

14.06 hrs.

Title: Discussion and voting on the Constitution (Ninety-fifth Amendment) Bill, 2003 (Insertion of new article 268A, amendment of article 270 and amendment of Seventh Schedule). (Bill passed)

MR. SPEAKER: The House shall now take up consideration and passing of the Constitution (Ninety-fifth Amendment) Bill.

डॉ.विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष महोदय, आप इस बिल पर वोटिंग का टाइम फिक्स कर दीजिए तो अच्छा रहेगा। **â€ (व्यवधान)**

अध्यक्ष महोदय : मैं टाइम क्यों फिक्स कर दूँ।

â€ (व्यवधान)

अध्यक्ष महोदय : अगर मैं टाइम डिक्लेयर कर दूँगा तो क्या आप हाउस में रहेंगे ?

डॉ.विजय कुमार मल्होत्रा : इसीलिए हमने पूछा है।

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Today there are two important Constitution Amendment Bills and to pass them two-thirds majority is required. If the tentative time of the voting is indicated, it will be easy for the Whips to manage the presence of their Members.

MR. SPEAKER: What will be the tentative time of voting? दो घंटे तो हमने दिये हैं। अब दो घंटे से कितना ज्यादा टाइम देना है, यह प्रश्न है।

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : अध्यक्ष महोदय, इस बिल पर ज्यादा कुछ बोलने के लिए नहीं है इसलिए एक घंटे का टाइम भी चल जायेगा।

MR. SPEAKER: Do we agree to finish it in one hour?

SHRI PRIYA RANJAN DASMUNSI : We do not mind. Three o'clock is okay with us.

MR. SPEAKER: Then, three o'clock is okay.

श्रीमती सुमा स्वराज : ठीक है।

श्री विनय कटियार (फ़ैज़ाबाद) : अध्यक्ष महोदय, इसे आप बिना बहस के पास करा दीजिए। **â€ (व्यवधान)**

MR. SPEAKER: Voting will be at 3.10 p.m.

14.07 hrs. (Mr. Deputy-Speaker *in the Chair*)

THE MINISTER OF FINANCE AND COMPANY AFFAIRS (SHRI JASWANT SINGH): I beg to move:

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

This Constitution (Amendment) Bill seeks to provide for tax on services as a separate entry for taxation and for related Central legislation to govern various modalities in that respect.

The service sector has grown rapidly all over the world, India being no exception to that global trend. The service sector encompasses wide-ranging economic activities like management, banking, insurance, hospitality, administration, communication, entertainment, travel, wholesale distribution, retailing, research and development activities, professional activities, etc. In 2001-02 the service sector accounted for 48.45 per cent of the country's GDP.

In most developed countries goods and services are traded and taxed together. Taxation of services in India was started through the Union Budget of 1994-95 when it was levied with effect from July 1, 1994 on stockbrokers, general insurance and telephone services.

The power to levy tax on service is, however, not specifically mentioned either in the Union List or in the State List or in the Seventh Schedule of the Constitution. Entry 97 of the Union List gives power to the Centre for levy and collection of any tax not mentioned in either List II or List III. At present, therefore, the Parliament has the power to levy and collect tax on services only as a residual taxation matter. In exercise of this power, the Central Government had periodically taxed selected services.

Sir, the role of this sector being significant and on the basis of deliberations between the State Governments and the Central Government also in accordance with the views and the recommendations of the Expert Committees, it

has been proposed to suitably amend Constitution. (i) To introduce a new entry, 92C, 'Taxes on services', in the Union List, that is List I of the Seventh Schedule of the Constitution. (ii) To insert a new article 268 (a) in the Constitution to provide for levy of taxes on services by the Union and collection and appropriation of the proceeds thereof by the Union and by the States in accordance with the principles to be laid down by a new law to be made by the Parliament. (iii) After the proposed amendments to the Constitution are effected, to enact a suitable Central legislation to provide for all modalities, including levy of tax on services by the Union Government and collection and appropriation of the proceeds of this tax, up to the prescribed *ad valorem* limits, by the Union and the States respectively.

After this proposed amendment to the Constitution is considered and adopted by the Parliament, it has to be ratified by the State legislatures. A suitable Central legislation will then be enacted to provide for all necessary modalities including collection and appropriation of the proceeds of the taxes on services by the Union and the States respectively.

The proposed amendment will facilitate reforms in the domestic trade system and widen the tax base of the States as and when they consider the VAT.

With these few words, I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved:

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

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Deputy-Speaker, Sir, it was during the Congress regime in the year 1994, that the concept of taxing the services was brought in for the first time. It is because the Congress has believed that while the ordinary person must not be put under the yoke or the burden of unnecessary taxation, at the same time, to widen the tax base, it is absolutely imperative that we must try to think of new means to increase the revenue wherever it is possible.

It is in this light, Sir, that I today rise to support this Bill. So far service has been taxed under the residuary powers of the Union Government, that is, under entry 97 of the Union List. For the last many years, we have resorted to those provisions to levy service tax. But now since there is more understanding on this subject, there is a greater need felt to levy service tax, the Government has appropriately come forward with this amendment to the Constitution to specifically provide for an entry to this effect in the Union List.

Having said that, one can certainly feel that any *bona fide* attempt to enhance the revenue collection of the Government has to be welcomed. The hon. Minister has, in his brief opening remarks, informed the House that in the financial year 2000-01, the service sector accounted for 48.45 per cent of the country's Gross Domestic Product. This certainly goes to the credit of a large number of professionals in the country who are engaged in different professions, who have been working very hard, who have been toiling very hard to participate in the nation building programme and to contribute their mite, to contribute their best for the country's sake. That is their commitment to the cause that they have made such a major and significant contribution to the GDP of the country. But, at the same time, I would certainly like to bring it to the notice of this House, and not to the notice of the hon. Minister only to plead with him because it is he who has prepared the Budget and who has taken extra pains to see that no service whatsoever is left out of the Service Tax net - that is where, I would like to sound a word of caution - that while we understand and support the Government's endeavour to widen the tax base, we must not be overzealous in our endeavour to do that.

Only a few days ago, while speaking on the Finance Bill, I had mentioned some of the trivial services which have also been brought under the net of the Service Tax. If we keep on increasing the number of services taxable under this provision, it would lead to more and more problems for the tax-payers and the consumer ultimately because any tax collected on any service by the service provider has ultimately to be passed on to consumer only.

In this context, I would only like to very briefly refer to one or two services. I had mentioned quite a few the other day. Even in the case of a house-wife engaging a mechanic under a contract, this tax would be applicable. If she were to enter into a loose contract with a mechanic who were to come to the house periodically to repair the LPG stove, that service would come under this net. I know that there could be a distinction where if a mechanic were to come casually, if you were to call somebody and pay him for that particular day's job, it would not be subject to Service Tax. But if it were to be an annual contract of maintenance, then the same service would become amenable to Service Tax. There are various other things like that. I cite the example of two cases only. Some students may have to pay much more than what they pay even for their uniforms. They may have to pay more on many other things and in respect of going to tutorial classes also. If a student wanting to get more training, more education and

more guidance on a particular subject, joins some tutorial class, the person providing the service, that is, the tutor, would charge service tax on the fees. That would automatically be passed on to the student. Similarly, if I just have to travel from one place to another, if I find a little difficulty or some problem in going to the Railway Station to buy a railway ticket, if I call up a travel agent and ask him to get me the ticket from Delhi to Mumbai, what would happen is that besides the ticket charge, he will charge some service charge for it. Now, the provision would be that on that amount, there would be Service Tax also payable. What does it lead to? It leads to, one, unnecessary proliferation of paper work; and, two, every person will have to keep an account of that.

When we have the income tax in place, when we have various other taxes in place, the service tax should exclude all these trivial small services. Besides leading to proliferation and multiplication of unnecessary paper work, it would lead to the harassment of the poor consumers. It would create hassles for them which would really lead to the strengthening of Inspector *raj* which the hon. Minister has assured the House many times that he is determined to eliminate. We know it and know it to our chagrin that this duty of collection of service tax vests in the Excise Department. I do not want to make any uncharitable comment, but certainly the experience of anyone who has dealt with that Department is that it leads to problems for a person who is required under the law to maintain some account. So, the work of service tax being given to the Excise Department to administer would only lead to further complication for the people.

