. SPEAKER: Please don't do it. When there is a Division, even the Speaker does not give any ruling and no points of order are raised.

श्री जाम्बुवंत धोटे : इस तरह से आप दबा नहीं सकते हैं। हम आप का निषेध करते हैं। यह नहीं हो सकता।

अध्यक्ष महोदय : जिन को बिठाया गया, उन से पूछिये।

श्री जाम्बुवंत धोटे : इस ढंग से हाउस के अन्दर नहीं चल सकता। यह नहीं हो सकता। (व्यवधान) और पाडे जो, आप पुंजीपतियों\*\* उन के पैसों पर रोब चलाने वाले हैं। आप अपनी इज्जत को बेचने वाले आदमी हैं। (व्यवधान)

अध्यक्ष महोदय : ऐसा मत कहिये। डिवीजन आवर में न स्पीच हो सकती है, न कोई प्लाइन्ट आफ्र आर्डर रिज हो सकता है।

Shri Jambuwant Dhote and Shri Ram Medao then left the House.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU

RAMAIAH): I would like to go on record that what the hon. Member said that I used physical pressure on Mr. B. R. Shukla is absolutely untrue. I have every right to move among the members, being the Chief Whip. I was not going there for that purpose. I was going that side for some other matter. I was in fact a few yards away from Mr. Shukla and by the time I went that side, he had already risen and said that he was not moving his amendments.

MR. SPEAKER: No such observations are made during the division time. I am sorry that he went on speaking in spite of my informing him that this is division time. As far as the Whips are concerned, they move among their members and they inform them about their decision. Both sides do it. That is the Whip's work. What is the other function of the Whips? And if anybody is coerced, it is that gentleman who is the proper person to tell the speaker that he is coerced and not the other man. I am very sorry about the very irresponsible remarks of the hon. Member. Whatever happens during division, seldom it happens like this. The amendments being put today I had not even heard the member moving it, nor any copy of the amendment was before me.

Now clause 5.

इसी पर तो झगड़ा है, यह तो अभी भाषण दे कर चले गये।

The question is:

"That clause 5 stand part of the Bill".

Now, division.

The Lok Sabha divided:

\*\*Expunged as ordered by the Speaker.

Division No. 13]

[13.46 hrs.

## AYES

Achal Singh, Shri  
 Aga, Shri Syed Ahmed  
 Agrawal, Shri Shrikrishana  
 Ahirwar, Shri Nathu Ram  
 Alagesan, Shri O. V.  
 Ambesh, Shri  
 Anand Singh, Shri  
 Ansari, Shri Ziaur Rahman  
 Appalanaidu, Shri  
 Arvind Netam, Shri  
 Austin Dr. Henry  
 Awdhesh Chandra Singh, Shri  
 Azad, Shri Bhagwat Jha  
 Aziz Imam, Shri  
 Babunath Singh, Shri  
 Bajpai, Shri Vidya Dhar  
 Banamali Babu, Shri  
 Banera, Shri Hamendra Singh  
 Banerjee, Shri S. M.  
 Banerji Shrimati Mukul  
 Barman, Shri R. N.  
 Barua, Shri Bedabrata  
 Barupal, Shri Panna Lal  
 Basappa, Shri K.  
 Basumatari, Shri D.  
 Besra, Shri S. C.  
 Bhagat, Shri B. R.  
 Bhagat, Shri H. K. L.  
 Bhargava, Shri Basheshwar Nath  
 Bhatia, Shri Raghunandan Lal  
 Bhattacharyya, Shri Chapalendu  
 Bhaura, Shri B. S.  
 Bheeshmadev, Shri M.  
 Bhuvaranan, Shri G.  
 Bist, Shri Narendra Singh  
 Brahmanandji, Shri Swami  
 Brij Raj Singh-Kotah, Shri  
 Buta Singh, Shri  
 Chakleshwar Singh, Shri  
 Chandra Gowda, Shri D. B.

