

requisite majority, in accordance with the provisions of Article 368 of the Constitution.

The motion was adopted.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur): Mr. Speaker, Sir, I would like to read out two of my couplets on this occasion.

MR. SPEAKER: Read them out. The second Bill is going to be introduced.

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, the Hon. Prime Minister has taken a historic step by introducing this Bill in the House. On behalf of the entire House, on behalf of my voters and the whole country, I would like to congratulate him and read out 4 lines of my poem. (*Interruptions*) Why do you make haste. It does not matter whether you keep it on record or keep it in your heart.

MR. SPEAKER: Is there any object if it finds place in both.

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, my submission is:-

"Ab satta seemit nahin rahegi,
dilli aur Bhopal tak,

Lok raj ka rath pahunchega,
gaon, gali, chaupal tak,

Rajiv raj is kranti sudha ko
jan jan tak pahunchae ga,

Nayi diwali, naya dussehra,
mera desh manaye ga."

SHRI UTTAMRAO PATIL (Yavatmal): Mr. Speaker, Sir, my submission is:

"Shabash Rajiv Bhaiya tumne Kamaai
Kiya,

Aise hi aap aage chalo, hum
tumhare saath ha in."

Constitution (Sixty-fifth Amendment) Bill

MR. SPEAKER: Now, we will take up Constitution (Sixty-fifth Amendment) Bill, 1989. Before I put the motion for consideration of the Bill to vote, 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:

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

The Lok Sabha divided

Division No. 5

17.32 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Anjiah, Shrimati Manemma

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.	Bhoye, Shri S.S.
Arunachalam, Shri M.	Bhumij, Shri Haren
Athithan, Shri R. Dhanuskodi	Bhuria, Shri Dileep Singh
Awasthi, Shri Jagdish	Birbal, Shri
Azad, Shri Ghulam Nabi	Birinder Singh, Shri
Baghel, Shri Pratapsinh	Budania, Shri Narendra
Bairagi, Shri Balkavi	Buta Singh, S.
Bairwa, Shri Banwari Lal	Chandrakar, Shri Chandulal
Baitha, Shri D.L.	Chandrasekhar, Shrimati M.
Bajpai, Dr. Rajendra Kumari	Chandrashekarappa, Shri T.V.
Bala Goud, Shri T.	Chandresh Kumari, Shrimati
Balaraman, Shri L.	Charles, Shri A.
Bali, Shrimati Vyjayanthimala	Chaturvedi, Shri Naresh Chandra
Banatwall, Shri G.M.	Chaturvedi, Shrimati Vidyavati
Banerjee, Kumari Mamata	Chaudhary, Shri Manphool Singh
Basavaraju, Shri G.S.	Chaudhry, Shri Kamal
Basheer, Shri T.	Chavan, Shri Ashok Shankarrao
Bhakta, Shri Manoranjan	Chavan, Shrimati Premalabai
Bharat Singh, Shri	Chidambaram, Shri P.
Bhardwaj, Shri Parasram	Choudhari, Shrimati Usha
Bhatia, Shri R.L.	Choudhary, Shri Jagannath
Bhoi, Dr. Krupasindhu	Choudhary, Shri Nandlal
Bhosale, Shri Prataprao B.	Choudhury, Shri Samar Brahma
Bhoye, Shri R.M.	Dalvi, Shri Ajitsinh

Dalbir Singh, Shri	Gaikwad, Shri Udaysingrao
Dalwai, Shri Hussain	Gandhi, Shri Rajiv
Damor, Shri Somjibhai	Ganga Ram, Shri
Das, Shri Bipin Pal	Gavit, Shri Manikrao Hodlya
Das, Shri Sudarsan	Gehlot, Shri Ashok
Das Munsii, Shri Priya Ranjan	Gholap, Shri S.G.
Dennis, Shri N.	Ghorpade, Shri M.Y.
Deora, Shri Murli	Ghosal, Shri Debi
Dev, Shri Sontosh Mohan	Ghosh, Shri Bimal Kanti
Dhariwal, Shri Shanti	Ghosh, Shri Tarun Kanti
Dhillon, Dr. G.S.	Gohil, Shri G.B.
Digal, Shri Radhakanta	Gomango, Shri Giridhar
Dighe, Shri Sharad	Gounder, Shri A.S.
Digvijay Sinh, Dr.	Guha, Dr. Phulrenu
Digvijaya Singh, Shri	Gupta, Shri Janak Raj
Dikshit, Shrimati Sheila	Gupta, Shrimati Prabhawati
Dinesh Singh, Shri	Halder, Prof. M.R.
Dongaonkar, Shri Sahebrao Patil	Harpal Singh, Shri
Dube, Shri Bhisma Deo	Jadeja, Shri D.P.
Engti, Shri Biren Singh	Jagannath Prasad, Shri
Faleiro, Shri Eduardo	Jain, Shri Dal Chander
Fernandes, Shri Oscar	Jain, Shri Nihal Singh
Gadhvi, Shri B.K.	Jain, Shri Virdhi Chander
Gaekwad, Shri Ranjit Singh	Janarthanan, Shri Kadambur

Jangde, Shri Khelan Ram	Kinder Lal, Shri
Jatav, Shri Kammodilal	Kisku, Shri Prithvi Chand
Jayamohan, Shri A.	Krishna Kumar, Shri S.
Jeevarathinam, Shri R.	Krishna Singh, Shri
Jena, Shri Chintamani	Kshirsagar, Shrimati Kesharbai
Jitendra Prasada, Shri	Kuchan, Shri Gangadhar S.
Jitendra Singh, Shri	Kujur, Shri Maurice
Jujhar Singh, Shri	Kumaramangalam, Shri P.R.
Kabuli Shri Abdul Rashid	Kunjambu, Shri
Kamal Nath, Shri	Kunwar Ram, Shri
Kamat, Shri Gurudas	Kuppuswamy, Shri C.K
Kamble, Shri Arvind Tulshiram	Kurien, Prof. P.J.
Kamal Kumar, Kumari	Lachchhi Ram, Shri
Kamson, Prof. Meijinlung	Law, Shri Asutosh
Kaul, Shrimati Sheila	Lowang, Shri Wangpha
Kaushal, Shri Jagan Nath	Mahabir Prasad, Shri
Ken, Shri Lala Ram	Mahajan, Shri Y.S.
Keyur Bhushan, Shri	Mahalingam, Shri M.
Khan, Shri Aslam Sher	Mahendra Singh, Shri
Khan, Shri Mohd. Ayub (Jhunjhunu)	Makwana, Shri Narsinh
Khan, Shri Mohd. Ayub (Udhampur)	Malik, Shri Dharampal Singh
Khattri, Shri Nirmal	Mallick, Shri Lakshman
Khirhar, Shri R.S.	Malviya, Shri Bapulal
Kidwai, Shrimati Mohsina	Mane, Shri Murlidhar

Mane, Shri R.S.	Natwar Singh, Shri K.
Manorama Singh, Shrimati	Nawai Prabhakar, Shrimati Sunderwati
Mehta, Shri Haroobhai	Neekhra, Shri Rameshwar
Meira Kumār, Shrimati	Netam, Shri Arvind
Mishra, Shri G.S.	Odeyar, Shri Channaiah
Mishra, Dr. Prabhat Kumar	Oraon, Shrimati Sumati
Mishra, Shri Ram Nagina	Pakeer Mohamed, Shri E.S.M.
Mishra, Shri Shripati	Pandey, Shri Damodar
Mishra, Shri Umakant	Pandey, Shri Kali Prasad
Misra, Shri Nityananda	Pandey, Shri Madan
Modi, Shri Vishnu	Pandey, Shri Manoj
Mohandas, Shri K.	Panigrahi, Shri Sriballav
Mohanty, Shri Brajamohan	Panika, Shri Ram Pyare
Motilal Singh, Shri	Panja, Shri A.K.
Murmu, Shri Sidha Lal	Pant, Shri K.C.
Murthy, Shri M.V. Chandrashekara	Panwar, Shri Satyanarayan
Mushran, Shri Ajay	Parashar, Prof. Narain Chand
Muttemwar, Shri Vilas	Paswan, Shri Ram Bhagat
Naik, Shri G. Devaraya	Patel, Shri Ahmed M.
Naik, Shri Shantaram	Patel, Shri C.D.
Naikar Shri D.K.	Patel, Shri G.I.
Namgyal, Shri P.	Patel, Shri Mohanbhai
Narayanan, Shri K.R.	Patel, Shri U.H.
Natarajan, Shri K.R.	Pathak, Shri Chandra Kishore