I would like to take this opportunity to say that in principle we do agree to service tax. But the number of services which have been included over the years have increased. To begin with, there were only three or four services, and if I am not mistaken, today there are about 70 services. Seven services have been added this year. I think, in their over-anxiety, the Ministry, the Government is going about trying to identify the services which can be brought under this tax. This practice must end, if we want the taxation system to be people-friendly. We have always expected of the Government that worthwhile steps, commensurate with the needs, need to be taken to ensure: (a) that the tax base is widened and (b) that anyone who is liable to pay tax, does not go scot-free. There was a figure, perhaps, which was brought to the notice of the House by the Standing Committee on Finance in its latest Report, of Rs.53,000 crore, if I am not mistaken. I do not have the facts with me. Just at random, I got up to speak on the subject. If I am not mistaken, perhaps that is the figure that is held up in some disputes between the Department and the tax-payers whose number is not very high. Very few companies, most of which owe the Government more than Rs.10 crore each, they have held up that amount which they are liable to pay to the Government in the form of income tax and other direct taxes.

I think what is needed is that the Government must really oil its machinery well. The Government must ensure that the loopholes are plugged so that nobody is able to evade tax. But at the same time, it is our duty that in our anxiety to collect taxes, we do not burden the ordinary man. What is really being done today is, the persons who are voluntarily opting to pay tax are rather being forced to pay tax. That is what I want to bring to the notice of the House. It was none other than the officials of the Department who deposed before the Standing Committee that tax collection is voluntary and the Commissioners of Income Tax and others cannot do much.

Sir, having got the signal from you to conclude, I would just conclude.

I would only say that we support this Bill. We support the initiative to bring this entry in the Union List as also the desire of the Government to frame law for this purpose. The law should take care of all those things and I would even suggest that instead of every year trying to add more services, there must be a comprehensive study undertaken on this subject. We feel that lot many services are involved and only those services where major fees are being charged should be brought within the purview of service tax and not other trifling, small services.

Finally, I would like to request the hon. Minister that there has been a recommendation by the Committee on Subordinate Legislation of this House that whenever the Government prepares a law, the Government must also endeavour that the rules thereunder are prepared before the Bill is brought before the House.

Not many of the Departments of the Government of India have taken note of that provision. What we are then confronted with is a situation where Bills are drafted, brought before this House and passed by this House, but many years thereafter, those are not enforced for the simple reason that we do not have any subordinate legislation thereon, meaning thereby the rules under the Act or the regulations etc in place. I would wish that in future any Bill which is brought before this House is also accompanied by the rules.

With these words, I support this Bill and I thank you very much for giving me this opportunity.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Deputy-Speaker, Sir, I stand here in support of the Constitution (Amendment) Bill which is being discussed today. The hon. Finance Minister and Shri Pawan Kumar Bansal have given a brief resume about the history of service taxes.

Sir, service providers have to be taxed. This idea was first mooted in 1994, thanks to Dr. Manmohan Singh who started it, and in 1997-98, a large number of services were brought into this net in order to ensure that more taxes come to the Government. All these things were done through the residuary powers of the Central Government under the Union List. Now, it is being given a firm footing by amending the Constitution itself so that Entry 92C in the Union List will look after the service taxes.

Sir, as you would kindly see, in the Annual Report of the Finance Ministry itself it was indicated that more services would be taxed and this has been done in the Finance Bill of 2003. About 25 new service providers are being taxed now. As a result of this, in the last fiscal, in the service providers section itself, the Central Government was able to get Rs. 2,200 crore. Now it will get Rs. 8,000 crore. Out of Rs. 8,000 crore, about Rs. 2,360 crore will go to the States. That will add to the kitty of the State Governments which are almost craving for funds on different occasions. Eight percent tax is to be levied now, out of which five per cent will go to the Central Government and three per cent will go to the States, as per the Finance Commission's recommendation.

Sir, although it may be out of place here to speak on the Finance Commission's recommendations, I would urge upon the Government to think of providing more funds to the under-developed States like Orissa. The 11th Finance Commission has given only 5.6 per cent of the revenue to the States which is not adequate for States like Orissa. That is beside the point, but I only mention it so that the hon. Finance Minister can keep it in mind to give the mandate to the 12th Finance Commission to see that the under-developed States also get some more money.

When the services were being taxed from 1994, rules were framed. In those rules, certain instructions had been given where there is no mention about basic exemptions and few amendments have been provided. Even in the Finance Bill of 2003 this has been reiterated. When services have been taxed, certain amendments have to be thought of, certain exemptions also have to be thought of in a liberal manner so that the service provider is not put to any difficulty. As Shri Pawan Kumar Bansal was saying, the 'Inspector Raj' should not take over the work of the service providers. That is most important.

Then, the Central Government has also started the Authority for Advance Rulings on Service Tax. This is a very good step which has been taken.

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI ANADI SAHU : I will conclude by saying only one sentence more.

MR. DEPUTY-SPEAKER: Only one sentence!

SHRI ANADI SAHU : Now I conclude.

MR. DEPUTY-SPEAKER: The hon. Finance Minister has to go and reply to the debate on the Finance Bill in the Upper House. That is why I am requesting the Members to be very brief.

SHRI RUPCHAND PAL (HOOGLY): Mr. Deputy-Speaker Sir, I support this particular endeavour, which has to go a long way through this Central legislation to be ratified by the State Legislatures and many more things.

The service sector accounts for more than 48 per cent of the GDP and now more and more services will come up, although, I have serious reservations about the way services are being defined. After all, the success of the economy of a country like India will depend largely on the development in agriculture and also in manufacturing sector. But still new services are coming up and we have to take into account the potential in this particular area. As there is no provision in the existing arrangement, the taxation on services is not specifically mentioned in any entry here. Now the endeavour is to make it clear through a constitutional amendment that it should be the right of the Central Government to prepare the principles and also the collection and the appropriation could be distributed amongst the Union and the States according to the formula. For example, as per the existing formula, as per the latest Finance Commission's recommendations, it is 5:3, that is, out of the 8 per cent, 5 per cent to the Centre and 3 per cent to the States. But the finances of the State Governments should be taken into account. There is an urgent need for restructuring of the financial relationship, not only for the underdeveloped States but of many more States which, because of a particular situation, because of a particular burden, have to be looked into.

Now, the point is that the States have taken a unanimous decision to replace their existing sales tax system with the system of Value Added Tax from 1st April 2003, it has been mentioned in the Bill. But even after the revised target date by the Empowered Committee, we find that the latest reply by the hon. Finance Minister on the occasion of the discussion on the Finance Bill was that unless all the States agree to opt for the Value Added Tax system, no purposeful decision can be taken. That means, it has been put into the cold storage, whatever may be the endeavour of the Empowered Committee.

The principle to support the Value Added Tax system is that it can ensure more transparency, it can plug the

loopholes which cause too much of evasion in the taxation system. But without necessary infrastructure, without taking into account the particular situation prevailing in the States, it will not serve any purpose. The sales tax is the only major source of income for the States and the Central Government is not considering how they propose to compensate the loss suffered by the States as a result of the Value Added Tax system. People have a confusion and the latest situation, which is not mentioned here, is that the hon. Finance Minister has himself stated that it is not possible to opt for the Value Added Tax system right now because most of the States have not agreed to it. There is no unanimity. How, this is going to change the situation, I do not know. The States have suggested that they should be enabled to collect appropriate tax on services and in this context, it will widen their tax base. How it is going to happen, I do not know?

Widening the tax base is one of the goals. The tax-GDP ratio is too low. But in a large country like India, it has been widely debated, discussed and suggestions have come from the empowered committee and from very many people and also in the House.

But hardly this consideration is going to augment significantly the revenue of the States. I am again emphasising on the definition of services. Thousands of services are there. How do we collect the service tax? How do we ensure that there is no evasion? In a developed country, trade tax and service tax go hand in hand. But here, how do we collect the service tax? I had asked a number of questions about the definition, about the DPO, about the functioning of different types of Call Centres, about the professionals, about the insurance system, about the banking system, about the medical services, and about many other things. My apprehension is that a lot of litigation will follow, which will hamper the process of this collection.