Chandrakar, Shri Chandulal  
 Chandrappan, Shri C. K.  
 Chandrashekharappa Veerabasappa, Shri T. V.  
 Chaturvedi, Shri Rohan Lal  
 Chaudhary, Shri Nitiraj Singh  
 Chavan, Shrimati Premalabai  
 Chavan, Shri Yeshwantrao  
 Chellachami, Shri A. M.  
 Chhotey Lal, Shri  
 Chhutten Lal, Shri  
 Chikkalingaiah, Shri K.  
 Choudhury, Shri Moinul Haque  
 Daga, Shri M. C.  
 Dalbir Singh, Shri  
 Dalip Singh, Shri  
 Damani, Shri S. R.  
 Darbara Singh, Shri  
 Das, Shri Anadi Charan  
 Das, Shri Dharnidhar  
 Dasappa, Shri Tulsidas  
 Daschowdhury, Shri B. K.  
 Deo, Shri S. N. Singh  
 Desai, Shri D. D.  
 Deshmukh, Shri K. G.  
 Deshmukh, Shri Shivaji Rao S.  
 Deshpande, Shrimati Roza  
 Dharmankar, Shri  
 Dharamgaj Singh, Shri  
 Dhusia, Shri Anant Prasad  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Dixit, Shri Jagdish Chandra  
 Doda, Shri Hiralal  
 Dube, Shri J. P.  
 Dumada, Shri L. K.  
 Dwivedi, Shri Nageshwar  
 Engti, Shri Biren  
 Ganesh, Shri K. R.  
 Ganga Devi, Shrimati  
 Gangaleb, Shri P.

Garcha, Shri Devinder Singh  
 Gautam, Shri C. D.  
 Gavit, Shri T. H.  
 Ghosh, Shri P. K.  
 Gill, Shri Mohinder Singh  
 Giri, Shri S. B.  
 Giri, Shri V. Shanker  
 Godara, Shri Mani Ram  
 Gogoi, Shri Tarun  
 Gohain, Shri C. C.  
 Gokhale, Shri H. R.  
 Gomango, Shri Giridhar  
 Gopal, Shri K.  
 Goswami, Shri Dinesh Chandra  
 Gowda, Shri Pampan  
 Gupta, Shri Indrajit  
 Hansda, Shri Subodh  
 Hanumanthaiya, Shri K.  
 Hari Kishore Singh, Shri  
 Hari Singh, Shri  
 Hashim, Shri M. M.  
 Ishaque, Shri A. K. M.  
 Ismail Hossain Khan, Shri  
 Jadeja, Shri D. P.  
 Jaffer Sharief, Shri C. K.  
 Jagjivan Ram, Shri  
 Jamilurrahman, Shri Md.  
 Jeyalakshmi, Shrimati V.  
 Jha, Shri Chiranjib  
 Jharkhande Rai, Shri  
 Jitendra Prasad, Shri  
 Joshi, Shri Popatlal M.  
 Joshi, Shrimati Subhadra  
 Kadma, Shri J. G.  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S. A.  
 Kahandole, Shri Z. M.  
 Kailas, Dr.  
 Kakodkar, Shri Purushottam  
 Kakoti, Shri Robin

Kale, Shri  
 Kalyanasundaram, Shri M.  
 Kamala Prasad, Shri  
 Kamble, Shri N. S.  
 Kamble, Shri T. D.  
 Kamla Kumari, Kumari  
 Kapur, Shri Sat Pal  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kathamutha, Shri M.  
 Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Kedar Nath Singh, Shri  
 Khadilkar, Shri R. K.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Ketrashetti, Shri A. K.  
 Krishnan, Shri G. Y.  
 Kulkarni, Shri Raja  
 Kureel, Shri B. N.  
 Lakkappa, Shri K.  
 Lakshminarayanan, Shri M. R.  
 Lambodar Baliyar, Shri  
 Laskar, Shri Nihar  
 Lutfal Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallanna, Shri K.  
 Mandal, Shri Jagdish Narain  
 Manhar, Shri Bhagatram  
 Marak, Shri K.  
 Maurya, Shri B. P.  
 Mehta, Dr. Mahipatray  
 Melkote, Dr. G. S.