Patil, Shri Balasaheb Vikhe	Rajhans, Dr. G.S.
Patil, Shri H.B.	Ram, Shri Ram Ratan
Patil, Shri Uttamrao	Ram, Shri Ramswaroop
Patil, Shri Veerendra	Ram Awadh Prasad, Shri
Patil, Shri Vijay N.	Ram Dhan, Shri
Patnaik, Shrimati Jayanti	Ram Prakash, Ch.
Pattnaik, Shri Jagannath	Ram Samujhawan, Shri
Feruman, Dr. P. Vallal	Ram Singh, Shri
Pilot, Shri Rajesh	Ramachandran, Shri Mullappally
Poojary, Shri Janardhana	Ramamurthy, Shri K.
Potdukhe, Shri Shantaram	Ramulu, Shri H.G.
Prabhu, Shri R.	Rana Vir Singh, Shri
Pradhani, Shri K.	Ranga, Prof. N.G.
Prakash Chandra, Shri	Ranganath, Shri K.H.
Puran Chandra, Shri	Rao, Shri J. Chokka
Purohit, Shri Banwari Lal	Rao, Shri J. Vengala
Purushothaman, Shri Vakkom	Rao, Shri K.S.
Pushpa Devi, Kumari	Rao, Shri V. Krishna
Qureshi, Shri Aziz	Rath, Shri Somnath
Raghuraj Singh, Chaudhary	Rathawa, Shri Amarsinh
Rai, Shri I. Rama	Rathod, Shri Uttam
Rai, Shri Ramdeo	Raut, Shri Bhola
Raj Karan Singh, Shri	Ravani, Shri Navin
Rajeshwaran, Dr. V.	Rawat, Shri Harish

Rawat Shri Kamla Prasad	Sharma, Shri Pratap Bhanu
Rawat, Shri Prabhu Lal	Shastri, Shri Hari Krishna
Sahi, Shrimati Krishna	Shervani, Shri Saleem I.
Sahu, Shri Shiv Prasad	Shingda, Shri D.B.
Sait, Shri Azeez	Shivendra Bahadur Singh, Shri
Sakargaym, Shri Kalicharan	Siddiq, Shri Hafiz Mohd.
Salahuddin, Shri	Sidnal, Shri S.B.
Sankhwar, Shri Ashkaran	Singh, Shri Bhanu Pratap
Satyendra Chandra, Shri	Singh, Shri Chandra Pratap Narain
Sathe, Shri Vasant	Singh, Shri D.G.
Sayeed, Shri P.M.	Singh, Shri Kamla Prasad
Scindia, Shri Madhavrao	Singh, Shri Krishna Pratap
Sen, Shri Bholanath	Singh, Shri Lal Vijay Pratap
Sethi, Shri Ananta Prasad	Singh, Shri N. Tombi
Sethi, Shri P.C.	Singh, Shri Santosh Kumar
Shah, Shri Anoopchand	Singh Deo, Shri K.P.
Shaktawat, Prof. Nirmala Kumari	Sinha, Shri Atish Chandra
Shankarlal, Shri	Sodi Shri Mankuram
Shankaranand, Shri B.	Solanki, Shri Kalyan Singh
Shanmugam, Shri P.	Soren, Shri Harihar
Shanti Devi, Shrimati	Sparrow, Shri R.S.
Sharma, Shri Chiranji Lal	Sreenivasa Prasad, Shri V.
Sharma, Shri Nand Kishore	Sukh Ram, Shri
Sharma, Shri Nawal Kishore	Sukhadia, Shrimati Indubala

Sukhbuns Kaur, Shrimati	Vanakar, Shri Punam Chand Mithabhai
Sultanpuri, Shri K.D.	Venkatesan, Shri P.R.S.
Suman, Shri R.P.	Verma, Dr. C.S.
Sundararaj, Shri N.	Verma, Shrimati Usha
Sunder Singh, Ch.	Vijayaraghavan, Shri V.S.
Surendra Pal Singh, Shri	Vir Sen, Shri
Suryawanshi, Shri Narsing	Vyas, Shri Girdhari Lal
Swami Prasad Singh, Shri	Wadiyar, Shri Srikanta Datta
Tewary, Prof. K.K.	Wasnik, Shri Mukul
Thakkar, Shrimati Usha	Yadav, Shri Kailash
Thakur, Shri C.P.	Yadav, Shri Mahabir Prasad
Thambi Durai, Shri M.	Yadav, Shri R.N.
Thara Devi, Kumari D.K.	Yadav, Shri Ram Singh
Thomas, Prof. K.V.	Yadav, Shri Shyam Lal
Thorat, Shri Bhausahab	Yadav, Shri Subhash
Thungon, Shri P.K.	Yadava, Shri Bal Ram Singh
Tigga, Shri Simon	Yadava, Shri D.P.
Tilakdhari Singh, Shri	Yashpal Singh, Shri
Tomar, Shrimati Usha Rani	Yazdani, Dr. Golam
Tripathi, Shrimati Chandra	Yogesh, Shri Yogeshwar Prasad
Tripathi, Dr. Chandra Shekhar	Zainul Basher, Shri
Tyagi, Shri Dharamvir Singh	
Van. Shri Deep Narain.	

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

*The following Members also recorded their votes for Ayes: Shri H.K.L. Bhagat, Shri Brahma Dutt, Shri Shivraj V. Patil, Shri K.N. Singh, Shrimati Basavarajeswari, Shri T. Thangaraju, Begum Akbar Jahan Abdullah, Shri Syed Shahabuddin, Prof. Saifuddin Soz and Shri M.L. Jhikram.

Ayes: 343

omit "about" (6)

Noes: Nil

Page 2,—

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.

omit lines 6 to 13. (7)

The motion was adopted.

Page 2, line 15,—

MR. SPEAKER: Now we will take up Clause-by-Clause consideration of the Bill. If the House agrees, we will take up all the three Clauses together.

for "such" substitute "the" (8)

SEVERAL HON. MEMBER: Yes.

Page 2, line 16,—

Clause 2—Insertion of new chapters II to V

omit "as may be specified in such law." (9)

THE MINISTER OF URBAN DEVELOPMENT (Shrimati Mohsinha Kidwai): On behalf of Shri Rajiv Gandhi, I beg to move:

Page 2, line 20,—

for "twenty" substitute "ten" (10)

Page 2, line 10, for "Sixty-fifth"

Page 2, line 34,—

for "three lakhs" substitute "one lakh" (11)

Substitute "Sixty-third" (2)

Page 2, line 36,—

for "three lakhs" substitute "one lakh" (12)

Page 2, line 40, for "Sixty-fifth"

Page 3,—

Substitute "Sixty-third" (3)

omit lines 1 to 13. (13)

Page 6, line 29, for "Sixty-fifth"

Page 3,—

Substitute "Sixty-third" (4)

omit lines 22 to 29. (14)

SHRI SYED SHABABUDDIN (Kishanganj): I beg to move

Page 3, line 31,—

for "representation"

Page 2, lines 1 and 2,—

for "the economic importance or"

substitute "nomination by State Government" (15)

substitute "and" (5)

Page 3, line 31,—

Page 2, line 3,—

after "persons" insert "upto five" (16)