I fully agree that we should make a beginning and amendment in the Constitution should be brought about. When the Central legislation comes, we will have an opportunity to discuss it further. The State Legislatures will have the opportunity to discuss it while ratifying the Central legislation but I have my own apprehension. What has happened in the case of VAT? The Union Finance Minister himself told this nation, standing on the floor of this House, that it would not be possible right now to opt for VAT while the Empowered Committee is still sitting and discussing it, and June is the target date. Sixteen States have agreed to it. Now, it seems that the Ruling Party has succumbed to the pressure of the vested interests belonging to the trading class. They have blackmailed the Ruling Party and the Ruling Party succumbed to the pressure and backed out. I think, had VAT been put in place rightly along with the infrastructure ...*(Interruptions)*

श्री श्याम बिहारी मिश्र (बिल्हौर) : उपाध्यक्ष महोदय, माननीय सदस्य रूप चन्द पाल जी, जो इस बिल के बारे में बोल रहे हैं, उनके प्रदेश में भी तो एक्ट बन रहा था। वे नहीं बना पाए हैं। ये स्वयं अभी तक निश्चित नहीं कर पाए हैं। उन्हीं के प्रदेश के वित्त मंत्री उसके अध्यक्ष हैं, फिर भी वे उसे नहीं कर पा रहे हैं और यहां केन्द्र सरकार के लिए कह रहे हैं कि शासक पार्टी दबाव में है।

SHRI RUPCHAND PAL: Sir, I am not yielding. ...*(Interruptions)* Simply I am commenting on the change of track by the Finance Minister under pressure from the trading class. Now, the situation is different from what it is stated here, and from the 1st of April, 2003 it is going to happen ...*(Interruptions)*

प्रो. रीता वर्मा (धनबाद) : उपाध्यक्ष महोदय, मैं माननीय सदस्य रूपचन्द पाल जी से जानना चाहती हूँ कि वे अपने राज्य में इसे किस के दबाव में लागू नहीं कर पा रहे हैं ?

श्री श्याम बिहारी मिश्र : उपाध्यक्ष महोदय, माननीय सदस्य, केन्द्र सरकार को क्यों बदनाम कर रहे हैं ?

MR. DEPUTY-SPEAKER: Nothing will go on record except what Shri Rupchand Pal says.

(Interruptions) *

* Not Recorded.

SHRI RUPCHAND PAL : Sir, the hon. Finance Minister himself is on record that many States have still not agreed to the VAT system because it would not be possible ...*(Interruptions)*

SHRI JASWANT SINGH: May I just remind the hon. Member that we are discussing the Constitutional amendment for service tax and not the Value Added Tax? We can have a discussion on VAT later. ...*(Interruptions)*

SHRI A.C. JOS (TRICHUR): He is adding more value to it. ...*(Interruptions)*

SHRI RUPCHAND PAL : It is mentioned here. I am reading it from the Statement of Objects and Reasons. It says:

"The States have taken a unanimous decision to replace their existing sales tax system with the system of Value Added Tax (VAT) from 1st of April, 2003. In this context, with a view to widening their tax base, the States have suggested that they should be enabled to collect an appropriate tax on services. "

What is the situation with regard to VAT after what has been stated by the hon. Finance Minister? ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI RUPCHAND PAL : Now, I am concluding. I support the Amendment Bill but this is too inadequate. The Central legislation should take into account the definition of services, how to collect the taxes, and also how the States can be benefited equally because right now they are seriously suffering from the financial crunch.

Dr. M.V.V.S. MURTHI (VISAKHAPATNAM): Mr. Deputy-Speaker, Sir, I rise to support this Constitution (Ninety-fifth Amendment) Bill, 2003. Today, the economic scenario has changed. Out of the total GDP, the services are presently accounting for 48.5 per cent according to the 2001 survey. By this time, it may also have increased. By the end of 2003, it is likely to surpass 50 per cent of the GDP. So, we cannot neglect it and we have to introduce tax on services. But, at the same time, precaution has to be taken to see that the menial and trivial services are left out.

The other day when I went to a barbershop, they told me their apprehension that they were also doing services and that service taxes are likely to be levied from them also. I was surprised to hear this. But I do not know in course of time what services will be taxed. While selecting the services that are going to be taxed, we should be very careful to see that the trivial services are left out. Wherever hard labour is involved for services, such services also have to be left out. Wherever intellectual property is utilised, only those services are to be taxed. Then only, the ordinary people will be left out. This is a very important thing. The hon. Finance Minister will take care of this. It has been mentioned here that eventually the States will be benefited by the insertion of the new article 268A. While collecting VAT, the services will also be added to the States. At present, anyway VAT has been deferred for the time being. Eventually when the whole tax will go to the States, because it is being tagged to the VAT, the sharing proportion of 5:3 per cent will strategically change in favour of the States. So, ultimately it is beneficial. The sharing proportion will help the States in service tax collection. According to the Eleventh Finance Commission, five points will be taken by the Centre and three points are being given to the States. But it has to be changed. At least, it has to be *vice versa*. The recommendation should go to the Twelfth Finance Commission that five points will be taken by the States and three points will be taken by the Centre so that the States will be benefited. As some of our hon. colleagues stated, some States are dependent only on the collection of sales tax and other taxes. Ultimately, such starving States should not be affected. When you collect more tax on services, the majority share should go to the States. Kindly ensure that. We are not against this. We fully support you, but, at the same time, you keep the small people out of this amendment tax arena so that they will not come under the purview of the tax collection. It should not be like when Shri Subramaniam was the Finance Minister, he imposed one per cent excise duty on all the items which were not taxed elsewhere earlier. That was the definition. That means, if you impose some tax on any service, it will affect everybody and that should not happen. The ordinary people should be left out. Kindly select the items carefully and see that the States are benefited. As and when you introduce the VAT system, you see that these service taxes are added to the VAT and the States are greatly benefited by this item. With these words, I support the Bill.

SHRI K. YERRANNAIDU (SRIKAKULAM): Sir, I am adding one thing which my colleague left out. If tomorrow the Parliament may enact another law regarding what proportion of the tax should go to the States, I would say that 50 per cent should go to the States from service tax collection. Why? It is because the States are giving services....(*Interruptions*)

MR. DEPUTY-SPEAKER: Are you substituting his speech?

Dr. M.V.V.S. MURTHI : I asked for sharing states 5 points and centre 3 points. (5:3)

SHRI A.C. JOS (TRICHUR): Mr. Deputy-Speaker, Sir, I will not take much time. I generally support this Constitution (Amendment) Bill. I am happy to support it especially because I come from the State of Kerala where more services are rendered than other things. Our State level GDP is much more in the case of services. I am only supporting the contention raised by my colleague, Shri Murthi. There is no definition of services now.

I do not know whether it could be done by rule or not. Otherwise, any mischievous bureaucrat in a State could widen the net, which would affect everybody.

My friend, Shri Pawan Kumar Bansal mentioned about education. An education institution is a service institution but could it be taxed? Anybody could stretch the net. So, my submission is that a careful definition of 'services' is to be given because more and more services are coming in. I am told, the Tamil Nadu Government is charging twelve per cent tax on telephone calls emanating from cellular phones. Could it be considered a service? In that case what type of a tax could be collected from them? So, it is a very dangerous and wild field where you have to carefully tread. My submission to the hon. Minister of Finance is that the definition is to be carefully worded. I would even go with what Shri Pawan Kumar Bansal has suggested. He has suggested that the rules are also to be framed

immediately if the definition is going to be put in the rules. I do not think what is being done is sufficient. It should have come here in the Bill itself.

Another aspect is that it has now been taken to the Union List but what about the States? Their position would be that no State could levy any tax on services. I do not know whether the Government is envisaging a situation or expecting that all taxes – any number of taxes are there in this country – are to be levied by the Central Government. Naturally, the State Governments would also have to do something. So, either you have to have an entry in the Concurrent List for service taxes or the States should also be permitted to have it in the State List also.

Just as Shri M.V.V.S Murthy has said, now even what a barber does is also a service. So, would that be taxed? In Kerala, there are more organised services. A number of tutorial institutes are coming in and there are a number of nursing schools and pharmaceutical colleges. All of them would become taxable under the service tax. There are certain genuine areas where the States should come in and impose taxes on services. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Shri A.C. Jos, please conclude now.

SHRI A.C. JOS : Sir, I am not taking much time. I know, the hon. Deputy-Speaker is unusually strict today. He generally gives us enough time.

MR. DEPUTY-SPEAKER: All right, please continue.

SHRI A.C. JOS : I have only two submissions. I do not know whether the definition is to be made in the rules or in the main law but that has to be carefully worded. The second is that space should be given, leverage should be given for the States also to impose taxes. Now, if it is included in the Union List, the States would not have any space or angle to move about. That is also for the hon. Minister of Finance to consider. Otherwise, it is high time we started taxing services and this endeavour is laudable. So, I support this Bill.