Mirdha, Shri Nathu Ram  
 Mishra, Shri G. S.  
 Modi, Shri Shrikishan  
 Mohammed Tahir, Shri  
 Mohan Swarup, Shri  
 Mohapatra, Shri Shyam Sunder  
 Mohsin, Shri F. H.  
 Muhammed Sheriff, Shri  
 Murmu, Shri Yogesh Chandra  
 Muruganantham, Shri S. A.  
 Muthuswamy, Shri M.  
 Nahata, Shri Amrit  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Pahadia, Shri Jagannath  
 Painuli, Shri Paripoornanand  
 Pajanor, Shri Arvinda Bala  
 Palekar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandey, Shri Sarjoo  
 Pandey, Shri Sudhakar  
 Pandey, Shri Tarkeshwar  
 Pandit, Shri S. T.  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parashar Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantrao  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao

Patil, Shri S. B.  
 Patil, Shri T. A.  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Pradhan, Shri Dhan Shah  
 Pradhani, Shri K.  
 Purty, Shri M. S.  
 Qureshi, Shri Mohd. Shafi  
 Raghu Ramaiah Shri K.  
 Rai, Shrimati Sahodraba  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Ram, Shri Tulmohan  
 Ram Dayal, Shri  
 Ram Prakash, Shri  
 Ram Sewak, Ch.  
 Ram Singh Bhal, Shri  
 Ram Surat Prasad, Shri  
 Ram Swarup, Shri  
 Ramji Ram Shri  
 Ramshekhar Prasad Singh, Shri  
 Rao, Shrimati B. Radhabai A.  
 Rao, Shri J. Rameshwar  
 Rao, Shri Jagannath  
 Rao, Dr. K. L.  
 Rao, Shri K. Naravana  
 Rao, Shri M. S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri Nageshwara  
 Rao, Shri P. Ankineedu Prasada  
 Rao, Shri Pattabhi Rama  
 Rao, Shri Rajagopala  
 Rao, Dr. V. K. R. Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola  
 Ravi, Shri Veyalai  
 Ray, Shrimati Maya  
 Reddi, Shri P. Antony  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Ganga  
 Reddy, Shri P. Narasimha

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Reddy, Shri P. V.  
Reddy, Shri Sidram  
Reddy, Shri Y. Eswara  
Richhariya, Dr. Govind Das  
Rohatgi, Shrimati Sushila  
Roy, Shri Bishwanath  
Rudra Pratap Singh, Shri  
Saini, Shri Mulki Raj  
Sait, Shri Ebrahim Sulaiman  
Salve, Shri N. K. P.  
Samanta, Shri S. C.  
Sambhali, Shri Ishaque  
Sanghi, Shri N. K.  
Sangliana, Shri  
Sankata Prasad, Dr.  
Sant Bux Singh, Shri  
Sarkar, Shri Sakti Kumar  
Sathe, Shri Vasant  
Satish Chandra, Shri  
Satpathy, Shri Devendra  
Satyanarayana, Shri B.  
Savant, Shri Shankerrao  
Savitri Shyam, Shrimati  
Sayeed, Shri P. M.  
Sen, Dr. Ranen  
Sethi, Shri Arjun  
Shafee, Shri A.  
Shafquat Jung, Shri  
Shahnawaz Khan, Shri  
Shailani, Shri Chandra  
Shambhu Nath, Shri  
Shankar Dayal Singh, Shri  
Shankar Dev, Shri  
Shankaranand, Shri B.  
Sharma, Shri A. P.  
Sharma, Dr. H. P.  
Sharma, Shri Madhoram  
Sharma, Shri Nawal Kishore  
Sharma, Shri R. N.  
Sharma, Dr. Shanker Dayal  
Shastri, Shri Biswanarayan  
Shastri, Shri Ramavtar

