

Swaminathan, Shri R.V.
 Tapeshwar Singh, Shri
 Tayeng, Shri Sobeng
 Tewari, Shri K.P.
 Tewary, Prof. K.K.
 Thorat, Shri Bhausaheb
 Thungon, Shri P. K.
 Tirkey, Shri Pius
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R.G.
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Tytler, Shri Jagdish
 Uike, Shri Chhote Lal
 Unnikrishnan, Shri K.P.
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Varma, Shri Ravindra
 Velu, Shri A.M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Deen Bandhu
 Verma, Shri Raghunath Singh
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V.S.
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri D.P.
 Yadav, Shri R.N.
 Yadav, Shri Ram Singh
 Yadav, Shri Subhash Chandra
 Yazdani, Dr. Golam
 Zainal Abedin, Shri
 Zainul Basher, Shri

NOES

Nil

MR. SPEAKER : Subject to correction, the result* of the division is : Ayes-365 ; 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.

19.12 hrs.

CONSTITUTION (FIFTY-SECOND AMENDMENT) BILL

MR. SPEAKER : Now, the House will take up item 22 of the agenda.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : Mr. Speaker, Sir, I beg to move :

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

Sir, by Article 33 of the Constitution, Parliament is empowered to enact laws determining to what extent any of the rights conferred by Part III of the Constitution shall, in their application to the members of the armed forces or the forces charged with the maintenance of public order be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

There are certain other organisations whose charter of duties is akin or complementary to that of the forces charged with the maintenance of public order. These organisations are meant for collection of intelligence and for transmission and reception of messages relating to law and

*The following Members also recorded their votes for AYES :

Sarvashri Chitturi Subba Rao Chowdari, Shantaram Potdukhе, Ramayan Rai, H.R. Parmar and N. Kudanthai Ramaalingam.

order. The maintenance of discipline among personnel working in these organisations is as vital in the national interest as maintaining of discipline by members of armed forces or police forces. It is, therefore, proposed to amend Article 33 of the Constitution to bring within its ambit personnel working in the aforesaid categories of organisations.

Sir, I would like to add at this stage that with the hope that my reasonableness will be matched by the reasonableness from the other side, I have tabled an amendment to delete (c) which is not really related to security. It is important in itself but we thought that it will be reasonable to delete it. So, all the other items are directly related to security and that is why I expect from the Opposition that the same reasonableness would be shown and there will be no difficulty in accepting this amendment.

MR. SPEAKER : Motion moved :

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

SHRI SOMNATH CHATTERJEE (Jadavpur) : Madam, before I come to the Bill directly, to the Fifty-Second Amendment Bill, I would like to draw the attention of the hon. Home Minister to the fact that there are various Constitutional amendments which we have been supporting, as he has seen like the one we have passed just now. We would have welcomed similar amendment to the Bill to extend the provisions of the Sixth Schedule to the Hill areas of Darjeeling in West Bengal. The State Assembly of West Bengal has unanimously—all the parties in the Assembly including, the Congress—I—passed a resolution requesting the Central Government for application, extension of Schedule-VI to the Hill areas of Darjeeling. I hope he will consider that Resolution favourably.

Sir, we are told that in view of the supposedly great concessions made by him in proposing the deletion of Clause-C from the proposed amendments we should be reasonable and by being reasonable, he thinks, he assumed that we ought to support

this Bill. I am afraid, Madam, we cannot oblige my right hon. friend. Madam, in a sense, I welcome this Bill because it will accelerate the process of the final eclipse of this anti-people Government. This Bill exposes once again, once more the authoritarian character of this Government during these last days when it is fighting to stop disintegration of its party, gasping for breath for survival. Madam, I feel it is political impropriety and moral perversity to assume more and more draconian powers by amendment to the Constitution. Of course, we are not surprised that such types of anti-people laws should be brought forward in this House by this Government because enforcement of the people's the Fundamental Rights, even though minimal—as they are in our Constitution—is always considered to be an abuse of the powers by this Government. That is why we find greater and greater restraint, greater and greater control by the executive on the exercise of the minimal Fundamental Rights. Madam, you are aware that Fundamental Rights which are contained in Article 19 of the Constitution there are exceptions provided on the ground of reasonable restrictions, almost all the Fundamental Rights as provided in Article 19 of the Constitution are subject to control, subject to restriction and subject to curb and greater and greater use of this restrictive clause have been taken recourse to for the purpose of reducing the ambit of the Constitutional and Fundamental Rights of the people of this country. We consider that it is unfortunate that our founding fathers did not repose faith in the people of this country, who fought for the emancipation of the country from the British foreign rule, foreign domination, and the whole Constitution in some aspects has assumed that the people of this country will misuse the very limited power that has been given to them under the Constitution. Unfortunately, what has been done during the last 34 years, since the Constitution came into force ? What we find is no enlargement of the rights of the people. No amendment has been brought by this Government or the earlier Government for the enlargement of the rights of the people. Workers' rights have been restricted, common peoples, rights have

[Shri Somnath Chatterjee]

been restricted, preventive detention law is now a permanent feature of this country. I would like the Home Minister to show if they have brought about any changes either in the law or in the Constitution, where they have conceded any greater right to the people.

What our Constitution-makers thought to be sufficient, we feel that it was unfortunate even then, that the Parliament in the exercise of its legislative power can impose restrictions on the exercise of the Fundamental Rights—by whom—by members of the Armed Forces or the Forces charged with maintenance of public order which includes the police. It was thought sufficient and, of course, I consider it unfortunate.

These are some of the provisions which are the black spots on our Constitution like Article 22(4) which permits preventive detention. These are the black spots, and we should have changed them as we have changed so many other provisions of the Constitution. We have changed those provisions of the Constitution which perpetuated privy purses and princely system in this country, because it was found that it went against the very concept of a democratic society, egalitarian society ; it perpetuated vested interests. That is why this Parliament in its constituent power has changed these provisions, obliterated them. We have obliterated provisions like Article 31(B) where zamindari was, in a sense, perpetuated. By experience, people have changed those provisions of the Constitution which were standing in the way of the country's progress, although many other provisions still remain. This Government ought to have a commitment to the rights of the people, but we find that somehow, their whole attitude is that the people should have least rights and their rights should be as minimal as possible. That is why one such law has been passed which takes away the peoples' rights. What is ESMA, Essential Services Maintenance Act ? This is nothing but what takes away the very very limited rights which the working class in this country has been enjoying. Article 19, with its various sub-Articles,

make the exercise of Fundamental Rights possible not in a very wide manner, but in a restricted manner. Now, in the name of security of the country - it is always easy to mention security of the country—what is being proposed to be done is to confer power on the Parliament to make laws to take away the rights of any and every so-called security force in this country. Why ? Are the people in the Security Services of the country all anti-nationals ? Do they not have any sense of patriotism ? For the sake of their service conditions, for the improvement of their service conditions or for removal of certain grievances, can they not be allowed to form associations or be permitted to project their grievances before the authorities ? Can they not be expected to act with a sense of responsibility ? Why do you distrust them ? You are creating a chasm between them and the Government. How do you help in the instilling in them of a spirit of service to the country and its people ? You are alienating them from the Government by putting greater and greater restraints on their minimal rights.