Page 4,—

- omit lines 1 to 24. (17)
- Page 4,—
- omit lines 25 to 39. (18)
- Page 5, line 3,—
- omit "and Wards Committees" (19)
- Page 5,—
- omit lines 12 to 14. (20)
- Page 5,—
- omit lines 28 to 32. (21)
- Page 6, line 43.—
- after "consolidate the"
insert "deveolpment" (22)
- Page 6, line 45,—
- for "as a whole"
- substitute "by adding schemes and
project of relevance and benefit to
the district as a whole (23)
- Page 7, lines 6 and 7,—
- for "the population of the Panchayat
at the district level and of the
Municipalities" substitiute "rural and
urban population" (24)
- Page 7, line 41 and 42,—
- for "the population of the Municipali-
ties and of the Panchayats"
- substitute "rural and urban popula-
tion" (25)
- Page 8, lines 32 and 33,—
- omit "and Wards Committee" (26)
- Page 8, lines 35 and 36,—
- omit "and Wards Committee" (27)
- Page 8, line 39,—
- omit "or Wards Committee" (28)
- Page 9, lines 7 and 8,—
- omit "or is under any acknowledge-
ment of allegiance or adherence to a
foreign State" (29)
- Page 9, line 15,—
- omit "or Wards Committee" (30)
- Page 9, line 17,—
- for "Governor" substitute "State Gov-
ernment" (31)
- Page 9, lines 19 and 20,—
- for "Governor" substitute "State Gov-
ernment" (32)
- Page 9, lines 27 and 28,—
- omit "or Wards Committee" (33)
- SHR HAROOBHAI MEHTA (Ahme-
dabad): I beg to move:
- Page 3,—
- after line 21, insert—
- "(2A) The executive powers of a
Municipal Corporation shall vest in
the Mayor-in-Council headed by the
Chairperson of the Corporation and
consisting of such elected members
as are appointed by the Chairperson
provided that the total strength of the

Mayor-in-Council shall not exceed 20 per cent of the total elected membership of the Corporation." (34)

SHRIG.M. BANATWALLA (Ponnani): I beg to move:

Page 3,—

after line 43, insert—

"(8) Seats shall be reserved for religious and linguistic minorities in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the religious and linguistic minorities in that municipal area bears to the total population of that area." (38)

Page 4,—

after line 16, insert—

"(c) reservation of seats for religious and linguistic minorities." (39)

Page 4, line 31, —

add at the end—

"as also with respect to reservation of seats for religious and linguistic minorities." (40)

PROF. SAIFUDDIN SOZ (Baramulla): I beg to move:

Page 3,—

after line 21, insert—

"Provided that reservation of seats shall be made for socially and

educationally backward classes and minorities in proportion to the ratio of their population in the Municipality." (41)

Clause 3—*Addition of Twelfth Schedule*

SHRI HAROOBHAI MEHTA: I beg to move:

Page 10,—

for lines 13 and 14, substitute—

"15 Welfare of the Weaker sections and in particular of the Scheduled Castes, Scheduled Tribes, other socially and educationally backward classes and minorities." (35)

Page 10, line 33,—

add at the end—

"and environment" (36)

Page 10,—

after line 40, add—

"38. Management of natural calamities and relief and rehabilitation.

"39. Promotion of Tourism." (37)

Clause 1—Short Title and Commencement

SHRIMATI MOHSINA KIDWAI: On behalf of Shri Rajiv Gandhi, I beg to move:

Page 1, line 3, for "Sixty-fifth"

Substitute "Sixty-third" (1)

SHRI SYED SHAHABUDDIN: Mr. Speaker Sir, I have moved 29 amendments

but I would like to place for the consideration of the House only eight basic amendments.

[*Translation*]

At one place, there is a mention of a population of 10 lakh, but no explanation has been given for the rationale behind fixing this limit of 10 lakh. It is all right if the mover of the Bill makes this clear, otherwise in my opinion the limit for city and town should be ten lakh. Another drawback in this Bill is that it is silent about the structure of the Nagarpalika if the population exceeds 20 lakh or is less than that? I have moved an amendment in this regard only. On page 3 line 31, where there is a mention of the Municipal system, it says that—

[*English*]

“The Legislature of a State may, by law provide for the representation, in a Municipality, of persons”

Sir, I feel that the word 'representation' is not appropriate. There cannot be representation of persons. This is really a matter of nomination of certain individuals to the Municipalities.

[*Translation*]

That is why I have submitted that nomination should be made by the State Government.

Thirdly, the number has not been specified. The limit, whether it is 5 or 25 should be specified. I have suggested that its limit should be fixed at 5.

There is one more amendment. The concept of ward committees and zonal committees may result in a conflict of jurisdiction. Not only me, but a number of other hon. Members have also expressed similar doubts. So far as the question of constitution

of Committees is concerned, any Municipal Corporation can set up small committees for a particular area. This is its inherent power. We need not introduce any amendment in the Constitution for that purpose. If the Government creates any structure at the higher level, a conflicting situation may arise between the higher level and the lower-level structure. Therefore, it would be better to drop the suggestion of going into exhaustive details of the concept of the zonal committees and ward committees at this stage.

Then, there is also a mention about the district planning at one place. In this regard my submission is that on the basis of the discussion a view that emerged is that all Panchayat plans in a particular district combined together will constitute the district plan. But I do not agree with this view because there are a number of such schemes which are related with the entire district, its population and their welfare. Now Primary schools have to be opened in every area since they have to be inter-linked, but when a training college has to be set up for the entire district, what is the need of linking it? District plan will not necessarily be formulated by combining the village plans. Therefore, the district plans should also be included in it. This thing is not clear in the clause, due to which conflict arises.

I want to submit one more point. There should be a forum where the problems relating to villages and district could be discussed together. The Hon. Prime Minister has also hinted towards the rural and urban areas in his speech. A forum should be constituted for the implementation of plans and all relevant matters should be discussed there. Our picture of Zila Panchayat makes it appear that the Zila Panchayat will be concerned only with the rural areas and that the urban areas in the district will have no relation with it. I feel that in the Zila Panchayats, not only the villages and blocks, but all the civic bodies should be represented. Only then

can it be a representative institution of the whole district in the real sense of the term. I have said this in my amendment number 24.

In the end, my submission is that on page 9 a strange thing appears with regard to qualification. It is good that the Government has made a provision for qualification. It provides that the people who really do not deserve to become people's representatives should be debarred from it. But it has been mentioned here:-

[English]

If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign state...

[Translation]

Upto this point, it is absolutely correct. It is clear that such a person cannot make a representative institution and as such, such a provision is a must. But what has been said after this.

[English]

".... or is under any acknowledgement of allegiance or adherence to a foreign state."

[Translation]

I do not understand Government's intention here. I have myself been a student of law. I think it would be wrong to use such an expression for something which is covered under the law of some foreign country.

[English]

Anybody who has acknowledge the loyalty of another country should obviously debarred from citizenship.

[Translation]

It is not necessary to include it here. I hope

either the Minister of law would clarify it or else it should be deleted.

I would like to reiterate that the word 'Governor' should be re-considered. This is the basic thing due to which some doubts have arisen in the political circles regarding these Bills. This point has not yet been made clear. I think the hon. Minister of law would further clarify it.

In the end, I would like to request the Hon. Prime Minister that he may consider my suggestions and accept them as far as possible. With these words, I conclude.