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Shastri, Shri Sheopujan  
Shenoy, Shri P. R.  
Shetty, Shri K. K.  
Shinde, Shri Annasaheb P.  
Shivappa, Shri N.  
Shivnath Singh, Shri  
Shukla, Shri B. R.  
Siddayya, Shri S. M.  
Siddheshwar Prasad, Prof.  
Singh, Shri Vishwanath Pratap  
Sinha, Shri Dharam Bir  
Sinha, Shri R. K.  
Sohan Lal, Shri T.  
Sokhi, Sardar Swaran Singh  
Somasundaram, Shri S. D.  
Stephen, Shri C. M.  
Subramaniam, Shri C.  
Sundarsanam, Shri M.  
Sunder Lal, Shri  
Surendra Pal Singh, Shri  
Suryanarayana, Shri K.  
Swaminathan, Shri R. V.  
Swamy, Shri Sidrameshwar  
Swaran Singh, Shri  
Tarodekar, Shri V. B.  
Tayyab Hussain, Shri  
Tewari, Shri Shankar  
Thakre, Shri S. B.  
Thakur, Shri Krishnarao  
Tiwari, Shri Chandra Bhal Mani  
Tombi Singh, Shri N  
Tula Ram, Shri  
Tulsiram, Shri V.  
Unnikrishnan, Shri K. P.  
Vekaria, Shri  
Venkateswamy, Shri G.  
Verma, Shri Balgovind  
Vikal, Shri Ram Chandra  
Virbhadra Singh, Shri  
Viswanathar, Shri G.

Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

Zulfiqar Ali Khan, Shri

NOES

Nil

MR. SPEAKER: The result of the division is:

Ayes: 333; Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 5 was added to the Bill

Clause 1— (Short title)

Amendment made:

Page 1, line 3,—

for "Fortieth" substitute "Thirty-ninth" (4)

(SHRI H. R. GOKHALE)

MR. SPEAKER: The question is:

"That Clause 1, as amended stand part of the Bill".

The motion was adopted.

Clause 1, as amended was added to the Bill.

MR. SPEAKER: The question is:

"That the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

\*The following members also record the votes for AYES:

Sarvashri Priya Ranjan Das Munsi, T. Balakrishnaiah, K. Ramakrishna Reddy and Genda Singh.

The Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

Now, Division.

The Lok Sabha divided:

Division No. 14]

[13.34 hrs.

AYES

Achal Singh, Shri

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Alagesan, Shri O. V.

Ambesh, Shri

Anand Singh, Shri

Ansari, Shri Ziaur Rahman

Appalanaidu, Shri

Arvind Netam, Shri

Austin, Dr. Henry

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Banamali Babu, Shri

Banera, Shri Hamendra Singh

Banerjee, Shri S. M

Banerjee, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Barupal, Shri Panna Lal  
Basappa, Shri K.  
Basumatari, Shri D.  
Besra, Shri S. C.  
Bhagat, Shri B. R.  
Bhagat, Shri H. K. L.  
Bhargava, Shri Basheshwar Nath  
Bhatia, Shri Raghunandan Lal  
Bhattacharyya, Shri Chapalendu  
Bhaura, Shri B. S.  
Bheeshmadev, Shri M.  
Bhuvarahan, Shri G.  
Bist, Shri Narendra Singh  
Brahmanandji, Shri Swami.  
Brij Raj Singh-Kotah, Shri  
Buta Singh, Shri  
Chakleshwar Singh, Shri  
Chandra Gowda, Shri B.  
Chandrakar, Shri Chandulal  
Chandrappan, Shri C. K.  
Chandrashekharappa Veerabasappa,  
Shri T. V.  
Chaturvedi, Shri Rohan Lal  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shrimati Premalabai  
Chavan, Shri Yeshwantrao  
Chellachami, Shri A. M  
Chhotey Lal, Shri  
Chhutten Lal, Shri  
Chikkalingaiah, Shri K.  
Choudhury, Shri Moinul Haque  
Daga, Shri M. C.  
Dalbir Singh, Shri  
Dalip Singh, Shri  
Damani, Shri S. R.  
Darbara Singh, Shri  
Das, Shri Anadi Charan  
Das, Shri Dharnidhar  
Dasappa, Shri Tulsidas  
Daschowdhury, Shri B. K.  
Deo, Shri S. N. Singh