This is our opposition, in principle, to this Bill. I would like to know one very significant fact : the hon. Minister has not stated in what manner he wants to exercise this power. What are the rights affected ? Kindly see the Constitution, and what is being proposed to be done.

It says here that the fundamental rights "...can be restricted or abrogated so as to ensure the proper discharge of their duties and maintenance of discipline among them." That is what you say. If so, you have to make a law. It cannot be done by a mere amendment. This session is coming to an end on the 27th of this month ; and we take it that this House is coming to an end on that day. Thereafter, Parliament will not sit for the purpose of passing any law. It is all clear that thereafter, all sorts of ordinances will be issued, which will not be the subject of legislative scrutiny ; nobody will have any say on them. They will not be brought before the House. The hon. Minister does not promise that whatever legislations he is thinking of, will be brought in before the 27th of this month, so that Members can make their views known.

So, you want to issue ordinances, taking away rights. What are the rights which you will take away ? The Army Act is an illustration. Under Article 33 of the Constitution, rules have been framed, taking away their trade union rights. Even the civilian employees of the Defence Services are not being considered fit to have the right to form associations. How, then, do they project their views ? Do you want to make them deaf and dumb, and to stifle their views, even if they have a reasonable demand ?

I would like to tell the hon. Minister : In a part of this country, viz. West Bengal, police have been given all trade union rights. Has that affected the efficiency of the police ?

SHRI SONTOSH MOHAN DEV (Silchar) : Definitely.

SHRI SOMNATH CHATTERJEE : Let there be a serious discussion. Don't always be flippant.

SHRI SONTOSH MOHAN DEV : It has been said so by one of your Ministers.

SHRI SOMNATH CHATTERJEE : If, in a particular case, our police had been inefficient, our Minister is honest enough to admit it. Not like you. I can cite cases where the Supreme Court has passed strong strictures against the police in States ruled by Congress(I) Governments. Therefore, you should educate yourself first.

So, I am proud to say that in West Bengal which is a part of this country, we have conceded the minimum right of the police to form trade unions, to participate in the process of consideration of their rights as responsible citizens of India, and as responsible members of the police force. It has not created any difficulty. Therefore, I say that the Government of India thrives on authoritarianism. This government excels in taking away the rights of the people. I am sorry I cannot support this Bill. We shall oppose it in spite of this proposed amendment of the hon. Minister. We think this is another piece of draconian legislation ; and this type of legislation will do nothing but

denude the rights of the people, which means it is an anti-people legislation. I oppose it.

श्री राजेश कुमार सिंह (फिरोजाबाद) : माननीय सभापति महोदय, जहां तक अनुशासन की बात सेना में या आर्म्ड फोर्सेज में होने की बात है, तो इसमें दो राय नहीं हो सकती है कि ऐसा होना चाहिए। इसलिए संविधान निर्माताओं ने आर्टिकिल 33 में यह लिखा था :

“संसद् विधि द्वारा अवधारण कर सकेगी कि इस भाग द्वारा प्रदत्त अधिकारों में से किसी को, सशस्त्र बलों या लोक व्यवस्था बनाए रखने का भारसाधन करने वाले बलों के सदस्यों को लागू होने में, किस परिमाण तक निर्बन्धित या निराकृत किया जाए ताकि उनके कर्तव्यों का उचित पालन और उनमें अनुशासन बना रहना सुनिश्चित रहे।”

यह अपने में काफी था और संविधान के संशोधन की कोई खास आवश्यकता नहीं थी लेकिन आपने इस संशोधन विधेयक के ओबजेक्ट्स एण्ड रीजन्स में यह लिखा है :

“अनुभव से यह प्रतीन हुआ है कि राष्ट्र के हित में उनके कर्तव्यों का उचित पालन और उनमें अनुशासन बना रहना अति महत्व का विषय है।”

आर्म्ड फोर्सेज में पीछे कुछ घटनाएं देश के अन्दर देखने को मिली हैं और उसकी जिम्मेदारी इसलिए नहीं कि सेना का कोई नियम नहीं है, कोई रूल नहीं है, कानून नहीं है, आर्टिकिल 33 में अधिकार प्रदत्त नहीं है। सरकार की लापरवाही की वजह से अनुशासनहीनता कहीं-कहीं देखने को मिली है और मैं उस पर चर्चा नहीं करना चाहूंगा। मेरे ख्याल में माननीय मंत्री जी के दिमाग में एक बात आई होगी क्योंकि पंजाब की घटना के बाद सेना में कुछ प्रतिक्रिया कुछ लोगों में देखने को मिली और इस कारण यह आवश्यक हो गया कि कानून का संशोधन किया जाए लेकिन जिस तरह से बार-बार आप कानून ला रहे हैं और

[श्री राजेश कुमार सिंह]

कभी टेरोरिस्ट्स इफेक्टेड एरियाज के लिए स्पेशल कोर्ट्स का कानून और कभी नेशनल सेक्यूरिटी एक्ट में संशोधन, तो इससे लगता है कि सरकार की नीयत कहीं साफ नहीं है। क्या वजह है कि बार-बार जो मौलिक अधिकार प्रदत्त हैं संविधान में संविधान निर्माताओं के द्वारा, उन मौलिक अधिकारों पर चोट पहुंचाई जा रही है, कुठाराघात किया जा रहा है। मंत्री जी ने कहा कि वे इसमें कुछ संशोधन करना चाहेंगे, तो यह अच्छी बात है, स्वागत की बात है लेकिन इसे आपने इतना व्यापक बना दिया कि इसमें शंका पैदा होने लगती है कि इसका दुरुपयोग किसी जगह किया जा सकता है।

मैं ग्रिवान्सेज के बारे में कुछ कहना चाहता हूँ। इन सर्विसेज में जो लोग हैं, जिनका उल्लेख आपने इस बिल के अन्दर किया है, उन लोगों की कुछ शिकायतें हैं, उनकी कुछ ग्रिवान्सेज हैं, उनके बारे में आप थोड़ा सा इस बिल में साफ कर देते कि उनकी उचित सुनवाई के लिए कोई रास्ता निकलेगा, कोई रेमेडी मिलेगी और अगर रेमेडी मिलेगी, तो कैसे मिलेगी। क्या उनकी एसोसियेशन के द्वारा, उनके संघों के द्वारा कहीं इसको मान्यता मिलेगी। आपने एक कौसिल की बात की है और जिस दिन आप इस बिल को इन्ट्रोड्यूस कर रहे थे, उस दिन आपने इसके बारे में कहा था। क्या सही माइने में इन लोगों को सुनवाई हो सकेगी। एक बात मैं यह साफ कहना चाहता हूँ कि लोक-शाही के अन्दर सेना या सैनिक बल के जो लोग होते हैं, उनकी आस्था भी होती है क्योंकि अगर ऐसा न हो, तो प्रवृत्ति दूसरी बन जाती है। इसलिए मेरा कहना यह है कि कानून को इतना सख्त नहीं बनाना चाहिए कि वे अपनी न्यायसंगत बात को भी सरकार के सामने न रख सकें। माननीय मंत्री जी जब उत्तर दें, तो मैं उनसे यह जानना चाहूँगा कि क्या आपने उनकी ग्रिवान्सेज के मामले में कोई रास्ता अस्तियार किया है, जिसके माध्यम से वे अपनी बात आप तक पहुंचा सकें क्योंकि उनको अपनी बात को पहुंचाना और आपका सुनना