DR. V. SAROJA (RASIPURAM): Hon. Deputy-Speaker, Sir, I would like to request you not to ring the bell till I finish my speech. I would confine myself to five minutes.

MR. DEPUTY-SPEAKER: Yes, you are given five minutes.

DR. V. SAROJA: Thank you very much, Sir, for giving me this opportunity.

I stand here to oppose this Bill on behalf of the AIADMK and my leader, hon. Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi Amma and also on behalf of all hon. Members of the AIADMK. We insist that the service tax should be included in the State List, not in the Union List.

It involves the sale or purchase of goods and services. Sale or purchase of goods is the domain of the States. Sir, with this introduction, I would like to support my views.

As per the Statement of Objects and Reasons mentioned in the Bill, the Government of India set up the Expert Committee and it recommended the following objects and we are going to achieve the following objects:

1. 'Tax on services' as a specific entry in the Union List.
2. Insertion of a new article, namely, article 268A.
3. Consequential amendment to article 270, to enable Parliament to formulate by law, principles for determining the modalities of levying the said tax by the Central Government and collection of the proceeds thereof by the Central Government and the States.

In the fourth column of the Statement of Objects and Reasons, it is mentioned that the proposed amendment would help in significant augmentation of revenues of the States in accordance with the proposed law. I would like to have a categorical reply from the hon. Minister of Finance as to how this amendment will take care of the States' financial crunch.

Now I would like to draw the attention of the hon. Minister to the reply given to a Starred Question on 25th April, 2003 by the hon. Minister of Finance. As per the Entry 54 of List II of the State List in the Seventh Schedule of the Constitution of India, tax on sale or purchase of goods is a State subject. We are only replacing the sales tax to Value Added Tax (VAT). I would like to know the definition of the VAT. It is the domain of the State Government. It should not even come to the Concurrent List and it should remain only in the State List. Then only the financial crunch that every State is facing will be taken care of. I would like to draw the attention of every senior leader and all political parties to have a rethinking on this Bill. I urge upon the Government to maintain this in the State List.

Regarding power to levy taxes on services, the power to collect and appropriate is the duty of both the State and

the Centre. All Expert Committees have argued for State-level VAT. What is the conclusion about that Expert Committee's report? The Government of India is not given power to levy the tax on sales. The Excise Duty under Entry 84 of List I in the Seventh Schedule of the Constitution is only on manufactured goods. The Government of India should not rely on residuary part of Entry 97 of Union List of the 7th Schedule of the Constitution. The Constitution of India has given the powers. It has not specifically mentioned anywhere that since it is not given in the Union List Entry 97, it does not mean that we can place this amendment in 92C. We oppose that.

Finally, the Bill, in its present form, empowers the Government of India alone and not the State Governments. I would like to draw the attention of this august House to have a rethinking, to give a rapt attention and to have a critical evaluation of this Bill. This is again unfortunate to encroach upon the financial relationship of the States and Centre. I, once again, would like to request the Government of India to consider this point.

Sir, I would like to add one more thing. In the Bill it is said that the "service" sector accounted for 48.5 per cent of the country's Gross Domestic Product (GDP) in the financial year 2000-01.

Sir, that means that the service sector plays a significant role in the State finance. In that case, if this is going to be brought even under the Concurrent List, this is going to lead more to financial crisis for all the State Governments. To deny this power of the States if you are going to include it or to amend the Constitution, it will be a body blow for all the States.

With these few words, I conclude.

श्री किरीट सोमैया (मुम्बई उत्तर पूर्व) : उपाध्यक्ष महोदय, मैं सिर्फ दो-तीन मुद्दों के ऊपर वित्त मंत्री जी का ध्यान आकर्षित करना चाहूंगा। पहला मुद्दा यह है कि इसमें डबल टैक्सेशन कम सिस्टम हो सकता है और हो रही है। सर्विस सेक्टर पर हम टैक्स लगाने जा रहे हैं। मैं उदाहरण के तौर पर कहना चाहूंगा कि जैसे कुछ साल पहले हमने एंटरटेनमेंट टैक्स राज्यों को ट्रांसफर किया था तो राज्य सरकारें भी एंटरटेनमेंट टैक्स लगा रही हैं और केन्द्र सरकार भी लगा रही है। This is one point which, I think, the hon. Minister of Finance will have to clarify. In the Bill also it is mentioned that the States and the Centre will share it. I want to know how it will be shared and whether there will be double taxation system etc. सर्विस टैक्स लगाने के बारे में एक सिस्टम ऐसा है कि the service providers will collect the tax from the beneficiary. लेकिन वह टैक्स कलेक्ट करके एक्सचेजर में जमा करा रहा है या नहीं, जमा हो रहा है या नहीं, इसके बारे में जो अभी सिस्टम है, उसमें कई त्रुटियां हैं। मैंने पहले भी सदन के ध्यान में यह बात लाई थी कि मुम्बई में केबल आपरेटर क्या कर रहे हैं। केबल सर्विस प्रोवाइडर कस्टमर से पांच प्रतिशत या आठ प्रतिशत टैक्स कलेक्ट करते हैं, लेकिन only five per cent of the collection is being deposited and this is happening not only on the cable but everywhere. हर समय में ऐसा सिस्टम विकसित हो रहा है कि जैसे ही हम टैक्स लगाएंगे, वह कलेक्ट करेगा, लेकिन सरकार के पास नहीं आएगा, जबकि लोग पैसा देंगे। I think this is a very very big lacuna which is observed by both the States and the Centre. There is a need for a study on the same.

मैं तीसरी बात कहकर अपनी बात समाप्त करूंगा। जैसे सर्विस टैक्स में चीन की 1980 में जी.डी.पी. में एग्रीकल्चर सेक्टर की 30 प्रतिशत ग्रोथ थी, in 2001 it has gone down to 15 per cent. In manufacturing sector it went from 48 per cent up to 51 per cent. भारत में स्थिति यह है कि एग्रीकल्चर सेक्टर की जी.डी.पी. में 70 प्रतिशत ग्रोथ थी but it has gone down to 24 per cent. मैन्यूफैक्चरिंग सेक्टर 26 प्रतिशत का शेयर टोटल जी.डी.पी. में है। मैन्यूफैक्चरिंग में इतना कम होना बहुत अच्छी बात नहीं है। हिन्दुस्तान में सर्विस टैक्स सेक्टर की भी 49 प्रतिशत ग्रोथ हो गई है। What I would like to bring to the notice of this august House is that this is equally important. मैं इस पर कहना चाहता हूँ कि जैसे एक्सपोर्ट सेक्टर में हम 2010 तक शफिशिएंट हो जायेंगे। One of the major factors is I.T. यह एक्सपोर्ट का शेयर 33 प्रतिशत हो जाएगा। अमेरिका और इंग्लैंड में एक बहुत बड़ा मूवमेंट शुरू हो चुका है कि यहां से, भारत में बैठकर जो सर्विस प्रोवाइड कर रहे हैं, उसको कैसे बैन किया जाए। अमेरिका में पहले एक राज्य में एक प्राइवेट मेम्बर बिल आया। फिर दूसरे राज्य में, फिर तीसरे और चौथे राज्य में आया तो मुझे दुख के साथ कहना पड़ता है all the decision-makers are sitting here. हम यह समझ नहीं पाते हैं कि अगर कभी अमेरिका में यह कानून बन गया तो हमारे सर्विस सेक्टर और एक्सपोर्ट ग्रोथ के ऊपर बहुत बड़ा धक्का लगेगा।

15.00 hrs.

SHRI JASWANT SINGH: Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members for the views that they have expressed and also some of the suggestions that they have made. May I clarify at the very beginning that this amendment to the Constitution is an enabling amendment? Details of service, which services to be taxed and what services to be included will be part of the Service Tax Bill which is yet to be presented to Parliament. It will be taken up at that occasion, and that would be a fitter occasion. This is a provision to include a tax measure in the Union List so that both the Centre and the States can collect it. The duty and the responsibility of levying the tax remains of the Union Government.

A number of points came up and I will answer them briefly. For example, that there are minor services and why bring in minor services into the net of Service Tax. This is abundantly clear. This has been made clear on several occasions that the threshold of taxation, annual taxation based on annual turnover will be part of the Service Tax Bill. That Bill will define what the threshold is and minor services, which are the services that are to be excluded from it, will also be part of the Service Tax Bill.