Desai, Shri D. D.  
Deshmukh, Shri K. G.  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shrimati Roza  
Dhamankar, Shri  
Dharamgaj Singh, Shri  
Dhusia, Shri Anant Prasad  
Dinesh Singh, Shri  
Dixit, Shri G. C.  
Dixit, Shri Jagdish Chandra  
Doda, Shri Hiralal  
Dube, Shri J. P.  
Dumada, Shri L. K.  
Dwivedi, Shri Nageshwar  
Engti, Shri Biren  
Ganesh, Shri K. R.  
Ganga Devi, Shrimati  
Gengadeb, Shri P.  
Garcha, Shri Devinder Singh  
Gautam, Shri C. D  
Gavit, Shri T. H.  
Ghosh, Shri P. K.  
Gill, Shri Mohinder Singh  
Giri, Shri S. B.  
Giri, Shri V. Shanker  
Godara, Shri Mani Ram  
Gogoi, Shri Tarun  
Gohain, Shri C. C.  
Gokhale, Shri H. R.  
Gomango, Shri Giridhar  
Gopal, Shri K  
Goswami, Shri Dinesh Chandra  
Gowda, Shri Pampati  
Gupta, Shri Indrajit  
Hansda, Shri Subodh  
Hanumanthaiya, Shri K.  
Hari Kishore Singh, Shri  
Hari Singh, Shri  
Hashim, Shri M. M.  
Ishaque, Shri A. K. M.

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Ismail Hossain Khan, Shri  
 Jadeja, Shri D. P.  
 Jaffer Sharief, Shri C. K.  
 Jagjivan Ram, Shri  
 Jamilurrahman, Shri Md.  
 Jeyalakshmi, Shrimati V.  
 Jha, Shri Chiranjin  
 Jharkhande Rai, Shri  
 Jitendra Prasad, Shri  
 Joshi, Shri Popatlal M.  
 Joshi, Shrimati Subhadra  
 Kadam, Shri J. G.  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S. A.  
 Kahandole, Shri Z. M.  
 Kaiias, Dr.  
 Kakodkar, Shri Purushottam  
 Kakoti, Shri Robin  
 Kale, Shri  
 Kalyanasundram, Shri M.  
 Kamala Prasad, Shri  
 Kamble, Shri N. S.  
 Kamble, Shri T. D.  
 Kamla Kumari, Kumari  
 Kapur, Shri Sat Pal  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kathamuthu, Shri M.  
 Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Kedar Nath Singh, Shri  
 Khadilkar, Shri R. K.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Kotrashetti, Shri A. K.  
 Krishnan, Shri G. Y.  
 Kulkarni, Shri Raja  
 Kureel, Shri B. N.  
 Lakkappa, Shri K.  
 Lakshminarayanan, Shri M. R.

Lambodar Baliyar, Shri  
 Laskar, Shri Nihar  
 Lutfai Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Mararaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallanna, Shri K.  
 Mandal, Shri Jagdish Narain  
 Manhar, Shri Bhagatram  
 Marak, Shri K.  
 Maurya, Shri B. P.  
 Mehta, Dr. Mahipatray  
 Mirdha, Shri Nathu Ram  
 Mishra, Shri G. S.  
 Mishra, Shri Jagannath  
 Modi, Shri Shrikishan  
 Mohammad Tahir, Shri  
 Mohan Swarup, Shri  
 Mohapatra, Shri Shyam Sunder  
 Mohsin, Shri F. H.  
 Muhammed Sheriff, Shri  
 Munsi, Shri Priya Ranjan Das  
 Murmu, Shri Yogesh Chandra  
 Muruganantham, Shri S. A.  
 Muthuswamy, Shri M.  
 Nahata, Shri Amrit  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Pahadia, Shri Jagannath  
 Painuli, Shri Paripoornanand  
 Pajanor, Shri Arvinda Bala

Palodkar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandey, Shri Sarjoo  
 Pandey, Shri Sudhakar  
 Pandey, Shri Tarkeshwar  
 Pandit, Shri S. T.  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantrao  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri S. B.  
 Patil, Shri T. A.  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Prabodh Chandra, Shri  
 Pradhani, Shri K.  
 Purty, Shri M. S  
 Qureshi, Shri Mohd. Shafi  
 Raghu Ramaiah, Shri K.  
 Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Ram, Shri Tulmohan  
 Ram Dayal, Shri  
 Ram Prakash, Shri  
 Ram Sewak, Ch.  
 Ram Singh Bhai, Shri  
 Ram Surat Prasad, Shri