[English]

SHRI HAROOBHAI MEHTA: Mr. Spaker, Sir, with profound respect to the Minister who has replied, I wish he had dealt with the subject matter of the amendment which has already been projected in our submission during the debate. Sir, I beg to move the amendment that the Executive powers of a Municipal Corporation should vest in the Mayor and the Council. The Mayor and the Council has a connotation that instead of the Municipal Commissioner exercising the power, the real executive power must be with the Mayor advised by the Council, just on the pattern of Cabinet system. After all a local self government is in a sense the cradle of parliamentary democracy. Today, a Municipal Councillor is a Member of Parliament in the making. Therefore, to start with a local self government institution, Parliamentary democratic system or cabinet system should be reflected in the functioning. Today in many States, including Gujarat, real executive power is vested in bureaucracy headed by the Municipal Commissioner. In some States the Mayor and the Council system is followed to some extent. I wish by this historical amendment, for which the nation will be indebted to the Prime Minister, it should also have been provided that executive powers of the Municipal body, municipal corporation to start

with, are vested in the Mayor and the Council.

Another amendment which I have proposed is that the subject matter of one of the items to be transferred to the Corporation for the functioning of the Municipalities should be the welfare of the weaker sections and SC/ST is mentioned in particular here. But there are other backward classes who are socially and educationally backward. The Mandal Commission has discussed it and the Commission has shown how in some respects some communities of social and educationally backward classes are more backward and ill represented compared to the SC & ST. Therefore, it is high time that we should do something concrete for other backward classes. Apart from reservation of services, adequate representation in the local self government institution should also be provided. That was the idea which I wanted to project by moving this amendment.

Then, Sir, I have suggested certain more subject for incorporation. The Bill also takes care of urban forestry. I want to expand it by saying that it should also take care of environment. So, the Urban Forestry should read as Urban Forestry and Environment.

Again there is another amendment of natural calamity, relief and rehabilitation. Famine, drought and there are other such situations under which the local self governments are functioning but they have in fact no power. If you make it clear that the management of natural calamity and relief and rehabilitation should also be the subject of power to be exercised by the local self government, then that would be better.

Similarly, I want the municipal bodies also to work for the promotion of tourism by way of making a specific entry.

I commend this for acceptance by the Government and I hope the Government will

endorse the idea so that if not today, at least in the near future all these things can be taken care of.

[Translation]

SHRI G.M. BANATWALLA: Mr. Speaker, Sir, I have already explained my amendments to the Bill. I request the House to accept them.

[English]

PROF. SAIFUDDIN SOZ: Mr. Speaker, Sir, I have moved an amendment to Clause 243 (Q), sub-section (2). Reservation has been made for women of Scheduled Caste and Scheduled Tribe category. These are welcomed measures. Without consulting each other, Shri Haroobhai Mehta, Banatwalla and myself have moved at least one similar amendment, which indicates that we think on the same wave length. That is also a proof that it is a very genuine amendment. I want reservation for socially and educationally backward people as also minorities. Now, Haroobhaiji referred to Mandal Commission. In the Seventh Lok Sabha, it was a popular theme and it was raised here a number of times. I saw the recommendations. I had difference of opinion with some of the recommendations because Mandal Commission has gone beyond 50 per cent. If we accept all recommendations in respect of scholarships, admissions, appointments, it will be more than 50 per cent. We cannot go beyond fifty per cent. The Supreme Court has decided that the upper limit for reservations will be 50 per cent. But the Mandal Commission has recognised backward classes—socially and educationally backward classes.

SHRI HAROOBHAI MEHTA: I may point out a case where Supreme Court has itself said that 50 per cent is not a sacrosanct formula and 50 per cent was taken by Supreme Court in the context of

[Sh. Haroobhai Mehta]

reservations for Scheduled Castes and Scheduled Tribes only. For other backward classes, we are not contemplating here.

PROF. SAIFUDDIN SOZ: I beg to differ. I have one Jankinath vs. the State of Jammu and Kashmir case....

SHRI HAROOBHAI MEHTA: In Soshit Mazdoor Karmachari Sangh case, the Supreme Court has stated... (*Interruption*)

PROF. SAIFUDDIN SOZ: One great merit of Mandal Commission Report is that, it has recognised not only Scheduled Castes and Scheduled Tribes, but genuine backward classes and socially and educationally backward people. Therefore, while speaking on this amendment, I would urge the Government that it should institute a Committee to go into the recommendations of the Mandal Commission and it should implement those recommendations.

Now, Sir, I plead with the Law Minister through you, that we should respond favourably to this amendment that reservation should be made for socially and educationally backward people, as also minorities. Otherwise, Nagarpalika or Panchayats or Municipalities or whatever name you give, will not be democratic. Because some sections—a great chunk of minorities—are not only poor but they are very illiterate. Therefore for educationally backward people, socially backward people and minorities seats should be reserved in the municipalities.

MR. SPEAKER: Now, Shrimati Mohsina Kidwai.

[*Translation*]

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): Mr. Speaker Sir, in his amendment, Shri

Shahabuddin has suggested setting up of Planning Committee at the district level to formulate plans, because at present there is no such body where district planning could be discussed. The biggest drawback is the absence of linkage of municipalities with the planning above the district level. These committees have been set up to include both the Municipal Area Town Committees and the Notified Town Area Committees which were hitherto functioning independently so as to pave way for proper planning at the district level. The Bill provides for election of members by the Board in proportion to the population. The Panchayat will elect their own members and both will participate in the planning process jointly. As per the proposed provisions, the number of members should not exceed 21. Through the provisions of the Bill, the gap between rural and urban areas are sought to be bridged and all the facilities will soon reach the rural areas. The main emphasis is on development of relations between the rural and the urban areas. Through the proposed committees which are sought to be formed on the principle of representation in proportion to municipalities and urban population, bridges are sought to be built between them. The second suggestion which the hon. Member made was that the word 'representation' should be substituted by 'nomination'. The word 'representation' has been deliberately used because the intention is to give representation to experts as the public figures usually get elected. The word representation has been included to have experts, planners, economists architects and the people familiar with the working of the municipal boards, municipalities and corporations. As regards the third suggestion of the hon. Member, I am not able to understand why he is insisting on the omission of this clause, because nobody will like a person owing allegiance to a foreign nation to contest the elections in the country. Persons, who are not citizens of India, have been clearly debarred from contesting the elec-

tions. In my opinion, the persons owing allegiance to foreign nations, though citizens, should themselves not contest the elections.

SHRI SYED SHAHABUDDIN: Who will decide the question of allegiance. It is clear that the law alone will decide about the voting rights of citizens. But if the Central Government wants to be armed with the power to decide the question of national allegiance, a law to this effect will have to be enacted, because such a thing cannot be left to the discretion of district authorities.

SHRIMATI MOHSINA KIDWAI: There are many ways to judge who owes allegiance to which country. Under the present circumstance, it is our responsibility to see that the persons owing allegiance to foreign nations are not allowed to contest the elections.

Another suggestion was regarding Ward Committee and Zonal Committees. As I said, the intention is to maintain links between the representatives of the people and the electorate. Councillors elected by 48,000 voters find it difficult to maintain links with them and to take up their problems of electricity, cleanliness of bylanes and garbage disposal. In view of this, provision has been made to set up ward committees and zonal committees in big cities like Bombay and Calcutta having population above 50 lakh. I think this is very appropriate and it will help in providing facilities to the people. So far as the question of political conflicts is concerned they are to be faced in a democracy. Conflicts do emerge whenever new laws are enacted and additional facilities are given, but these can be dealt with. Provision of 30 lakh has been made on the assumption that by the turn of the century, the number of metropolitan cities will rise to 21 from 7 at present. Especially a provision of 30 lakh has been made to facilitate planning of big corporations of metropolises, as provision of upto 10 lakh will not serve the purpose. This covers the cities

like Bombay and Calcutta. So far as Shri Mehta's question of granting executive powers to Mayors-in-Council is concerned, I would like to inform that at present such powers exist only in Calcutta. However, States are free to delegate these powers to anybody they like. Similarly, the provision of reservation for Harijans and Adivasis enshrined in the Constitution is being extended to women. In my view the weaker sections and the socially and economically backward people are covered under this provision. I think there is no need for this. As regards Shri Banatwalla's submission, I would like to say that reservation in the name of religion and language would be against the tenets of the constitution. Therefore, I appeal to the hon. Members to withdraw the amendments moved by them in the House.