दोनों सम्बन्ध रखते हैं। इसलिए यह बात साफ होनी चाहिए।

एक बात यह भी कहना चाहता हूँ कि एक प्रवृत्ति मौलिक अधिकारों पर चोट करने की बनती जा रही है और इन दिनों जबकि चुनाव नजदीक आ रहे हैं, पता नहीं किस मंशा से आप यह सब काम कर रहे हैं। इसलिए इस बिल का समर्थन करने में मुझे बहुत दुःख होता है। मैंने पहले कहा है कि मेरी पार्टी के नेता आर्ड फोर्सेज में अनुशासन चाहते हैं लेकिन आपकी मंशा पर शक करते हैं।

इतना कहकर मैं अपनी बात समाप्त करता हूँ।

SHRI RAVINDRA VARMA (Bombay North) : I have profound respect for the Rt. hon. Home Minister. In fact, the ardent and effective manner in which he advocated the cause of human rights in the United Nations has enhanced the respect in which he is held all over the country. It is, therefore, a sad conspiracy of circumstances that has occasioned the sight of the Rt. hon. gentleman coming before the House with four Bills in succession aimed at restricting the Fundamental Rights of the citizens of this country. Article 33 of the Constitution does confer the right on Parliament to enact laws to restrict and abridge the Fundamental Rights of certain categories of citizens. My hon. friend from Jadhavpur has already pointed out to the fact that once this amendment is adopted, the Government will be empowered to bring in Bills to the House or use the authority or abuse the authority to bring proposals before the House which can be adopted with a simple majority, which, therefore, will not require the majority needed to amend a constitutional provision. Though there are many Fundamental Rights enumerated in Part III, the target of Article 33—as my hon. friend from Jadhavpur will bear me out—is the Fundamental Right in Article Number 19 which deals with the freedom of speech, freedom of association, etc. It is not the freedom to profess one's religion, freedom to hold property, freedom to reside anywhere in India, freedom to follow any profession you like, which is under attack

with the use Article 33. The target of attack is the Fundamental Right in Article 19, which is the freedom of association and freedom of speech to which my hon. friend has referred. Any restriction imposed on the Fundamental Right of a citizen can be justified only if it can be proved that it is in the interest of the Collective the society and the State and only if the restriction imposed is minimal, the people affected by the restriction are minimal and the quantum or degree of abridgement is minimal. Unfortunately, I beg to submit for your consideration what my Rt. hon. friend has brought before the House enlarges the area, the number of categories which are affected by this restriction or abridgement of the Fundamental Rights. Moreover, the Bill as it is now before the House leaves the criteria for justification vague.

The enlargement is not a minimal enlargement. My hon. friend knows very well that 33 (a) and (b) as they are today in the existing article of the Constitution themselves cover about three million people. I do not have the time to read out to you. But my hon. friend may well be aware that the Army, the Navy and the Air Force which are covered by 33 (a) account for nearly 12 lakhs. The CRPF has about 90,000, CISF 54,000, BSF 1 lakh, ITBP 50,00 to 60,000, the Territorial Army 50,000, RPF—I do not know whether it will be covered by this in the light of my hon. friend's statement that (c) would be deleted—30,000, the Home Guards—I do not know whether they in the performance of certain duties will be affected by the proposals contained in this Bill ; if so, that would affect another 4.39 lakhs, then the civil defence volunteers 3.90 lakhs, the Intelligence Bureau and the RAW. Of course, the actual number of people employed in the RAW is a secret but going by the figures that have been made available that also will amount to another 10,000.

Thus, nearly three million people will be affected and the Fundamental Rights of three million citizens of this country will be affected by this Bill as it is now before the House. This is not a small number. I cannot quote the exact number of employees in the Central Government, it must be something like 40 lakhs. Therefore, the proportion or

the disproportionate manner of the increase can be inferred from the figures that I have cited. In addition.....(Interruptions).

SHRI P.V. NARASIMHA RAO : Will you kindly yield ?

SHRI RAVINDRA VARMA : Madam, I will sit down but that should not erode my time.

SHRI P.V. NARASIMHA RAO : Your time will be made up.

Armed Forces and the Forces charged with the maintenance of public order, are already there. What, according to you, is the addition by this ?

SHRI RAVINDRA VARMA : I have already said. I think my hon. friend did not listen to me with the alacrity which is a usual characteristic of his. I did say that the total effect of the Bill, as it is today, I did not say, that three million will be added by the additional clause that my hon. friend.... (Interruptions).

SHRI P.V. NARASIMHA RAO : I am asking you to tell me what is the additional(Interruptions).

SHRI RAVINDRA VARMA : If I have the statistical resources that my hon. friend has, I would have regaled the statistical details of the numbers involved, but unfortunately, I am not in his seat.

SHRI P.V. NARASIMHA RAO : But you have already given some.

SHRI RAVINDRA VARMA : That is from the figures that have been given to this House by your Government. Is it a crime to quote you ? Or do you have second thoughts about these figures ? Why do you grudge the fact that I am quoting your figures ?

SHRI P.V. NARASIMHA RAO : I am only saying, please let us know if you have any idea of the addition involved.

SHRI RAVINDRA VARMA : My answer to that is that I am not in a

[Shri Ravindra Varma]

position to compute the total number. I must say that my hon. friend, when he wielded an olive branch, was almost a monument of patience but since circumstances have changed, the olive branch has been taken away and he has been given a club to him, I see the weight the club is telling on his patience.

SHRI P.V. NARASIMHA RAO : Not at all.

MR. CHAIRMAN : Please go on, he will answer you.

SHRI RAVINDRA VARMA : Yes, he will, but he wants to interrupt. That is why I said, the weight of the club.

SHRI P.V. NARASIMHA RAO : I used to interrupt earlier also. Please don't start this.

SHRI RAVINDRA VARMA : I am not starting this. If you are an inveterate interrupter, I think the Chair should take care of you.

SHRI P.V. NARASIMHA RAO : I am not an inveterate interrupter, I am an occasional interrupter.

SHRI RAVINDRA VARMA : Well, then let those occasions be rare, especially when the time of the Member who is speaking, is not as unlimited as that of the Right hon. gentleman.

The rationale of the restriction has been put down in the Article as it is. There are two objectives that have been mentioned, one is the proper discharge of their duties and the other is the maintenance of discipline. These are impeccable, these are understandable but we do not grudge these, we do not cavil at them. We agree specially because of the special nature of these services, their relation to security and public order, to which we are as committed as the Right hon. gentleman, the need for immediate and implicit obedience of orders of superiors, the need for full-hearted and earnest compliance, even at the cost of one's life and limb, there must be a special consi-

deration to the Forces and some other categories that have already been listed by the founding fathers of the Constitution.