The other theory which a number of Members, particularly the hon. Member from AIADMK Party, raised related to the respective division of the Service Tax between the States and the Centre. Now, the Bill is yet to be presented. It is entirely possible that when the Bill is presented we have that of the Service Tax which say eight per cent, a certain percentage is shared by the States. Now, that should very clearly answer the hon. Members' viewpoint whether it will enhance the revenue of the State or not. Of course, it will enhance the revenue of the States. It is self-evident that if what is not currently being taxed becomes available as a tax resource, then certainly it adds to the revenue. When we discuss as to what percentage of this eight is to be shared between the Centre and the States, what percentage is to be shared, it is entirely possible that certain services which are of a particular nature, those services remain the exclusive preserve of the States. But it is necessary here to understand that when it comes to the Service Tax Bill, we will be considering what is it that should be shared. Should it be the tax that is shared or should it be the service that is shared? What it will eventually amount to is that certain services will fall in the purview of the States.

But I am sure that the hon. members recognise and understand that all the States of the Union do not have a uniform spread of services. For example, certain States are small in size or are geographically located in such a fashion that they do not have such services and it is the responsibility of the Centre to ensure as much equality as possible. These are all issues which will be considered when the Parliament considers the Service Tax Bill as such. The hon. Members are quite rightly fighting for the cause of the State in saying that 50 per cent of the Service Tax should come to the States. I cannot say whether it should be 50 per cent. It is possible that certain ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (BOLPUR): They have got other funds. They are happy with 50 per cent. I want 70 per cent. ...*(Interruptions)*

SHRI JASWANT SINGH: After all, it is an emerging tax which we are considering. All taxes are listed in the Lists and therefore, on this new provision, it is a Constitution (Amendment) Bill that we are considering, which is really an enabling provision.

I would now commend that this Bill be passed by the House.

MR. DEPUTY-SPEAKER: Before I put the motion for consideration of the Bill, to vote of the House, I may inform the House that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared --

...*(Interruptions)*

MR. DEPUTY-SPEAKER: Order, please.

15.07 hrs. (Mr. Speaker *in the Chair*)

MR. SPEAKER: Hon. Members, the lobbies are cleared. Now, Secretary-General may read the instructions about operation of Automatic Vote Recording Machine.

SECRETARY-GENERAL: Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only.
2. As may kindly be seen, the 'red bulbs above display boards' on either side of hon. Speaker's Chair are already glowing. This means the voting system has been activated.
3. For voting please press the following two buttons simultaneously immediately after sounding of first gong, namely:

One 'red' button in front of the hon. Member on the head phone plate and

also

Any one of the following buttons fixed on the top of desk of seats:

Ayes - Green colour

Noes - Red colour

Abstain - Yellow colour

4. It is essential to keep both the buttons pressed till the second gong sound is heard and the red bulbs are "off".

The hon. Members may please note that the vote will not be registered if both buttons are not kept pressed simultaneously till the sounding of the second gong.

5. Please do not press the amber button (P) during division.
6. Hon. Members can actually "see" their vote on display boards and on their desk unit.
7. In case vote is not registered, they may call for voting through slips.

MR. SPEAKER: The Lobbies are cleared.

The question is:

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

The Lok Sabha divided:

Division No. 1 AYES [15.15 hrs.]

A.Narendra, Shri

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

*Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahmad, Shri Daud

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr.(Shrimati) Anita

Atkinson, Shri Denzil B.

*Recorded through slip

Azad, Shri Kirti Jha
'Bachda', Shri Bachi Singh Rawat
Badnore, Shri Vijayendra Pal Singh
Baghel, Prof. S.P. Singh
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Basavanagoud, Shri Kolor
Basavaraj, Shri G.S.
Basu, Shri Anil
Begum Noor Bano
Bhargava, Shri Girdhari Lal
Bhatia, Shri R.L.
Bhuria, Shri Kantilal
Botcha, Shri Satyanarayana
Brahmanaiah, Shri A.
*Brar, Shri J.S.
*Recorded through slip
C.Suguna Kumari,Dr. (Shrimati)
Chakraborty, Shrimati Bijoya
Chandel, Shri Suresh
Chatterjee, Shri Somnath
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
*Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
*Chauhan, Shri Bal Krishna
Chauhan, Shri Nandkumar Singh
Chauhan, Shri Shriram
Chennithala, Shri Ramesh
Chikhaliya, Shrimati Bhavnaben Devrajibhai
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen

Chouhan, Shri Shivraj Singh

*Recorded through slip

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Das, Shri Nepal Chandra

Dasmunsi, Shri Priya Ranjan

Dattatreya, Shri Bandaru

Deo, Shri Bikram Keshari

Dev, Shri Sontosh Mohan

*Deve Gowda, Shri H.D.

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Dudi, Shri Rameshwar

Dullo, Shri Shamsheer Singh

Elangovan, Shri P.D.

*Farook, Shri M.O.H.

Fernandes, Shri George

Galib, Shri G.S.

Gamlin, Shri Jarbom

*Recorded through slip

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gangwar, Shri Santosh Kumar

Gautam, Shrimati Sheela

Gavit, Shri Ramdas Rupala

Gehlot, Shri Thawar Chand

*Giluwa, Shri Laxman

@Gogoi, Shri Dip

Govindan, Shri T.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

*Hamid, Shri Abdul

Handique, Shri Bijoy

Hansda, Shri Thomas

*Hussain, Shri Syed Shahnawaz

Jadhav, Shri Suresh Ramrao

Jag Mohan, Shri

Jagannath, Dr. Manda

*Recorded through slips.

@Voted from wrong seat and corrected through slip.

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jatiya, Dr.Satyanarayan

Javiya, Shri G.J.

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murli Manohar

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

*Khaire, Shri Chandrakant

Khan, Shri Hassan

Khan, Shri Mansoor Ali

Khandelwal, Shri Vijay Kumar

Khanduri, Maj.Gen.(Retd.) B.C.

*Recorded through Slips

Khanna, Shri Vinod

Khunte, Shri P.R.

Khurana, Shri Madan Lal

Krishnamurthy, Shri K. Balarama

Krishnaswamy, Shri A.

Kumar, Shri V. Dhananjaya

Kuppusami, Shri C.

Kurup, Shri Suresh

Kusmaria, Dr. Ramkrishna

Kyndiah, Shri P.R.

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

Makwana, Shri Savshibhai

Malhotra, Dr. Vijay Kumar

Malyala, Shri Rajaiah

Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Mehta, Shrimati Jayawanti

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohale, Shri Punnu Lal

Mohan, Shri P.

Mohite, Shri Subodh

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Murmu, Shri Rupchand

Murthi, Dr. M.V.V.S.

Naik, Shri A. Venkatesh

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Narah, Shrimati Raneer

Nayak, Shri Ananta

Nitish Kumar, Shri

Oram, Shri Jual

Osmani, Shri A.F. Golam

*Pal, Shri Rupchand

Palanimanickam, Shri S.S.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Paranjpe, Shri Prakash

Passi, Shri Raj Narain

Paswan, Dr. Sanjay

Patasani, Dr. Prasanna Kumar

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantryao

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

*Recorded through slip

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Bhaskarrao

Patil, Shri Jaysingrao Gaikwad

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patwa, Shri Sundar Lal

Ponnuswamy, Shri E.

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Pramanik, Prof. R.R.

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rau, Shrimati Prabha
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
*Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri B.V.N.
Reddy, Shri Gutha Sukender
Reddy, Shri N. Janardhana
*Recorded through slip
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Sahu, Shri Anadi
Sahu, Shri Tarachand
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sangtam, Shri K.A.
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri

Sharma, Capt. Satish
Shukla, Shri Shyamacharan
Singh Deo, Shrimati Sangeeta Kumari
Singh, Ch.Tejveer
Singh, Dr. Raman
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
*Singh, Shri Charanjit
*Singh, Shri Chhatrapal
Singh, Shri Khel Sai
Singh, Shri Lakshman
Singh, Shri Maheshwar
Singh, Shri Radha Mohan
Singh, Shri Rajo
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
*Singh, Shri Th. Chaoba
*Recorded through slips
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Rajkumari Ratna
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Subba, Shri M.K.
Sudarsana Natchiappan, Shri E.M.
Suman, Shri Ramji Lal
Swain, Shri Kharabela
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji

Thirunavukkarasar, Shri Su
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
*Vaghela, Shri Shankersinh
Varma, Sh. Ratilal Kalidas
Veerappa, Shri Ramchandra
*Recorded through slip
Venkataswamy, Dr.N.
Venkateswarlu, Shri B.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wangcha, Shri Rajkumar
Yadav, Shri Akhilesh
Yadav, Dr.Jaswant Singh
*Yadav, Shri Devendra Singh
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yerrannaidu, Shri K.
*Recorded through slip

NOES

Chinnasamy, Shri M.
Dhinakaran, Shri T.T.V.
Kaliappan, Shri K.K.
Kumarasamy, Shri P.
Mann, Sardar Simranjit Singh
Pandian, Shri P.H.
Saroja, Dr.V.