[English]

MR. SPEAKER: I shall now put Government amendments to Clause 2 moved by Shrimati Mohsina Kidwai to the vote of the House. The question is:

Page 2, line 10, for "Sixty-fifth"

Substitute "Sixty-third" (2)

Page 2, line 40, for "Sixty-fifth"

Substitute "Sixty-third" (3)

Page 6, line 29, for "Sixty-fifth"

Substitute "Sixty-third" (4)

The Motion was adopted.

MR. SPEAKER: Now I shall put all the amendments moved by Shri Syed Shahabuddin to the vote of the House.

Amendments Nos. 5 to 33 were put and negatived

MR. SPEAKER: Mr. Mehta, are you withdrawing your amendments?

SHRI HAROOBHAI MEHTA: Yes.

MR. SPEAKER: Has Mr. Mehta leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 34 was by leave, withdrawn

MR. SPEAKER: Mr. Banatwalla, are you withdrawing your amendments?

SHRI G.M. BANATWALLA: I want to press them.

MR. SPEAKER: Now I shall put all the amendments moved by Shri G.M. Banatwalla to the vote of the House.

Amendments Nos. 38, 39 and 40 were put and negatived

MR. SPEAKER: Mr. Soz, are you withdrawing your amendment?

PROF. SAIFUDDIN SOZ: Yes.

MR. SPEAKER: Has Prof. Soz leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 41 was by leave withdrawn

MR. SPEAKER: Mr. Mehta, are you withdrawing your amendments to Clause 3?

SHRI HAROOBHAI MEHTA: Yes.

MR. SPEAKER: Has Mr. Haroobhai Mehta leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.

Amendments Nos. 35, 36 and 37 were, by leave, withdrawn

MR. SPEAKER: I shall now put Government Amendment No. 1 to Clause 1, moved by Shrimati Mohsina Kidwai to the vote of the House.

The question is:

Page 1, line 3, for "Sixty-fifth"

Substitute "Sixty-third" (1)

The motion was adopted

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

Now, the Lobbies have been cleared.

The question is :

"That Clause 2, as amended, Clause 3 and Clause 1, as amended, stand part of the Bill"

The Lok Sabha divided :

18.02 hrs.

Division No. 6

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri	Bhoye, Shri S.S.
Anand Singh, Shri	Bhumij, Shri Haren
Ansari, Shri Z.R.	Bhuria, Shri Dileep Singh
Antony, Shri P.A.	Birbal, Shri
Arunachalam, Shri M.	Birinder Singh, Shri
Athithan, Shri R. Dhanuskodi	Brahma Dutt, Shri
Awasthi, Shri Jagdish	Budania, Shri Narendra
Azad, Shri Ghulam, Nabi	Buta Singh, S.
Berwa, Shri Banwari Lal	Chandrakar, Shri Chandulal
Baitha, Shri D.L.	Chandrasekhar, Shrimati M.
Bajpai, Dr. Rajendra Kumari	Chandrashekharaappa, Shri T.V.
Bala Goud, Shri T.	Chandresh Kumari, Shrimati
Balaraman, Shri L.	Charles, Shri A.
Banatwalla, Shri G.M.	Charurvedi, Shri Naresh Chandra
Banerjee, Kumari Mamata	Chaturvedi, Shrimati Vidyavati
Basavarajeswari, Shrimari	Chaudhary, Shri Manphool Singh
Basavaraju, Shri G.S.	Chaudhry, Shri Kamal
Bhakta, Shri Manoranjan	Chavan, Shri Ashok Shankarrao
Bharat Singh, Shri	Chavan, Shrimati Premalabai
Bhardwaj, Shri Parasram	Chidambaram, Shri P.
Bhatia, Shri R.L.	Choudhari, Shrimati Usha
Bhoi, Dr. Krupasindhu	Choudhary, Shri Jagannath
Bhosale, Shri Prataprao B.	Dabhi, Shri Ajitsinh
Bhoye, Shri R.M.	Dalbir Singh, Shri

Dalwai, Shri Hussain	Gavit, Shri Manikrao Hodlya
Damor, Shri Somjibhai	Gehlot, Shri Ashok
Das, Shri Bipin Pal	Gholap, Shri S.G.
Das, Shri Sudarsan	Ghorpade, Shri M.Y.
Das Munsii, Shri Priya Ranjan	Ghosal, Shri Debi
Dennis, Shri N.	Ghosh, Shri Bimal Kanti
Deora, Shri Murlii	Ghosh, Shri Tarun Kanti
Dev, Shri Sontosh Mohan	Gohil, Shri G.B.
Dhariwal, Shri Shanti	Gomango, Shri Giridhar
Dhillon, Dr. G.S.	Guha, Dr. Phulrenu
Digal, Shri Radhakanta	Gupta, Shri Janak Raj
Dighe, Shri Sharad	Gupta, Shrimati Prabhawati
Digvijaya Singh, Shri	Halder, Prof. M.R.
Dikshit, Shrimati Sheila	Harpal Singh, Shri
Dinesh Singh, Shri	Jadeja, Shri D.P.
Dongaonkar, Shri Sahebrao Patil	Jaffar Sharief, Shri C.K.
Dube, Shri Bhishma Deo	Jagannath Prasad, Shri
Engti, Shri Biren Singh	Jain, Shri Dal Chander
Fernandes, Shri Oscar	Jain, Shri Nihal Singh
Gadhvi, Shri B.K.	Jain, Shri Virdhi Chander
Gaekwad, Shri Ranjit Singh	Janarthanan, Shri Kadambur
Gaikwad, Shri Udaysingrao	Jangde, Shri Khelan Ram
Gandhi, Shri Rajiv	Jatav, Shri Kammodilal
Ganga Ram, Shri	Jayamohan, Shri A.

Jeevarathinam, Shri R.	Krishna Singh, Shri
Jena, Shri Chintamani	Kuchan, Shri Gangadhar S.
Jhikram, Shri M.L.	Kujur, Shri Maurice
Jitendra Prasada, Shri	Kumaramangalam, Shri P.R.
Jitendra Singh, Shri	Kunjambu, Shri
Jujhar Singh, Shri	Kunwar Ram, Shri
Kabuli, Shri Abdul Rashid	Kuppuswamy, Shri C.K.
Kamal Nath, Shri	Kumen, Prof. P.J.
Kamat, Shri Gurudas	Law, Shri Asutosh
Kamble, Shri Arvind Tulshiram	Lowang, Shri Wangpha
Kamla Kumari, Kumari.	Mahabir Prasad, Shri
Kamson, prof. Meijinlung	Mahajan, Shri Y.S.
Kaul, Shrimati Sheila	Makwana, Shri Narsinh
Kaushal, Shri Jagan Nath	Malik, Shri Dharampal Singh
Ken, Shri Lala Ram	Mallick, Shri Lakshman
Keyur Bhushan, Shri	Malviya, Shri Bapulal
Khan, Shri Aslam Sher	Mane, Shri Murlidhar
Khan, Shri Mohd. Ayub (Jhunjhunu)	Mane, Shri R.S.
Khan, Shri Mohd. Ayub (Udhampur)	Manorama Singh, Shrimati
Khatttri, Shri Nirmal	Meira Kumar, Shrimati
Khirhar, Shri R.S.	Mishra, Shri G.S.
Kidwai, Shrimati Mohsina	Mishra, Dr. Prabhat Kumar
Kinder Lal, Shri	Mishra, Shri Ram Nagina
Kisku, Shri Prithvi Chand	Mishra, Shri Shripati