But are these additional restrictions necessary ? What are the restrictions that are necessary ? I would like to submit for the consideration of my Right hon. friend that this Bill itself is unnecessary. Why ? Because the Army, the Air Force and the Navy are covered by Sections 20 and 21 of the Army Act, to which my hon. friend from Jadavpur referred. It very clearly says that :

The Central Government, by notification, can make rules restricting, to such extent and in such manner as may be necessary, the right of any person subject to this Act—

- (a) to be a member of, or to be associated in any way with, any trade union or labour union or any class of trade or labour unions, or any society, institution or association, or any class of institutions or associations ;
- (b) to attend or address any meeting, to take part in any demonstration organised by any body of persons for any political or other purposes ;
- (c) to communicate with the press or to publish or cause to be published any book, letter or other document.

This applies to the army, navy and air force.

Now I want to point out to the right hon. friend from Hanamkonda that, besides this, there is a piece of legislation, passed by this House, which is called the Police Forces (Restriction of Rights) Act, 1966. This is very germane to the point that I am trying to make and I would like even the Home Minister to lend his ears to what I am saying. What is that ? Madam, this Police Forces (Restriction of Rights) Act, section 3, imposes similar restrictions, exactly similar restrictions.

MR. CHAIRMAN : He should conclude soon. I am giving the first bell.

SHRI RAVINDRA VARMA : Section 3 of the Act, is a virtual repetition with annotation of these very restrictions, imposed by section 20 of the Army Act. The Police Forces (Restriction of Rights) Act, 1966 has a long Schedule, which contains 23 Acts, some of the States and some of the Centre. Madam, if you will permit me, I will read out to you section 3 of that Act, which says...

MR. CHAIRMAN : Do not go into the details.

SHRI RAVINDRA VARMA : It is not the details ; it is very important, My case is that the right which he is seeking from the House is already with him. He has come here in a somnolent mood, or in a fit of amnesia. You must permit me to take this case. It says :

“No member of the police force shall, without the express sanction of Central Government, or of the prescribed authority :

- (a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions.....
- (b) a member of, or be associated in any way with, any other society, institution, association, or organisation that is not recognized as part of the force, of which he is a member, or is not purely social, recreational or religious in nature ; or
- (c) communicate with the press or publish....”

What arises from that ? The question of the nature of the organisation or association, whether it is banned or not allowed is decided by the Central Government.

section 5, which is very important. It says :...
(*Interruptions*) The hon. Member from Bhilwara must always rush in where angels fear to tread. Section 5 reads :

“The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other enactment relating to a force charged with the maintenance of public order, or by omitting therefrom any enactment already specified therein....”

It means that any of these forces ; covered by your clause, can be included in the schedule by a notification.

The CRPF was created by an Act of this House in 1949, the Border Security Force by an Act of 1968, the Territorial Army by an Act of 1948. Section 9 of the Territorial Army Act says that the Army Act is applicable to the members of the territorial army. The Railway Protection Force was created by an Act in 1957 and the Central Industrial Security Force by an Act of 1968. Therefore, it can be seen that all these forces were created by Acts passed by this House and there is already power vested in this Government, vested by the Act that I have referred to, by sheer notification, by mere notification, to include these forces within the purview of the restrictions which I have referred to.

Here comes the main question. If these are the restrictions which my hon. friend, who is now whispering elsewhere, has in mind....

SHRI SOMNATH CHATTERJEE : Or whispered to.

MR. CHAIRMAN : He will reply to it.

SHRI RAVINDRA VARMA : I do not want him to read my speech tomorrow. He is not listening to me. This is downright disrespect to the House..... (*Interruptions*)

MR. CHAIRMAN : Others are listening to you.

SHRI RAVINDRA VARMA : Madam, I must be on your right side ; otherwise, you would not allow me to continue.

Therefore, if these are all the restrictions we have in mind, then he has the powers already. Therefore, an apprehension arises in our mind, an inference arises in our mind that perhaps these are not the restrictions that he has in mind.

Madam, there is a distinction which you should have in mind between the needs of the State and the needs of the Government as an employer. Why employer ? We have witnessed so many revolts in the Provincial Armed Constabulary. My hon. and venerable friend from Varanasi will remember what happened in 1973, or in 1977 or in 1979 in Delhi, in Kerala, in Andhra ? What were the reasons for these mutinies and revolts ? Inquiry Committees were appointed. What causes did they detect ? They were not political. They were not the result of subscribing to political associations, but they were related to demands regarding conditions of work emoluments, prospects for promotions. Now, these are therefore, needs which are agitating the police and people in these forces. Therefore, I say there should be a distinction between the demands of the State as the repository of the sovereignty of the nation and the demands of the Government as an employer. If he wants to use this law as a shield to protect himself from the duties cast on the Government as an employer, then it is a matter that should compel the House to consider very seriously whether this Bill should be adopted at all.

Now, as far as grievances are concerned, there are individual and collective grievances. Collective grievances need formulation, articulation, representation and in some cases, of course, there arises the problem of agitation. I can very well understand that there should be nothing done which would create disharmony, create tension, or rivalry or which would affect the spirit of discipline and camaraderie which such forces require. I agree with the hon. gentleman if these are his objectives. But to serve these objectives it is not necessary to create a twilight zone where you hover

between mortality and immortality, where you do not know whether these rights exist or do not exist, and the decision is to be left at the sweet mercy of my Rt. Hon. friend.

Now, the Police Commission has gone into this question. Madam there is one more point I want to make. He has suggested that he would delete (c). So far so good. But if almost all the forces necessary are already covered by the existing legislation, than is it only to cover the Intelligence Bureau and the RAW that you have brought this Bill ? Is it so ? Some mosquitoes can create trouble by murmuring in your ears all through the night, and I can see the hon. gentleman throwing his arms about to deal with these mosquitoes. But is it necessary to bring such a Bill which will affect the Fundamental rights of so many millions of people just because you want to deal with some people ? If that is so, why don't you specify that ?

Then there is only one more point that I would like to make. The hon. Member from Ajmer is showing his characteristic impatience. While answering the objection raised by the Rt. hon. gentleman from Rajapur at the stage of introduction, my hon. friend said that a machinery for the settlement of grievances already exists. I read his speech. Unfortunately I was not given the opportunity to be present at that time. But Madam I shall only wish to quote from the National Police Commission and I will conclude.

"We have carefully examined the existing facilities in the police for identification and redressal of policemen's grievances. Presently there is the system of holding weekly orderly room and monthly Sammelan/Darbar Alochana Sabha in different police units etc...At the monthly Sammelan and Darbars some collective grievances get ventilated and superior officers get an opportunity to know them and initiate suitable collective steps, whatever."

I do not repeat the whole paragraph. I shall refer to the pages that will make it

unnecessary for me to read the whole thing.

"Moreover, the system of orderly room has, over the years, acquired a punitive character, and is now used mainly for awarding punishments for delinquencies which are announced by the intermediary officer who marches the delinquent into the orderly room. There is an urgent need for devising a satisfactory system through which grievances can be effectively voiced..."