Selvaganpathi, Shri T.M.

*Sreenivasan, Shri C.

*Recorded through slip

MR. SPEAKER: Subject to correction* , the result of the division is:

Ayes: 283

Noes: 09

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: Now, the House shall take up clause by clause consideration of the Bill.

Let the lobbies be opened now.

There are no amendments to clauses 2 to 4. If the House agrees, I shall put clauses 2 to 4 together to the vote of the House, in which case, the result of the voting shall be taken as applicable to each clause, separately.

Let the Lobbies be clearedâ€”

MR. SPEAKER: As the Lobbies have been cleared, I shall now put clauses 2 to 4 to the vote of the House.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The Lok Sabha divided:

* AYES : S/Shri Anandrao Bithoba Adsul, J.S. Brar, Ram Raghunath Chaudhary, Bal Krishna Chauhan, H.D. Deve Godwa, M O H Farook, Laxman Giluwa, Dip Gogoi, Abdul Hamid, Syed Shahnawaz Hussain, Chandrakant Khaire, Rup Chand Pal, Ramsagar Rawat, Charanjit Singh, Chhatrapal Singh, Th. Chaoba Singh, Shankarsinh Vaghela and Devendra Singh Yadav voted through division slips. (Shri Dip Gogoi voted from wrong seat.) Total 283.

NOES : Shri C. Sreenivasan recored through division slip. Total : 9

Division No. 2 AYES [15.30 hrs.]

A.Narendra, Shri

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi
Adsul, Shri Anandrao Vithoba
Advani, Shri L.K.
Ahmad, Shri Daud
Ahmed, Shri E.
Aiyar, Shri Mani Shankar
Ajaya Kumar, Shri S.
Alva, Shrimati Margaret
Ananth Kumar, Shri
Angle, Shri Ramakant
Argal, Shri Ashok
Arya, Dr. (Shrimati) Anita
Atkinson, Shri Denzil B.
Azad, Shri Kirti Jha
Baal, Shri T.R.
'Bachda', Shri Bachi Singh Rawat
Badnore, Shri Vijayendra Pal Singh
Baghel, Prof. S.P. Singh
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Basavanagoud, Shri Kolar
Basavaraj, Shri G.S.
Basu, Shri Anil
Begum Noor Bano
Bhargava, Shri Girdhari Lal
Bhatia, Shri R.L.
Bhuria, Shri Kantilal
Bishnoi, Shri Jaswant Singh
Botcha, Shri Satyanarayana
Brahmanaiah, Shri A.
Brar, Shri J.S.
C.Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shrimati Bijoya
Chandel, Shri Suresh

Chatterjee, Shri Somnath
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Bal Krishna
Chauhan, Shri Nandkumar Singh
Chauhan, Shri Shriram
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajibhai
Choudhary, Col. (Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Shivraj Singh
Chowdhary, Shrimati Santosh
*Chowdhury, Shri Bikash
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu

Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatreya, Shri Bandaru
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Deve Gowda, Shri H.D.
*Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadhavi, Shri P.S.

*Recorded through slips

Galib, Shri G.S.

Gamlin, Shri Jarbom

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gangwar, Shri Santosh Kumar

Gautam, Shrimati Sheela

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

Ghatowar, Shri Paban Singh

Giluwa, Shri Laxman

Goel, Shri Vijay

Gogoi, Shri Dip

Govindan, Shri T.

Gudhe, Shri Anant

*Gupta, Prof.Chaman Lal

Hamid, Shri Abdul

*Recorded through slip

Handique, Shri Bijoy

Hansda, Shri Thomas

Hussain, Shri Syed Shahnawaz

Jadhav, Shri Suresh Ramrao

Jaffer Sharief, Shri C.K.

Jag Mohan, Shri

Jagannath, Dr. Manda

Jain, Shri Pusp

Jaiswal, Dr. M.P.

*Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Javiya, Shri G.J.

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murl Manohar

Kamble, Shri Shivaji Vithalrao

Karunakaran, Shri K
*Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
*Recorded through slips
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
Kathiria, Dr. Vallabhbhai
Katiyar, Shri Vinay
Kaur, Shrimati Preneet
Kaushal, Shri Raghuvir Singh
*Khabri, Shri Brijlal
Khaire, Shri Chandrakant
Khan, Shri Hassan
Khan, Shri Mansoor Ali
Khandelwal, Shri Vijay Kumar
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khunte, Shri P.R.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnamurthy, Shri K.E.
Krishnan, Dr.C
Krishnaswamy, Shri A.
*Recorded through slip
Kulaste, Shri Faggan Singh
Kumar, Shri Arun
Kumar, Shri V. Dhananjaya
Kuppusami, Shri C.
Kurup, Shri Suresh
Kusmaria, Dr. Ramkrishna
Kyndiah, Shri P.R.
Mahajan, Shri Y.G.
Mahajan, Shrimati Sumitra
Mahale, Shri Haribhau Shankar
Mahant, Dr. Charan Das

Maharia, Shri Subhash
Mahtab, Shri Bhartruhari
Mahto, Shrimati Abha
Majhi, Shri Parsuram
Makwana, Shri Savshibhai
Malhotra, Dr. Vijay Kumar
Malyala, Shri Rajaiah
Mane, Shri Shivaji
Manjay Lal, Shri
Manjhi, Shri Ramjee
Mann, Shri Zora Singh
Mehta, Shrimati Jayawanti
Mishra, Shri Shyam Bihari
Mistry, Shri Madhusudan
Mohale, Shri Punnu Lal
Mohan, Shri P.
Mohite, Shri Subodh
Mookherjee, Shri Satya Brata
Moorthy, Shri A.K.
Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murthi, Dr. M.V.V.S.
Muttemwar, Shri Vilas
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yasso
Narah, Shrimati Ranee
Nayak, Shri Ananta
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada

Pal, Shri Rupchand

Palanimanickam, Shri S.S.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Paranjpe, Shri Prakash

Parthasarathi, Shri B.K.

Parste, Shri Dalpat Singh

Passi, Shri Raj Narain

Paswan, Dr. Sanjay

Paswan, Shri Sukdev

Patasani, Dr. Prasanna Kumar

Patel, Dr. Ashok

Patel, Shri Chandresh

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantryao

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Bhaskarrao

Patil, Shri Jaysingrao Gaikwad

Patil, Shri Prakash V.

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patwa, Shri Sundar Lal

Ponnuswamy, Shri E.

Potai, Shri Sohan

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Pramanik, Prof. R.R.

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ram, Shri Braj Mohan

*Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Ramachandran, Shri Gingee N.

Ramshakal, Shri

Ramulu, Shri H.G.

Rana, Shri Raju

Rao, Shri Ch.Vidyasagar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ganta Sreenivasa

Rao, Shri S.B.P.B.K. Satyanarayana

Rao, Shri Y.V.

*Recorded through slip

Rathwa, Shri Ramsinh

Rau, Shrimati Prabha

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Rawat, Shri Ramsagar

Ray, Shri Bishnu Pada

Reddy, Shri A.P.Jithender

Reddy, Shri B.V.N.

Reddy, Shri Gutha Sukender

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

*Roy, Shri Subodh

Sahu, Shri Anadi

Sahu, Shri Tarachand

Saiduzzama, Shri

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

*Recorded through slip

Sangwan, Shri Kishan Singh

*Saroj, Shri Tufani

Saroj, Shrimati Sushila

Sathi, Shri Harpal Singh

Sayeed, Shri P.M.

Sethi, Shri Arjun Charan

Shah, Shri Manabendra

Shaheen, Shri Abdul Rashid

Shakya, Shri Raghuraj Singh

Shandil, Col.(Retd.)Dr. Dhani Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharma, Capt. Satish

Shukla, Shri Shyamacharan

Singh Deo, Shri K.P.