Mishra, Shri Umakant	Pandey, Shri Manoj
Misra, Shri Nityananda	Panigrahi, Shri Sriballav
Modi, Shri Vishnu	Panika, Shri Ram Pyare
Mohandas, Shri K.	Panja, Shri A.K.
Mohanty, Shri Brajamohan	Pant, Shri K.C.
Motilal Singh, Shri	Panwar, Shri Satyanarayan
Murmu, Shri Sidha Lal	Parashar, Prof. Narain Chand
Murthy, Shri M.V. Chandrashekara	Paswan, Shri Ram Bhagat
Mushran, Shri Ajay	Patel, Shri Ahmed M.
Naik, Shri G. Devaraya	Patel, Shri C.D.
Naik, Shri Shantaram	Patel, Shri Mohanbhai
Naikar, Shri D.K.	Patel, Shri U.H.
Namgyal, Shri P.	Pathak, Shri Chandra Kishore
Narayanan, Shri K.R.	Patil, Shri Balasaheb Vikhe
Natarajan, Shri K.R.	Patil, Shri H.B.
Natwar Singh, Shri K.	Patil, Shri Shivraj V.
Nawal Prabhakar, Shrimati Sunderwati	Patil, Shri Uttamrao
Neekhra, Shri Rameshwar	Patil, Shri Veerendra
Netam, Shri Arvind	Patil, Shri Vijay N.
Odeyar, Shri Channaiah	Pattnaik, Shri Jagannath
Oraon, Shrimati Sumati	Peruman, Dr. P. Vallal
Pakeer Mohamed, Shri E.S.M.	Pilot, Shri Rajesh
Pandey, Shri Damodar	Poojary, Shri Janardhana
Pandey, Shri Kali Prasad	Potdukhe, Shri Shantaram

Prabhu, Shri R.	Ranga, Prof. N.G.
Pradhani, Shri K.	Ranganath, Shri K.H.
Prakash Chandra, Shri	Rao, Shri J. Chokka
Puran Chandra, Shri	Rao, Shri J. Vengala
Purohit, Shri Banwari Lal	Rao, Shri K.S.
Purushothaman, Shri Vakkom	Rao, Shri V. Krishna
Pushpa Devi, Kumari	Rath, Shri Somnath
Qureshi, Shri Aziz	Rathawa, Shri Amarsingh
Raghuraj Singh, Chaudhary	Rathod, Shri Uttam
Rai, Shri I. Rama	Raut, Shri Bhola
Rai, Shri Ramdeo	Ravani, Shri Navin
Raj Karan Singh, Shri	Rawat, Shri Harish
Rajhans, Dr. G.S.	Rawat, Shri Kamla Prasad
Ram, Shri Ram Ratan	Rawat, Shri Prabhu Lal
Ram, Shri Ramswaroop	Sahi, Shrimati Krishna
Ram Awadh Prasad, Shri	Sahu, Shri Shiv Prasad
Ram Dhan, Shri	Sait, Shri Azeez
Ram Prakash, Ch.	Sakargaym, Shri Kalicharan
Ram Samujhawan, Shri	Salahuddin, Shri
Ram Singh, Shri	Sankhawar, Shri Ashkaran
Ramachandran, Shri Mullappally	Satyendra Chandra, Shri
Ramamurthy, Shri K.	Sathe, Shri Vasant
Ramulu, Shri H.G.	Sayeed, Shri P.M.
Rana Vir Singh, Shri	Scindia, Shri Madhavrao

Sen, Shri Bholanath	Singh, Shri Kamla Prasad
Sethi, Shri Ananta Prasad	Singh, Shri Krishna Pratap
Sethi, Shri P.C.	Singh, Shri Lal Vijay Pratap
Shah, Shri Anoopchand	Singh, Shri N. Tombi
Shaktawat, Prof, Nirmala Kumari	Singh, Shri Santosh Kumar
Shankarlal, Shri	Singh Deo, Shri K.P.
Shankaranand, Shri B	Sodi, Shri Mankuram
Shanmugam, Shri P.	Solanki, Shri Kalyan Singh
Shanti Devi, Shrimati	Soren, Shri Harihar
Sharma, Shri Chiranji Lal	Soz, Prof. Saifuddin
Sharma, Shri Nand Kishore	Sparrow, Shri R.S.
Sharma, Shri Nawal Kishore	Sreenivasa Prasad, Shri V.
Sharma, Shri Pratap Bhanu	Sukh Ram, Shri
Shastri, Shri Hari Krishna	Sukhadia, Shrimati Indubala
Shervani, Shri Saleem I.	Sukhbuns Kaur, Shrimati
Shingda, Shri D.B.	Sultanpuri, Shri K.D.
Shivendra Bahadur Singh, Shri	Suman, Shri R.P.
Siddiq, Shri Hafiz Mohd.	Sundararaj, Shri N.
Sidnal, Shri S.B.	Sunder Singh, Ch.
Singaravadivel, Shri S.	Surendra Pal Singh, Shri
Singh, Shri Bhanu Pratap	Suryawanshi, Shri Narsing
Singh, Shri Chandra Pratap Narain	Swami Prasad Singh, Shri
Singh, Shri D.G.	Tewary, Prof. K.K.
Singh, Shri K.N.	Thakkar, Shrimati Usha

Thakur, Shri C.P.	Yadav, Shri R.N.
Thambi Durai, Shri M.	Yadav, Shri Ram Singh
Thara Devi, Kumari D.K.	Yadav, Shri Shyam Lal
Thomas, Prof. K.V.	Yadav, Shri Subhas
Thorat, Shri Bhausahab	Yadava, Shri Bal Ram Singh
Thungon, Shri P.K.	Yadava, Shri D.P.
Tilakdhari Singh, Shri	Yashpal Singh, Shri
Tomar, Shrimati Usha Rani	Yazdani, Dr. Golam
Tripathi, Dr. Chandra Shekhar	Yogesh, Shri Yogeshwar Prasad
Tyagi, Shri Dharamvir Singh	Zainul Basher, Shri

Van, Shri Deep Narain

MR. SPEAKER: Subject to corrections*,
the result** of the Division is:

Vanakar, Shri Punam Chand Mithabhai

Ayes: 325

Venkatesan, Shri P.R.S.

Noes: Nil

Verma, Dr. C.S.

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.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

The motion was adopted

Vir Sen, Shri

Vyas, Shri Girdhari Lal

*Clause 2, as amended, Clause 3 and
Clause 1, as amended, were added to the
Bill.*

Wadiyar, Shri Srikanta Datta

Wasnik, Shri Mukul

MR. SPEAKER: The question:

Yadav, Shri Kailash

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

Yadav, Shri Mahabir Prasad

*The following Members also recorded their votes for Ayes:
Shri H.K.L. Bhagat, Shrimati Vyjayanthimala Bali, Shrimati Jayanti Patnaik, Dr. Digvijay Singh,
Shri Harobhai Mehta, Shri A.S. Gounder, Shrimati Kesharbai Kshirsagar, Shri G.I. Patel, Shri
Mahendra Singh, Shri Balkavi Bairagi, Shrimati Manamma Anjiah, Shri T. Basheer, Shri
Simon Tigga, Shri Nandlal Choudhary, Shri M. Mahalingam, and Begum Akbar Jahah
Abdullah.

**The result of this Division applies to each of the clauses 2, 3 and 1 separately.

The motion was adopted.

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

18.00 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRIMATI SHEILA DIKSHIT): Mr. Speaker, Sir, I propose that the sitting of the House may be extended by half-an-hour.

MR. SPEAKER: Till the Constitution (Sixty-third Amendment) Bill is passed?

SEVERAL HON. MEMBERS: Yes.

MR. SPEAKER: The sitting of the House is extended till the Constitution (Sixty-third Amendment) Bill is passed.

THE PRIME MINISTER (SHRI RAJIV GANDHI): Sir, I beg to move:

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

MR. SPEAKER: Motion moved:

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

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, the Bill we have before us creates a very complex structure of municipal administration. I am afraid that the structure that we have envisaged in this Bill is so complex that perhaps one year's time that we have given for its implementation and application may run out and the necessary proceedings may not be completed. Because, what is intended is that after this Bill is passed today, every State shall have its own legislation and then it shall frame the rules and then those rules shall be implemented, all within one year of the notification by the Central Government of the

coming into force of this Bill.