Now, on page 44 – because you are not allowing me to read – of the Report of the National Police Commission which had a very unfortunate parentage and therefore, the child has to suffer because of the parents, because it was appointed during the days when the Janata Party was in power – on page 44 the Police Commission has given guidelines as to what the machinery for the settlement of grievances should be. This shows that the existing machinery is inadequate and my fear is that this limitation may even militate against the spirit of the ILO convention that no restriction on the right of freedom of association etc. of workers can be imposed without simultaneously providing for an effective machinery for the expeditious disposal of their grievances through negotiation or conciliation. That is why, Madam, I have moved an amendment to this Bill. I, therefore, oppose the Bill in the present form and I hope the House will reject it.

SHRI N.K. SHEJWALKAR (Gwalior): Madam Chairman, I also stand to oppose this Amendment.

Madam, the first point which I want to make is as to what are the circumstances and what are the instances or circumstances due to which this Amendment has been brought. In the Statement of Objects and Reasons nothing has been made out. Only in the last paragraph it was stated :

"Experience has revealed that the need for ensuring proper discharge of their duties and the maintenance of discipline among them is of para-

mount importance in the national interest."

This is just a repetition of the earlier provision of Article 33. What were the circumstances or can he cite any examples ? He could have shown that these are the circumstances and these are the instances for which this particular Amendment is needed. That has not been made out.

Madam, actually, as pointed by earlier hon. speakers on the subject, what was the necessity of this Amendment at this fag end of the Session ? I can understand if any further right is being granted, as for example if the fundamental right to work is brought under the Constitution by way of amendment. If there is any fundamental right to have food, if there is any fundamental right to give minimum residence to an Indian citizen, if such fundamental rights are added, then I can understand that this is something for the good of the citizens. But after 37 years of our Independence we are unable even to give food to everybody, leave alone the question of residence. On the other hand, if this is the law which is being brought in. We are seeing a host of defections, but up till now the law on defection has not been brought in. (*Interruptions*). It is not relevant, it is not necessary.

Similarly, there is the amendment to the Representation of People Act. The matter is under consideration of the Government for long, but no amendment has been brought in to the Representation of People Act. Instead, this legislation is brought in. Gracefully, our hon. Home Minister has been kind enough to say that (c) should be withdrawn. What is the result of that ? If (a) and (b) of Article 33 are taken together omitting (d) and (e), it is just Article 33 as it is. What has been added is categories of persons mentioned in (d) and (e). Why are these persons included ? The reason for including these personnel is not clear. I also cannot understand the category mentioned in (d) which says, 'persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter-intelligence.'

What is the difficulty being faced by the

[Shri N.K. Shejwalkar]

Government? It is not clear. Similar is the case in tele-communication system. What the Government wants to gain from this amendment is not clear. Actually, I am against the very fundamental principle of discriminating between (a) and (b) and even Article 33. Of course, it is there, but that too I am not in favour of.

20 hrs.

As has been stated by Shri Ravindra Verma and others the mischief is not only restricted to Article 19—i.e. forming of Association and other things. I understand the Government may not have the intention to take away all the Fundamental Rights in Part III of the Constitution, but by this they will have this power. So, I am 100% opposed to this. By this amendment, all the fundamental rights can be taken away. The Government need not come to Parliament. We are seeing that ordinances are being passed when the Parliament is not in Session. By ordinances they can curtail the rights of citizens. There is no restriction. I am totally opposed to such sort of power being given.

There are so many laws, as has been mentioned by Shri Ravindra Verma, to control the behaviour of the Police and the Armed Forces. There are sufficient provisions. After all all, the provisions will be subject to the provision of Article 33. More rights are being taken away than what have been given or provided in Article 33. My submission is that such a law which is giving vast powers for no reason is not justified. I, therefore, oppose it.

SHRI INDRAJIT GUPTA (Basirhat) : I oppose this Bill.

I am grateful to my colleague from Bombay North for the really painstaking and exhaustive study that he has made of all the different aspects of this Bill and the various legislative measures which already exist and their implications in relation to this Bill.

The hon. Home Minister has come for-

ward with an amendment to delete clause (c). (a) and (b) are already covered by Article 33 of the Constitution. So, we are left only with (d) and (e). All this exercise is being made for categories who are covered in (d) and (e).—persons employed in various intelligence organisations and persons employed with telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (d).

I would like him to tell the House approximately, if not accurately, what is the total number of people involved in these two categories—people employed in the Intelligence organisation and Telecommunication services connected with the Armed Forces. How many people are involved for which you are coming forward to amend the Constitution? It is not the Armed Forces, it is not the para-military force. It is not the other people who are concerned with maintaining law and order because they are already covered. They have no rights, anyhow as far as article 19 is concerned already. What is the purpose of the Government except to create a sort of intimidatory atmosphere? I do not understand. We have to take into consideration here, I think which is very real the practice and attitude of the Government that we find on this question every day now. My memory now goes back to 1979 to which the hon. Member from Bombay North has also referred briefly. In 1979, you remember that there was a wave of disaffection, discontent and agitation in various parts of the country mainly among the members of the Central Industrial Security Force (CISF) and also C.R.P. to some extent. And it went to such an extent that in the Bokaro Steel Plant, there was an exchange of fire between the Armed Forces and the CISF. You remember all these incidents. Now, the demands which they put forward, as a trade-unionist, I will never forget. The demands were not political demands of any kind.

20.06 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

You may not agree with those demands. They were demands relating to their conditions of service, to their promotional chan-

nels, to their different emoluments, to the behaviour of the officers towards the jawans or rather the misbehaviour of some officers towards the jawans of the CISF, a practice which is followed in many places even now where illegally jawans are made to perform domestic duties in the houses of officers, taking the dogs for a morning walk, accompanying the Memsaheb to the bazar every morning. These are not jobs for which the jawans are recruited. But they are made to do it under compulsion. They were protesting against these things. And I remember that in those days, the Congress Party was out of power and some of these CISF people approached various people for redressal. They also approached Mrs. Indira Gandhi. She was very much in the wilderness at that time. I met some of those people. After that, they met Mrs. Gandhi and they told me : "When we approached her, she said, 'What can I do because I am not in power. If I had been in power, I would have taken steps to see that your legitimate grievances are redressed.'" It is very good. After that she has come back to power and you are sitting here by virtue of that. Now, what do you do ? Instead of first applying your mind, as Mr. Ravindra Varma tried to point out in the amendment which he has tabled the first thing is not this. The first thing is not to take away their rights or suppress their rights. That can come only later as a corollary, to provide them with some proper channel for representation of their demands and grievances and a machinery for redressal. Without that you have no right. The Government has no right to try and suppress and repress these people. And what is happening, I do not understand. The CISF personnel were assured in 1979 by the Director General that local unit levels or the level which is not higher than the local unit level will be permitted to set up associations. Welfare associations or something like them, they will be not called—trade-union. At the unit level, through their associations, they can make representations of their demands and grievances and they will be considered and speedy redress will be attempted. And subsequently, nothing was done. Those associations were not allowed to be set up ; not recognised and nothing. If you try to

bottle up people's grievances in this way without any possible way of outlet, then later on some trouble takes place. Something erupts in the form of some agitation or something and then the Government becomes more panicky. It is more sensible to consider the other thing which is not provided by you at all. I know that will come as a separate Bill. That will not come as a part of the Constitution (Amendment) Bill. But you see the whole way you have approached the question, you have not outlined anything about that. Now, there are so many anomalies in the situation. You have said, we want to deal with those people whose duties are concerned with the security of the country.