Singh Deo, Shrimati Sangeeta Kumari

Singh, Capt.(Retd) Inder

Singh, Ch.Tejveer

Singh, Dr. Raman

*Recorded through slip

Singh, Sardar Buta

Singh Shri Ajit

Singh, Shri Bahadur

Singh, Shri Brij Bhushan Sharan

Singh, Shri Chandra Pratap

Singh, Shri Chandra Vijay

Singh, Shri Charanjit

*Singh, Shri Chhatrapal

Singh, Shri Khel Sai

Singh, Shri Lakshman

Singh, Shri Maheshwar

Singh, Shri Prabhunath

Singh, Shri Radha Mohan

Singh, Shri Rajo

Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
*Recorded through slip
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Srinivasulu, Shri Kalava
Subba, Shri M.K.
Sudarsana Natchiappan, Shri E.M.
Suman, Shri Ramji Lal
Swain, Shri Kharabela
Swami, Shri Chinmayanand
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
Tripathy, Shri Braja Kishore
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateswarlu, Shri B.
Verma, Dr. Sahib Singh
Verma, Prof. Rita

*Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.

Virendra Kumar, Shri

Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

Wadiyar, Shri S.D.N.R.

Wanga, Shri Chintaman

Wangcha, Shri Rajkumar

*Recorded through slip

Yadav, Dr. (Shrimati) Sudha

Yadav, Shri Akhilesh

Yadav, Dr. Jaswant Singh

*@Yadav, Shri Devendra Prasad

Yadav, Shri Devendra Singh

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

*Recorded through slip. @Voted from wrong seat.

NOES

Chinnasamy, Shri M.

Dhinakaran, Shri T.T.V.

Kaliappan, Shri K.K.

Kumarasamy, Shri P.

*Malaisamy, Shri K.

Mann, Sardar Simranjit Singh Murugesan, Shri S.

Pandian, Shri P.H.

Saroja, Dr.V.

Selvaganpathi, Shri T.M.

Sreenivasan, Shri C.

Recorded through slip

MR. SPEAKER: Subject to correction** , the result* of the division is:

Ayes: 327

Noes: 10

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 to 4 were added to the Bill.

Clause 1

Amendment made:

Page 1, line 3,--

for "Ninety-fifth"

substitute "Eighty-eighth" (1)

(Shri Jaswant Singh)

MR. SPEAKER: As the Lobbies have already been cleared, I shall now put clause 1, as amended, to the vote of the House.

The question is:

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

The Lok Sabha divided:

*The result of this division applies to each of the clauses 2 to 4 separately.

**** AYES :** S/Shri Vikas Chowdhury, Kishan Lal Diler, Prof. Chaman Lal Gupta, S/Shri R.L. Jalappa, Baliram Kashyap, Brijlal Khabri, Dr. B.B. Ramaiah, S/Shri Subodh Roy, Tufani Saroj, Chhatrapal Singh, Ram Murti Singh Verma and Devendra Prasad Yadav recorded through division slips. (Shri Devendra Prasad Yadav voted from wrong seat) **Total 338**

NOES : Shri K. Malaisami recorded through division slip. Total 11.

Division No. 3 AYES [15.35 hrs.]

A.Narendra, Shri

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri
Aditya Nath, Yogi
Adsul, Shri Anandrao Vithoba
Advani, Shri L.K.
Ahmad, Shri Daud
Ahmed, Shri E.
Aiyar, Shri Mani Shankar
Ajaya Kumar, Shri S.
Alva, Shrimati Margaret
Ananth Kumar, Shri
Angle, Shri Ramakant
Argal, Shri Ashok
Arya, Dr. (Shrimati) Anita
Atkinson, Shri Denzil B.
Azad, Shri Kirti Jha
Baal, Shri T.R.
'Bachda', Shri Bachi Singh Rawat
Badnore, Shri Vijayendra Pal Singh
Baghel, Prof. S.P. Singh
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Basavanagoud, Shri Kolar
Basavaraj, Shri G.S.
Basu, Shri Anil
Begum Noor Bano
Bhargava, Shri Girdhari Lal
Bhatia, Shri R.L.
Bhuria, Shri Kantilal
Bishnoi, Shri Jaswant Singh
Botcha, Shri Satyanarayana
Brahmanaiah, Shri A.
Brar, Shri J.S.
C.Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shrimati Bijoya

Chandel, Shri Suresh
Chatterjee, Shri Somnath
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Bal Krishna
Chauhan, Shri Nandkumar Singh
Chauhan, Shri Shriram
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajibhai
Choudhary, Col. (Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Shivraj Singh
Chowdhary, Shrimati Santosh
Daggubati, Shri Ramanaidu
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatreya, Shri Bandaru
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
*Deve Gowda, Shri H.D.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadhavi, Shri P.S.
Galib, Shri G.S.

Gamlin, Shri Jarbom

*Recorded through slip

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gangwar, Shri Santosh Kumar

Gautam, Shrimati Sheela

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

Ghatowar, Shri Paban Singh

Giluwa, Shri Laxman

Goel, Shri Vijay

Gogoi, Shri Dip

Govindan, Shri T.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

Hamid, Shri Abdul

Handique, Shri Bijoy

Hansda, Shri Thomas

Hussain, Shri Syed Shahnawaz

*Jadhav, Shri Suresh Ramrao

Jaffer Sharief, Shri C.K.

Jag Mohan, Shri

Jagannath, Dr. Manda

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Javiya, Shri G.J.

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murl Manohar

Kamble, Shri Shivaji Vithalrao

Karunakaran, Shri K

Kashyap, Shri Bali Ram

*Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

*Recorded through slips

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Hassan

Khan, Shri Mansoor Ali

Khandelwal, Shri Vijay Kumar

Khanduri, Maj.Gen.(Retd.) B.C.

Khanna, Shri Vinod

Khunte, Shri P.R.

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnamurthy, Shri K.E.

Krishnan, Dr.C

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun

Kumar, Shri V. Dhananjaya

Kurup, Shri Suresh

Kusmaria, Dr. Ramkrishna

Kyndiah, Shri P.R.

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

Makwana, Shri Savshibhai

Malhotra, Dr. Vijay Kumar

Malyala, Shri Rajaiah

Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Mehta, Shrimati Jayawanti

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohale, Shri Punnu Lal

Mohan, Shri P.

Mohite, Shri Subodh

*Mohol, Shri Ashok N.

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan, Shri K.

Murmu, Shri Rupchand

Murthi, Dr. M.V.V.S.

Muttemwar, Shri Vilas

Naik, Shri A. Venkatesh

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Narah, Shrimati Raneer

Nayak, Shri Ananta

*Recorded through slip

Nitish Kumar, Shri

Ola, Shri Sis Ram

Oram, Shri Jual

Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada

Pal, Dr. Mahendra Singh

Pal, Shri Rupchand

Palanimanickam, Shri S.S.
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Paranjpe, Shri Prakash
Parthasarathi, Shri B.K.
Parste, Shri Dalpat Singh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay
Paswan, Shri Sukdev
Patasani, Dr. Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil, Shri Balasaheb Vikhe
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Jaysingrao Gaikwad
Patil, Shri Prakash V.
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patwa, Shri Sundar Lal
Ponnuswamy, Shri E.
Potai, Shri Sohan
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
*Radhakrishnan, Shri Varkala
Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab

Rajendran, Shri P.
Rajukhedi, Shri Gajendra Singh
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri S.B.P.B.K. Satyanarayana
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
*Recorded through slip
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri B.V.N.
Reddy, Shri Gutha Sukender
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Roy, Shri Subodh
Sahu, Shri Anadi
Sahu, Shri Tarachand
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh

Saroj, Shri Tufani
Saroj, Shrimati Sushila
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Sethi, Shri Arjun Charan
Shaheen, Shri Abdul Rashid
*Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shukla, Shri Shyamacharan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt.(Retd) Inder
Singh, Ch.Tejveer
Singh, Dr. Raman
Singh, Sardar Buta
*Recorded through slip
Singh Shri Ajit
Singh, Shri Bahadur
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Khel Sai
Singh, Shri Lakshman
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Rajo
*Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan

Singh, Shri Rampal

Singh, Shri Th. Chaoba

*Recorded through slip

Singh, Shri Tilakdhari Prasad

Singh, Shrimati Kanti

Singh, Shrimati Rajkumari Ratna

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sivakumar, Shri V.S.

Somaiya, Shri Kirit

Sorake, Shri Vinay Kumar

Srinivasulu, Shri Kalava

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Suman, Shri Ramji Lal

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

Tiwari, Shri Lal Bihari

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Tripathy, Shri Braja Kishore

Vaghela, Shri Shankersinh

Vajpayee, Shri Atal Bihari

Varma, Sh. Ratilal Kalidas

Veerappa, Shri Ramchandra

Venkataswamy, Dr. N.