I am afraid that perhaps that time schedule may not be completed and we might be left, by virtue of this Bill, with a legal and constitutional vacuum and that is where I would like to caution the Honourable House that in passing this Bill we are running a great risk of bringing the entire municipal administration of the country to a total stand-still, and I would, therefore, like to suggest that we should have due sense of caution before we pass this Bill.

[Translation]

SHRIMATI MOHSINA KIDWAI: Mr. Speaker, Sir, as I said earlier, the apprehensions of Shri Shahabuddin are unfounded as the Bill has been introduced in the House after deep thinking and consultations. The Bill was brought forward after consultations with the representatives of the people, the cross-section of the public and the experts. It is not correct to say that Government has included the provisions in the bill of its own. Therefore, the apprehensions of some of the hon. Members that some complications might crop up are not well-founded. When the respective legislatures will enact laws, they will look at it from their own viewpoint. This is a welcome step and will be widely appreciated. There is no complication in it and when it will reach the grassroot level, no such thing will be seen.

SHRI SYED SHAHABUDDIN: Mr. Speaker, Sir, all right.

[English]

You are my best wisher

MR. SPEAKER: Before I put the motion that the Bill, as amended, be passed to the 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.

Bala Goud, Shri T.

The question is:

Balaraman, Shri L.

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

Bali, Shrimati Vyjayanthimala

The Lok Sabha divided

Banatwalla, Shri G.M.

Division No. 7

Banerjee, Kumari Mamata

18.07 hrs.

AYES

Abbasi, Shri K.J.

Basavaraju, Shri G.S.

Abdul Ghafoor, Shri

Basheer, Shri T.

Agarwal, Shri Jai Prakash

Bhagat, Shri H.K.L.

Ahmed, Shri Sarfaraz

Bhakta, Shri Manoranjan

Ahmed, Shrimati Abida

Bharat Singh, Shri

Akhtar Hasan, Shri

Bhardwaj, Shri Parasram

Anand Singh, Shri

Bhatia, Shri R.L.

Ansari, Shri Abdul Hannan

Bhoi, Dr. Krupasindhu

Ansari, Shri Z.R.

Bhosale, Shri Prataprao B.

Antony, Shri P.A.

Bhoye, Shri R.M.

Arunachalam, Shri M.

Bhoye, Shri S.S.

Athithan, Shri R. Dhanuskodi

Bhumij, Shri Haren

Awasthi, Shri Jagdish

Bhuria, Shri Dileep Singh

Azad, Shri Ghulam, Nabi

Birbal, Shri

Bairagi, Shri Balkavi

Birinder Singh, Shri

Berwa, Shri Banwari Lal

Brahma Dutt, Shri

Baitha, Shri D.L.

Budania, Shri Narendra

Bajpai, Dr. Rajendra Kumari

Buta Singh, S.

Chandrakar, Shri Chandulal	Dhariwal, Shri Shanti
Chandrasekhar, Shrimari M.	Dhillon, Dr. G.S.
Chandrashekharaappa, Shri T.V.	Digal, Shri Radhakanta
Chandresh Mumari, Shrimati	Dighe, Shri Sharad
Charles, Shri A.	Digvijay Sinh, Dr.
Charurvedi, Shri Naresh Chandra	Digvijaya Singh, Shri
Chaturvedi, Shrimati Vidyavati	Dikshit, Shrimati Sheila
Chaudhary, Shri Manphool Singh	Dinesh Singh, Shri
Chaudhry, Shri Kamal	Dongaonkar, Shri Sahebrao Patil
Chavan, Shri Ashok Shankarrao	Dube, Shri Bhishma Deo
Chavan, Shrimati Premalabai	Engti, Shri Biren Singh
Chidambaram, Shri P.	Fernandes, Shri Oscar
Choudhari, Shrimati Usha	Gadhvi, Shri B.K.
Choudhary, Shri Jagannath	Gaekwad, Shri Ranjit Singh
Choudhary Shri Nandlal	Gaikwad, Shri Udaysingrao
Dabhi, Shri Ajitsinh	Gandhi, Shri Rajiv
Dalbir Singh, Shri	Ganga Ram, Shri
Damor, Shri Somjibhai	Gavit, Shri Manikrao Hodlya
Das, Shri Bipin Pal	Gehlot, Shri Ashok
Das, Shri Sudarsan	Gholap, Shri S.G.
Das Munsii, Shri Priya Ranjan	Ghorpade, Shri M.Y.
Dennis, Shri N.	Ghosal, Shri Debi
Deora, Shri Murli	Ghosh, Shri Tarun Kanti
Dev, Shri Sontosh Mohan	Gohil, Shri G.B.

Gomango, Shri Giridhar	Kamal Nath, Shri
Gounder, Shri A.S.	Kamat, Shri Gurudas
Guha, Dr. Phulrenu	Kamble, Shri Arvind Tulshiram
Gupta, Shri Janak Raj	Kamla Kumari, Kumari
Gupta, Shrimati Prabhawati	Kaul, Shrimati Sheila
Halder, Prof. M.R.	Kaushal, Shri Jagan Nath
Harpal Singh, Shri	Ken, Shri Lala Ram
Jadeja, Shri D.P.	Keyur Bhushan, Shri
Jaffar Sharief, Shri C.K.	Khan, Shri Aslam Sher
Jagannath Prasad, Shri	Khan, Shri Mohd. Ayub (Jhunjhunu)
Jain, Shri Dal Chander	Khan, Shri Mohd. Ayub (Udhampur)
Jain, Shri Nihal Singh	Khattri, Shri Nirmal
Jain, Shri Virdhi Chander	Kidwai, Shrimati Mohsina
Janarthanan, Shri Kadambur	Kinder Lal, Shri
Jangde, Shri Khelan Ram	Kisku, Shri Prithvi Chand
Jatav, Shri Kammodilal	Krishna Singh, Shri
Jayamohan, Shri A.	Kshirsagar, Shrimati Kesharbai
Jeevarathinam, Shri R.	Kuchan, Shri Gangadhar S.
Jena, Shri Chintamani	Kujur, Shri Maurice
Jhikram, Shri M.L.	Kumaramangalam, Shri P.R.
Jitendra Prasada, Shri	Kunjambu, Shri
Jitendra Singh, Shri	Kunwar Ram, Shri
Jujhar Singh, Shri	Kuppuswamy, Shri C.K.
Kabuli, Shri Abdul Rashid	Kurien, Prof. P.J.

Law, Shri Asutosh	Murmu, Shri Sidha Lal
Lowang, Shri Wangpha	Murthy, Shri M.V. Chandrashekara
Mahabir Prasad, Shri	Mushran, Shri Ajay
Mahajan, Shri Y.S.	Naik, Shri G. Devaraya
Mahalingam, Shri M.	Naik, Shri Shantaram
Mahendra Singh, Shri	Naikar, Shri D.K.
Makwana, Shri Narsinh	Namgyal, Shri P.
Malik, Shri Dharampal Singh	Narayanan, Shri K.R.
Mallick, Shri Lakshman	Natarajan, Shri K.R.
Malviya, Shri Bapulal	Natwar Singh, Shri K.
Mane, Shri R.S.	Nawal Prabhakar, Shrimati Sunderwati
Manorama Singh, Shrimati	Neekhra, Shri Rameshwar
Mehta, Shri Haroobhai	Netam, Shri Arvind
Meira Kumar, Shrimati	Odeyar, Shri Channaiah
Mishra, Shri G.S.	Oraon, Shrimati Sumati
Mishra, Dr. Prabhat Kumar	Pakeer Mohamed, Shri E.S.M.
Mishra, Shri Ram Nagina	Pandey, Shri Damodar
Mishra, Shri Shripati	Pandey, Shri Kali Prasad
Mishra, Shri Umakant	Pandey, Shri Madan
Misra, Shri Nityananda	Pandey, Shri Manoj
Modi, Shri Vishnu	Panigrahi, Shri Sriballav
Mohandas, Shri K.	Panika, Shri Ram Pyare
Mohanty, Shri Brajamohan	Panja, Shri A.K.
Motilal Singh, Shri	Pant, Shri K.C.