Now, the civilian employees of the Defence establishments—the new Defence Minister is sitting here ; of course, he knows and I am reminding him—have got every right to set up trade unions. They have got trade unions at every level. They have got all-India federations and all that. The civilian employees who are working in the Defence factories, manufacturing ammunition, manufacturing weapons, for the armed forces have got trade unions. The workers of the Rifle factory at Ishapore, the workers of the Gun Shell factory at Cossipore and workers of so many other establishments who are under the Defence Ministry are producing vital ammunition, weapons and other things for the armed forces. They have been allowed to have trade unions. He has behaved in quite a sensible way towards them. Has that affected their discipline in any way ? Every Report of the Defence Ministry presented here, every year, pays glowing tributes to the work of the civilian employees of Defence establishments and points out a very good record of their work, the quality of their production and how production has been going up. When they have got trade union rights just like Central Government employees, has that affected their discipline ? Are they not going good work ? Are they not making all these weapons for the Defence forces ? This is important for the security of the country.

What an anomalous position it is I do not understand. You take the case of

[Shri Indrajit Gupta]

GREF, the General Reserve Engineering Force, also known as the Border Roads Organisation. There are a large number of people employed there, working on the border roads. It is an anomalous position that the GREF comes under the Transport Ministry but this is dealt with for all purpose by the Defence Ministry. Nobody has been able to resolve this peculiar legal anachronism up till today. Under whom are they ?

SHRI SUNIL MAITRA (Calcutta North East) : They are subjected to army discipline also.

SHRI INDRAJIT GUPTA : Having been put under the Ministry of Transport, they are dealt with by the Ministry of Defence and then they are subjected to army rules and military rules also. Why don't you take them over and regard them as para military forces ? They are working in very difficult conditions, constructing and maintaining border roads. They have no right of representing their grievances at all. Their only agitation was that they should be allowed some machinery, some channel, by which they can express their demands and grievances. We raised it in the Consultative Committee of the Defence Ministry. We were told, "It is not necessary." We asked why. They said that because the officers are holding darbars, what they used to do in the days of British, the GREF, the Border Roads Organisation people can come to these darbars...

MR. DEPUTY-SPEAKER : Are they Participants of the Joint Consultative Machinery or not ?

SHRI INDRAJIT GUPTA : No. They are not given any rights like that. They are not covered under the Joint Consultative Machinery.

They are also doing work which is vital for the security of the country. They are constructing and maintaining border roads in those areas. But up till now, these poor people do not know whether they are under Mr. Vijaya Bhaskara Reddy or Mr. S.B. Chavan.

Once a couple of years ago, and, I hope, you will remember the incident—it was exposed in certain sections of the press—and, I think, it was somewhere in Assam and in a foolish way, I suppose, when they took a demonstration to some high ranking military officer to represent their grievances, the whole lot of them were arrested and they were subjected to a court martial just like military personnel. Why was that done ? They are not the people to be court martialled. They are not the members of the armed forces.

Now, are these people doing work which is any way more important for the country than that the civilian employees of the Defence factories are doing ? I do not understand this. The whole thing is a mess ; it is a chaotic thing. Nobody has got any clear idea of what they are supposed to be doing.

The only thing that I find here from this Memorandum which has been circulated for the consideration of the Speaker is :

"Of late, there has been a growing tendency among employees of certain organisations to adopt agitational methods in their dealings with the Government. This has seriously affected the efficiency and can undermine the security of the State."

Well, there are two recent examples that I can think of which may have unnerved the Government. One is the mutiny which took place in Ramgarh by recruits of the Sikh Regimental Centre. It took place recently. Everybody remembers it. I do not know how the Government did cope with that. That is already covered. They are members of the armed forces. They can be apprehended, court-martialled and, I am sure, these are being done. We do not know what is happening after that Ramgarh incident. It is a very serious matter, no doubt. That may have shaken the Government a bit because, particularly, I suppose hundreds of thousands of Sikhs are still in uniform. There is a panicky feeling now among many people and among Government circles because there are

hundreds of thousands of Sikhs in uniform. They are the people who were in the forefront of the defence of our country every time we have suffered from aggression.

The second agitation which took place is of the employees of RAW, the Research and Analysis Wing. They have got some demands. The demands may or may not always be justified but they are ordinary type of normal demands which employees have everywhere about various things like their recruitment, their promotional opportunities and so on and so forth and they have put forward some demands. They have got an Association and they have been conducting some peaceful agitation with some memorandum and so on.

So, now these Intelligence Agency employees are being brought under this new Bill.

It is not only an unnecessary legislation but it is a thoroughly confused, anomalous and chaotic piece of legislation which is being brought on the spur of the moment without any proper thought being given to it and it is just bound to create some kind of an intimidatory atmosphere by stating that you will not be allowed to do this and that.

I am totally opposed to this Bill. I do not think it is necessary at all. You have got enough legislation already in force by which you can control or curb any of these rights which are given to these people.

Why are you bringing this? I do not understand specially when now you are limiting it in practice only to two categories. They began with five categories. Now they have come down to 2 categories. He has not even told us what is the total number of people who are involved. I think it is a very small number. For the sake of that, it is certainly invidious to come and change the Constitution.

I am totally opposed to it.

SHRI G.M. BANATWALLA (Ponnani) : Article 33 of the Constitution, as it stands today, empowers this Parliament to pass a law restricting or abrogating the funda-

mental rights in respect of armed forces and the police forces.

Under Article 33, we already have many Acts passed restricting the fundamental rights of the armed forces and the police force. After 34 years during which the Constitution has been in force, the Government has now found it necessary to come forward with a Bill to widen the scope of Article 33 and to include some other organisations also for the purposes of restricting or abrogating their fundamental rights. This attempt to widen the scope of Article 33 shows that all is not well and, therefore, it is a matter of serious concern.

I must submit that every right thinking person will definitely be deeply interested and anxious about maintenance of discipline in armed forces, police force, Intelligence machinery and so on. However, that does not mean we should create and promote an atmosphere which generates frustration and thus undermine the cause of discipline itself. An atmosphere of suffocation will defeat the purpose for which the Bill has been brought forward.