Ram Swarup, Shri  
 Ramji Ram, Shri  
 Ramshekhar Prasad Singh, Shri  
 Rao, Shrimati B. Radhabai A.  
 Rao, Shri J. Rameshwar  
 Rao, Shri Jagannath  
 Rao, Dr. K. L.  
 Rao, Shri K. Narayana  
 Rao, Shri M. S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri Nageswara  
 Rao, Shri P. Ankineedu Prasada  
 Rao, Shri Pattabhi Rama  
 Rao, Shri Rajagopala  
 Rao, Dr. V. K. R. Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola  
 Ravi, Shri Vayalar  
 Ray, Shrimati Maya  
 Reddi, Shri P. Antony  
 Reddy, Shri K. Ramakrishna  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Ganga  
 Reddy, Shri P. Narasimha  
 Reddy, Shri P. V.  
 Reddy, Shri Sidram  
 Reddy, Shri Y. Eswara  
 Richhariya, Dr. Govind Das  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Rudra Pratap Singh, Shri  
 Saini, Shri Mulki Raj  
 Sait, Shri Ebrahim Sulaiman  
 Salve, Shri N. K. P.  
 Samanta, Shri S. C.  
 Sambhali, Shri Ishaque  
 Sanghi, Shri N. K.  
 Sangliana, Shri  
 Sankata Prasad, Dr.  
 Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar  
 Sathe, Shri Vasant  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra  
 Satyanarayana, Shri B.  
 Savant, Shri Shankerrao  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sen, Dr. Ranen  
 Sethi, Shri Arjun  
 Shafee, Shri A.  
 Shafquat Jung, Shri  
 Shahnawaz Khan, Shri  
 Shailani, Shri Chandra  
 Shambhu Nath, Shri  
 Shankar Dayal Singh, Shri  
 Shankar Dev, Shri  
 Shankaranand, Shri B.  
 Sharma, Shri A. P.  
 Sharma, Dr. H. P.  
 Sharma, Shri Madhoram  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri R. N.  
 Sharma, Dr. Shanker Dayal  
 Hashtri, Shri Biswanarayan  
 Hastri, Shri Ramavtar  
 Shenoy, Shri P. R.  
 Shetty, Shri K. K.  
 Shinde, Shri Annasaheb P.  
 Shivappa, Shri N.  
 Shivnath Singh, Shri  
 Shukla, Shri B. R.  
 Siddayya, Shri S. M.  
 Siddheshwar Prasad, Prof.  
 Singh, Shri Vishwanath Pratap  
 Sinha, Shri Dharam Bir  
 Sinha, Shri R. K.  
 Sian Lal, Shri T.  
 Sathi, Sardar Swaran Singh  
 Masundaram, Shri S. D.  
 Stephen, Shri C. M.

Subramaniam, Shri C.  
 Sudarsanam, Shri M.  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri  
 Suryanarayana, Shri K.  
 Swaminathan, Shri R. V.  
 Swamy, Shri Sidrameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S. B.  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mari.  
 Tombi Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiram, Shri V.  
 Ukey, Shri M. G.  
 Unnikrishnan, Shri K. P.  
 Vekaria, Shri  
 Venkatswamy, Shri G.  
 Verma, Shri Balgovind  
 Vikal, Shri Ram Chandra  
 Virbhadra Singh, Shri  
 Viswanathan, Shri G.  
 Yadav, Shri Chandrajit  
 Yadav, Shri D. P.  
 Yadav, Shri Karan Singh  
 Yadav, Shri N. P.  
 Yadav, Shri R. P.  
 Zulfiqar Ali Khan, Shri

MR. SPEAKER: The result\* of the division is:

Ayes: 336; Noes: Nil.

श्री इन्द्रजीत गुर्जत : यह कैसे अंडे रहे ?

MR. SPEAKER: Earlier, when they made mistakes, they had filled the slips. This time there has been no such problem. The result of the division is:

Ayes: 336; Noes: Nil.

- The motion is carried by a majority of the total membership of the House.

and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, passed by the requisite majority.

*The motion was adopted.*

MR. SPEAKER: Now, the agenda is complete. We adjourn *sine die*.

13.50 hrs.

The Lok Sabha then adjourned *sine die*.

\* The following Members also recorded their Votes for 'AYES':

Sarvashri Sheopujan Shastri, Genda Singh and Dr. G. S. Melkote.