Panwar, Shr Satyanarayan	Puran Chandra, Shri
Parashar, Prof. Narain.Chand	Purushothaman, Shri Vakkom
Paswan, Shri Ram Bhagat	Pushpa Devi, Kumari
Patel, Shri Ahmed M.	Qureshi, Shri Aziz
Patel, Shri C.D.	Raghuraj Singh, Chaudhary
Patel, Shri G.I.	Rai, Shri Ramdeo
Patel, Shri Mohanbhai	Raj Karan Singh, Shri
Patel, Shri U.H.	Rajhans, Dr. G.S.
Pathak, Shri Chandra Kishore	Ram, Shri Ram Ratan
Patil, Shri Balasaheb Vikhe	Ram, Shri Ramswaroop
Patil, Shri H.B.	Ram Awadh Prasad, Shri
Patil, Shri Shivraj V.	Ram Dhan, Shri
Patil, Shri Uttamrao	Ram Prakash, Ch.
Patil, Shri Veerendra	Ram Samujhawan, Shri
Patil, Shri Vijay N.	Ram Singh, Shri
Patnaik, Shrimati Jayanti	Ramachandran, Shri Mullappally
Pattnaik, Shri Jagannath	Ramamurthy, Shri K.
Peruman, Dr. P. Vallal	Ramulu, Shri H.G.
Pilot, Shri Rajesh	Rana Vir Singh, Shri
Poojary, Shri Janardhana	Ranga, Prof. N.G.
Potdukhe, Shri Shantaram	Ranganath, Shri K.H.
Prabhu, Shri R.	Rao, Shri J. Chokka
Pradhani, Shri K.	Rao, Shri J. Vengala
Prakash Chandra, Shri	Rao, Shri K.S.

Rao, Shri V. Krishna	Shankaranand, Shri B.
Rath, Shri Somnath	Shanmugam, Shri P.
Rathawa, Shri Amarsingh	Shanti Devi, Shrimati
Rathod, Shri Uttam	Sharma, Shri Chiranji Lal
Raut, Shri Bhola	Sharma, Shri Nand Kishore
Ravani, Shri Navin	Sharma, Shri Nawal Kishore
Rawat, Shri Harish	Sharma, Shri Pratap Bhanu
Rawat, Shri Kamla Prasad	Shastri, Shri Hari Krishna
Rawat, Shri Prabhu Lal	Shervani, Shri Saleem I.
Sahi, Shrimati Krishna	Shingda, Shri D.B.
Sahu, Shri Shiv Prasad	Shivendra Bahadur Singh, Shri
Sait, Shri Azeez	Siddiq, Shri Hafiz Mohd.
Sakargaym, Shri Kalicharan	Sidnal, Shri S.B.
Salahuddin, Shri	Singaravadivel, Shri S.
Sankhwar, Shri Ashkaran	Singh, Shri Bhanu Pratap
Satyendra Chandra, Shri	Singh, Shri Chandra Pratap Narain
Sathe, Shri Vasant	Singh, Shri D.G.
Sayeed, Shri P.M.	Singh, Shri K.N.
Sen, Shri Bholanath	Singh, Shri Kamla Prasad
Sethi, Shri Ananta Prasad	Singh, Shri Krishna Pratap
Sethi, Shri P.C.	Singh, Shri Lal Vijay Pratap
Shah, Shri Anoopchand	Singh, Shri N. Tombi
Shaktawat, Prof. Nirmala Kumari	Singh, Shri Santosh Kumar
Shankarlal, Shri	Sodi, Shri Mankuram

Solanki, Shri Kalyan Singh	Tripathi, Dr. Chandra Shekhar
Soren, Shri Harihar	Tyagi, Shri Dharamvir Singh
Soz, Prof. Saifuddin	Van. Shri Deep Narain
Sparrow, Shri R.S.	Vanakar, Shri Punam Chand Mithabhai
Sreenivasa Prasad, Shri V.	Venkatesan, Shri P.R.S.
Sukh Ram, Shri	Verma, Dr. C.S.
Sukhadia, Shrimati Indubala	Verma, Shrimati Usha
Sukhbuns Kaur, Shrimati	Vijayaraghavan, Shri V.S.
Sultanpuri, Shri K.D.	Vir Sen, Shri
Suman, Shri R.P.	Vyas, Shri Girdhari Lal
Sundararaj, Shri N.	Wadiyar, Shri Srikanta Datta
Sunder Singh, Ch.	Wasnik, Shri Mukul
Surendra Pal Singh, Shri	Yadav, Shri Kailash
Suryawanshi, Shri Narsing	Yadav, Shri Mahabir Prasad
Swami Prasad Singh, Shri	Yadav, Shri R.N.
Tewary, Prof. K.K.	Yadav, Shri Ram Singh
Thakkar, Shrimati Usha	Yadav, Shri Shyam Lal
Thakur, Shri C.P.	Yadav, Shri Subhash
Thambi Durai, Shri M.	Yadava, Shri Bal Ram Singh
Thara Devi, Kumari D.K.	Yadava, Shri D.P.
Thomas, Prof. K.V.	Yashpal Singh, Shri
Thorat, Shri Bhausahab	Yazdani, Dr. Golam
Thungon, Shri P.K.	Yogesh, Shri Yogeshwar Prasad
Tilakdhari Singh, Shri	Zainul Basher, Shri

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

Ayes: 331

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

The motion was adopted.

18.08 hrs.

CONSTITUTION (SIXTY-THIRD AMENDMENT) BILL

[English]

MR. SPEAKER: Now the House shall take up the next item-Constitution (Sixty-third Amendment) Bill.

Shri Buta Singh.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Mr. Speaker, Sir, I beg to move:

"That the Bill futher to amend the Constitution of India, be taken into Consideration".

The Bill seeks to provide for reservation

of 20 seats for the Scheduled Tribes in the Assembly of Tripura by amending the Representation of the People Act, 1950.

The Constitutional amendment further provides that notwithstanding anything contained in the Constitution, the number of seats in the Legislative Assembly to Tripura reserved for Scheduled Tribes shall be such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitutional amendment, of members belonging to the Scheduled Tribes in the existing Assembly.

The Memorandum of Settlement on Tripura was signed on 12.8.1988 for bringing a satisfactory settlement of the problems of tribals in Tripura by restoring peace and harmony in areas where disturbed conditions prevailed. Para 3.5 of the Memorandum deals with the reservation of seats for Scheduled Tribes in the Tripura Legislative Assembly. The Bill is meant to give a practical shape to the commitments made by the Government in the Memorandum of Settlement. At present seventeen out of sixty seats are reserved for the Scheduled Tribes on the basis of their percentage in population. In addition to the 17 seats reserved for Scheduled Tribes, three open seats are also presently held by Tribals as per information supplied by the Election Commission. The total number of seats which could be said to be presently held by Scheduled Tribes in Tripura adds upto 20. Agreeing to the demand of reservation of 20 seats would thus, in effect, only mean freezing, till year 2000 A.D. the reservation at present level of holding of seats by Scheduled Tribes. Having regard to the above position, the Constitu-

*The following Members also recorded their votes for AYES:

Shri Hussain Dalwai, Shri I Rama Rai, Shri Banwari Lal Purohit, Shri Bimal Kanti Ghosh, Shri R.S. Khirhar, Shri K.P. Singh Deo, Shrimati Manemma Anjiah, Shri Simon Tigga, Shri Murlidhar Mane and Begum Akbar Jahan Abdullah.