I must say that there are sufficient instances of dissatisfaction brewing among the various forces mentioned in this particular Bill. I do not want to go into the details of all that. But it is necessary to have a hard look at all of them. For example, even the Supreme Court has passed strictures in the past with respect to the system of dispensation of justice for our military personnel. Justice Chandrachud, Justice D.A. Desai and Justice A.N. Sen have argued forcefully for a comprehensive review of the various Acts, the Indian Army Act, the Air Force Act, and so on in order to ensure that disciplined and dedicated Indian Army, Navy and Air Force personnel may not nurse a grievance that justice and fairplay is denied to them. These are things that must be taken into serious consideration. As I said, we must not only refrain from promoting an atmosphere that may suffocate the personnel in these military services but also see that fairplay and justice is given to them. Considerable dissatisfaction, as I said, is brewing with respect to the numerous aberrations in military justice. I need hardly dwell at length on this particular

[Shri G.M. Banatwalla]

point. In a very refrain language I may say that the very court martial proceedings are also used in furtherance of petty, personal vengeance. Sir, we find that even in court martial there is not written even a brief, reasoned order in support of their conclusions even in cases where death sentence is imposed. These are all various things which are to be considered. The various Acts which have already been made under article 33 need a particular review in order to provide for justice. Instead of having a review of all these Acts under article 33 as it stands at present, we are having a Bill which widens its scope and generates an atmosphere that will suffocate the personnel there. This is a matter that must be taken into serious consideration.

SHRI P.V. NARASIMHA RAO : Mr. Speaker, Sir, when I said that I expected reasonableness from the Opposition, I thought that my expectation was well-founded when I made it, but now I see that whatever reasonableness I have shown is unreciprocated....

PROF. MADHU DANDAVATE : Are you withdrawing your Amendment ?

SHRI P.V. NARASIMHA RAO : That is precisely what I was going to say : in spite of the fact that I do not find any echo, any reciprocation, from the other side, I stick to the amendment which I have tabled because, as I said, I found on a second, third, reading of the amendment that clause (c) could be deleted since it does not really fit into this scheme of Constitutional Amendment. So, I have to conclude that the Government will have to go ahead with it on its own steam. As has been pointed out, clauses (a) and (b) are already there. This Amendment has been put in the form of the whole article as amended being incorporated and not in the form of an amendment which is in addition to, or deletion of, what is contained in the original provision.

(a) and (b) are already covered. In effect what we have now done is to add 'person employed in any bureau or other organisa-

tion established by the State for the purpose of intelligence or counter intelligence and persons employed in or in connection with the telecommunications systems set up for the purpose of any force, bureau or organisation referred to in clauses (a) to (d)'. I would like to submit that these are more or less provisions which flow from the original provisions. Actually the telecommunications system is something which is absolutely vital to the working of the organisations whether it is the Army or the Police or the Bureau or organisation established for the purposes of intelligence or counter intelligence. No intelligence work can be done without tele-communications. So (d) and (e) which now after amendment become (c) and (d) go together because without (e), (d) cannot work and (a) cannot work. When it comes to tele-communications I do not consider it as a positive addition. It is consequential and operational in nature and not substantive. So I do not see what objection there can be to this. Of course, objections on principles, so on and so forth have been aired....

PROF. MADHU DANDAVATE : Regarding tele-communication, so long as its relations with the other forces are concerned, I think it would be covered even without that.

SHRI P.V. NARASIMHA RAO : I do not know whether it would be covered. The wording is quite clear—'Persons employed in or in connection with the tele-communications system set up for the purpose of any force, bureau or organisation referred to in clauses (a) to (d)'. I am not sure whether this is covered and even if it is covered, it is covered once again here and you cannot have any objection.

This is the scheme of the constitutional amendment. Now about human rights much was said. I would like to submit that the Government is as much wedded to human rights as anyone else. These laws that have been made—the Army Act, etc., have been made with the security of the country in view and whatever rules have been made, have been upheld by the Supreme Court and there is no question of abridging the rights of these people for

considerations which are not eminently connected with the security of the country. This is the scheme of the law and I do not think there can be any objection to that.

We have heard certain experiences. Mr. Indrajit Gupta referred to some of them. I do not have to go into details. But I would like to assure the House that based on these experiences this constitutional amendment is being brought.

The other important aspect which was raised at the time of introduction of the Bill is the redressal of grievances. I already stated that there is a machinery in respect of redressal of grievances and if there are any suggestions to strengthen it, to streamline it and to make it more effective, I am prepared to consider them. I have not gone into all the details of what machinery exists. I can read out whatever note I have got from the authorities concerned, but I would like to go deeper into the ramifications of that machinery and I would again like to state that I believe in the redressal of grievances. I believe in the contentment of these forces. I do not believe in suppressing them or bottling up their dissatisfaction. I am one with the hon. Members who have raised these points. The main point is that having done that, I have to see that discipline is maintained. That is absolutely a must.

Now, that will come, as Mr. Indrajit Gupta pointed out, by law, by rules and by making these organisations become useful, positive and strengthened. That is a different process altogether and I would like to say that I entirely believe in that process and we shall see to it that that process is strengthened.

Shri Ravindra Varma's amendment—my hon. friend from Bombay-North—does not belong here. I would like to respectfully submit to him that this is a Constitutional amendment. The Constitutional amendment, within the framework of Article 33, has to have certain parameters. His amendment does not fit in here. This can come only later either by law or by exercise of powers vested in the Government. That would be seen. I would respectfully submit to him

that he should withdraw this amendment which just does not fit into this context at all.

So, Sir, with these few words, I would like to commend this to the unanimous, if possible, acceptance of the House.

MR. SPEAKER : Before I put the Motion for consideration to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division.

Let the Lobbies be cleared...

The question is :

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

The Lok Sabha divided :

Division No. 19]

[20.37 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Begum Abida
 Ahmed, Shri Gulsher
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasada Rao, Shri P.
 Ansari, Shri Z.R.
 Anuragi, Shri Godil Prasad
 Anwar Ahmad, Shri
 Appalanaidu, Shri S.R.A.S.
 Arakal, Shri Xavier
 Arunachalam, Shri M.
 Ashfaq Hussain, Shri
 Azad, Shri Bhagwat Jha
 Azad, Shri Ghulam Nabi
 Azmi, Dr. A.U.

Bairwa, Shri Banwari Lal	Dalbir Singh, Shri
Baitha, Shri D.L.	Dalbir Singh, Shri
Bajpai, Dr. Rajendra Kumari	Damor, Shri Somjibhai
Baleshwar Ram, Shri	Das, Shri A.C.
Bansi Lal, Shri	Dennis, Shri N.
Behera, Shri Rasabehari	Desai, Shri B.V.
Bhagat, Shri B.R.	Dev, Shri Sontosh Mohan
Bhagat, Shri H.K.L.	Devarajan, Shri B.
Bhagwan Dev, Acharya	Dhote, Shri Jambuwant
Bhakta, Shri Manoranjan	Dogra, Shri G.L.
Bhardwaj, Shri Parasram	Doongar Singh, Shri
Bhatia, Shri R.L.	Dubey, Shri Bindeshwari
Bhoi, Dr. Krupasindhu	Dubey, Shri Ramnath
Bhole, Shri R.R.	Ekka, Shri Christopher
Bhoye, Shri Reshma Motiram	Engti, Shri Biren Singh
Bhuria, Shri Dileep Singh	Era Anbarasu, Shri
Bhuyan, Shri Bhubaneswar	Faleiro, Shri Eduardo
Birbal, Shri	Fernandes, Shri Oscar
Birender Singh, Rao	Gadgil, Shri V.N.
Bishnu Prasad, Shri	Gadhavi, Shri Bheravadan K.
Boddepalli, Shri Rajagopala Rao	Gaekwad, Shri R.P.
Brar, Shrimati Gurbrinder Kaur	Gaikwad, Shri Udaysingrao
Buta Singh, Shri	Gamit, Shri Chhitubhai
Chakradhari Singh, Shri	Gandhi, Shrimati Indira
Chandrakar, Shri Chandu Lal	Gandhi, Shri Rajiv
Chandrashekharappa, Shri T.V.	Gavit, Shri Manikrao Hodlya
Charanjit Singh, Shri	Gehlot, Shri Ashok
Chaturvedi, Shrimati Vidyawati	Ghorpade, Shri R.Y.
Chaudhary, Shri Manphool Singh	Ghufran Azam, Shri
Chaudhuri, Shri A.B.A. Ghani Khan	Gogoi, Shri Tarun
Chavan, Shri S.B.	Gohil, Shri G.B.
Chavan, Shri Yeshwantrao	Gomango, Shri Giridhar
Chennupati, Shrimati Vidya	Gounder, Shri A. Senapathi
Chingwang Konyak, Shri	Gouzgin, Shri N.
Choudhari, Shrimati Usha Prakash	Gowda, Shri D.M. Putte
Chouhan, Shri Fatebhan Singh	Gowda, Shri H.N. Nanje
Chowdari, Shri Chitturi Subba Rao	Hakam Singh, Shri
Dabhi, Shri Ajitsinh	Hembrom, Shri Seth
Daga, Shri Mool Chand	