Venkateshwarlu, Shri B.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wanga, Shri Chintaman
Wangcha, Shri Rajkumar
Yadav, Dr. (Shrimati) Sudha
*Yadav, Shri Akhilesh
Yadav, Dr. Jaswant Singh
Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.

*Recorded through slip

NOES

Chinnasamy, Shri M.
Dhinakaran, Shri T.T.V.
Kaliappan, Shri K.K.
Kumarasamy, Shri P.
*Malaisamy, Shri K.
Mann, Sardar Simranjit Singh
Murugesan, Shri S.
Pandian, Shri P.H.
Saroja, Dr.V.
Selvaganpathi, Shri T.M.
Sreenivasan, Shri C.

*Recorded through slip

MR. SPEAKER: Subject to correction* , the result of the division is:

Ayes: 328

Noes: 10

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 1, as amended, was added to the Bill.

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

SHRI JASWANT SINGH: Sir, I beg to move:

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

MR. SPEAKER: Before I put the motion that the Bill, as amended, be passed, to vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The Lobbies have already been cleared.

The question is:

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

The Lok Sabha divided:

*** AYES :** S/Shri H. D. Deve Gowda, Suresh Ramrao Jadhav, Ram Singh Kaswan,

Ashok N. Mohol, Verkala Radhakrishnan , Raghuraj Singh Shakya, Ram Prasad Singh, Akhilesh Yadav recorded through division slips. **Total : 336**

NOES: Shri K. Malaisamy recorded through division slip. **Total 11**

Division No. 4 AYES [15.40 hrs.]

A.Narendra, Shri

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahmad, Shri Daud

Ahmed, Shri E.

Aiyar, Shri Mani Shankar

*Ajaya Kumar, Shri S.

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

*Recorded through slip

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bais, Shri Ramesh

Baitha, Shri Mahendra

Banerjee, Shrimati Jayashree

Bansal, Shri Pawan Kumar

Basavanagoud, Shri Kolor

Basavaraj, Shri G.S.

Basu, Shri Anil

Begum Noor Bano

Bhargava, Shri Girdhari Lal

Bhatia, Shri R.L.

Bhuria, Shri Kantilal

Bishnoi, Shri Jaswant Singh

Botcha, Shri Satyanarayana

Brahmanaiah, Shri A.

Brar, Shri J.S.

C.Suguna Kumari, Dr. (Shrimati)

Chakraborty, Shrimati Bijoya
Chandel, Shri Suresh
Chatterjee, Shri Somnath
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Bal Krishna
Chauhan, Shri Nandkumar Singh
Chauhan, Shri Shriram
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajibhai
Choudhary, Col. (Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Shivraj Singh
Chowdhary, Shrimati Santosh
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatreya, Shri Bandaru
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Deve Gowda, Shri H.D.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George

Gadhavi, Shri P.S.
Galib, Shri G.S.
Gamlin, Shri Jarbom
Gandhi, Shri Dilipkumar Mansukhlal
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Ramdas Rupala
Gawali, Kumari Bhavana Pundlikrao
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
Ghatowar, Shri Paban Singh
Giluwa, Shri Laxman
Goel, Shri Vijay
Gogoi, Shri Dip
Govindan, Shri T.
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Hussain, Shri Syed Shahnawaz
*Jadhav, Shri Suresh Ramrao
Jaffer Sharief, Shri C.K.
Jag Mohan, Shri
Jagannath, Dr. Manda
Jain, Shri Pusp
Jaiswal, Dr. M.P.
Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.
Jha, Shri Raghunath
Jos, Shri A.C.
Joshi, Dr. Murli Manohar
Kamble, Shri Shivaji Vithalrao
Kanungo, Shri Trilochan

Karunakaran, Shri K
Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
*Recorded through slip
Kathiria, Dr. Vallabhbhai
Katiyar, Shri Vinay
Kaur, Shrimati Preneet
Kaushal, Shri Raghuvir Singh
Khaire, Shri Chandrakant
Khan, Shri Hassan
Khan, Shri Mansoor Ali
Khandelwal, Shri Vijay Kumar
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khunte, Shri P.R.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnamurthy, Shri K.E.
Krishnan, Dr.C
Krishnaswamy, Shri A.
Kulaste, Shri Faggan Singh
Kumar, Shri Arun
Kumar, Shri V. Dhananjaya
*Kuppusami, Shri C.
Kurup, Shri Suresh
Kusmaria, Dr. Ramkrishna
Kyndiah, Shri P.R.
Mahajan, Shri Y.G.
Mahajan, Shrimati Sumitra
Mahale, Shri Haribhau Shankar
Mahant, Dr. Charan Das
Maharia, Shri Subhash
Mahtab, Shri Bhartruhari
Mahto, Shrimati Abha

Majhi, Shri Parsuram
Makwana, Shri Savshibhai
Malhotra, Dr. Vijay Kumar
Malyala, Shri Rajaiah
Mane, Shri Shivaji
Manjay Lal, Shri
Manjhi, Shri Ramjee
Mann, Shri Zora Singh
*Recorded through slip
Mehta, Shrimati Jayawanti
Mishra, Shri Shyam Bihari
Mistry, Shri Madhusudan
Mohale, Shri Punnu Lal
Mohan, Shri P.
Mohite, Shri Subodh
Mohol, Shri Ashok N.
Mookherjee, Shri Satya Brata
Moorthy, Shri A,K,
Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murthi, Dr. M.V.V.S.
Muttemwar, Shri Vilas
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yasso
Narah, Shrimati Raneer
Nayak, Shri Ananta
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Paranjpe, Shri Prakash
Parthasarathi, Shri B.K.
Parste, Shri Dalpat Singh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay
Paswan, Shri Sukdev
Patasani, Dr. Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil, Shri Balasaheb Vikhe
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Jaysingrao Gaikwad
Patil, Shri Prakash V.
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patwa, Shri Sundar Lal
Ponnuswamy, Shri E.
Potai, Shri Sohan
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajukhedi, Shri Gajendra Singh
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri S.B.P.B.K. Satyanarayana
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri B.V.N.
Reddy, Shri Gutha Sukender
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Sahu, Shri Anadi
Sahu, Shri Tarachand
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sangtam, Shri K.A.

Sangwan, Shri Kishan Singh
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shukla, Shri Shyamacharan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt.(Retd) Inder
Singh, Ch.Tejveer
Singh, Dr. Raman
Singh, Sardar Buta
Singh Shri Ajit
Singh, Shri Bahadur
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Khel Sai
Singh, Shri Lakshman
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Rajo
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan

Singh, Shri Rampal

*Singh, Shri Th. Chaoba

Singh, Shri Tilakdhari Prasad

Singh, Shrimati Kanti

*Recorded through slip

Singh, Shrimati Rajkumari Ratna

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sivakumar, Shri V.S.

Somaiya, Shri Kirit

Sorake, Shri Vinay Kumar

Srinivasulu, Shri Kalava

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Suman, Shri Ramji Lal

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

Tiwari, Shri Lal Bihari

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Tripathy, Shri Braja Kishore

Vaghela, Shri Shankersinh

Vajpayee, Shri Atal Bihari

Varma, Sh. Ratilal Kalidas

Veerappa, Shri Ramchandra

Venkataswamy, Dr. N.

Venkateswarlu, Shri B.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wanga, Shri Chintaman
Wangcha, Shri Rajkumar
Yadav, Dr. (Shrimati) Sudha
*Yadav, Shri Akhilesh
Yadav, Dr. Jaswant Singh
Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.

*Recorded through slip

NOES

Chinnasamy, Shri M.
Dhinakaran, Shri T.T.V.
Kaliappan, Shri K.K.
Kumarasamy, Shri P.
Malaisamy, Shri K.
Mann, Sardar Simranjit Singh
Murugesan, Shri S.
Pandian, Shri P.H.
Saroja, Dr.V.
Selvaganpathi, Shri T.M.
*Sreenivasan, Shri C.

*Recorded through slip

MR. SPEAKER: Subject to correction* , the result of the division is:

Ayes: 333

Noes: 10

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, is passed by the requisite majority, in accordance with the provisions of article 368 of the Constitution.

The motion was adopted.

* **AYES:** S/Shri S. Ajaya Kumar, Suresh Ramrao Jadhav, C. Kuppusami, Th. Chaoba Singh, Akhilesh Yadav recorded through division slips. **Total : 338**

NOES : Shri C. Sreenivasan recorded though slip. **Total 11**