Jadeja, Shri Daulatsinhji	Makwana, Shri Narsinh
Jaffer Sharief, Shri C.K.	Mallanna, Shri K.
Jain, Shri Bhiku Ram	Mallick, Shri Lakshman
Jain, Shri Virdhi Chander	Mallikarjun, Shri
Jakkayan, Shri S.T.K.	Mallu, Shri A.R.
Jamilur Rahman, Shri	Mane, Shri R.S.
Jena, Shri Chintamani	Mani, Shri K.B.S.
Jitendra Prasad, Shri	Manni Lal, Shri
Kahandole, Shri Z.M.	Mavani, Shri Ramjibhai
Kailash Pati, Shrimati	Mishra, Shri Gargi Shankar
Kamal Nath, Shri	Mishra, Shri Ram Nagina
Kamla Kumari, Kumari	Mishra, Shri Uma Kant
Karma, Shri Laxman	Misra, Shri Harinatha
Kaul, Shrimati Sheila	Misra, Shri Nityananda
Ken, Shri Lala Ram	Mohanty, Shri Brajamohan
Keyur Bhusan, Shri	Mohite, Shri Yashawantrao
Khan, Shri Arif Mohammad	Mohsin, Shri F.H.
Khan, Shri Malik M.M.A.	More, Shri Ramkrishna
Khan, Shri Zulfiqar Ali	Motilal Singh, Shri
Kharlukhi, Shri Bajuban R.	Mukhopadhyay, Shri Ananda Gopal
Kidwai, Shrimati Mohsina	Murthy, Shri Kusuma Krishna
Kosalram, Shri K.T.	Murthy, Shri M. Rajashekhar
Krishna, Shri S.M.	Murthy, Shri M.V. Chandrashekhar
Krishna Pratap Singh, Shri	Muttemwar, Shri Vilas
Krishnan, Shri G.Y.	Muzaffar Hussain, Shri Syed
Kshirsagar, Shrimati Kesharbai	Nagina Rai, Shri
Kuchan, Shri Gangadhar S.	Naidu, Shri P. Rajagopal
Kuhambu, Shri K.	Naik, Shri G. Devaraya
Kunwar Ram, Shri	Naikar, Shri D.K.
Kurien, Prof. P.J.	Nair, Shri B.K.
Lakkappa, Shri K.	Namgyal, Shri P.
Lakshmanan, Shri G.	Nandi Yellaiah, Shri
Laskar, Shri Nihar	Narayana, Shri K.S.
Madhuri Singh, Shrimati	Nayak, Shri Mrutyunjaya
Mahabir Prasad, Shri	Nehru, Shri Arun Kumar
Mahajan, Shri Vikram	Netam, Shri Arvind
Mahajan, Shri Y.S.	Nihalsinghwala, Shri G.S.
Mahala, Shri R.P.	Nikhra, Shri Rameshwar
Mahendra Prasad, Shri	

Nurul Islam, Shri	Ranga, Prof. N.G.
Oraon, Shrimati Sumati	Ranjit Singh, Shri
Pandey, Shri Krishna Chandra	Rao, Shrimati B. Radhabai Ananda
Panigrahi, Shri Chintamani	Rao, Shri Jalagam Kondala
Panika, Shri Ram Pyare	Rao, Dr. M.S. Sanjeevi
Parashar, Prof. Narain Chand	Rao, Shri M. Satyanarayan
Pardhi, Shri Keshaorao	Rao, Shri P.V. Narasimha
Parmar, Shri Hiralal R.	Rath, Shri Rama Chandra
Parthasarathy, Shri P.	Rathawa, Shri Amarsinh
Patel, Shri Ahmed Mohammed	Rathod, Shri Uttam
Patel, Shri C.D.	Raut, Shri Bhola
Patel, Shri Mohan Lal	Ravani, Shri Navin
Patel, Shri Shantubhai	Rawat, Shri Harish
Patil, Shri A.T.	Reddi, Shri G.S.
Patil, Shri Balasaheb Vikhe	Reddy, Shri G. Narsimha
Patil, Shri Chandrabhan Athara	Reddy, Shri K. Brahmananda
Patil, Shrimati Shalini	Reddy, Shri K. Obul
Patil, Shri Shankarrao	Reddy, Shri K. Vijaya Bhaskara
Patil, Shri Shivraj V.	Reddy, Shri M. Ram Gopal
Patil, Shri Uttamrao	Reddy, Shri P. Venkata
Patil, Shri Veerendra	Reddy, Shri T. Damodar
Patil, Shri Vijay N.	Roat, Shri Jai Narain
Patnaik, Shrimati Jayanti	Sahi, Shrimati Krishna
Pattabhi Rama Rao, Shri	Sahu, Shri Narayan
Pattuswamy, Shri D.	Sahu, Shri Shiv Prasad
Phulwariya, Shri Virda Ram	Sajjan Kumar, Shri
Pilot, Shri Rajesh	Saminuddin, Shri
Poojary, Shri Janardhana	Sangma, Shri P.A.
Potdukhe, Shri Shantaram	Sankhawar, Shri Ashkaran
Pradbani, Shri K.	Sathe, Shri Vasant
Prasan Kumar, Shri S.N.	Satish Prasad Singh, Shri
Pullaiah, Shri Darur	Satya Deo Singh, Prof.
Quadri, Shri S.T.	Sawant, Shri T.M.
Raju, Shri P.V.G.	Sebastian, Shri S.A. Dorai
Ram, Shri Ramswaroop	Sethi, Shri Arjun
Ramalingam, Shri N. Kudanthai	Shailani, Shri Chandra Pal
Ramamurthy, Shri K.	Shaktawat, Prof. Nirmala Kumari
Ramulu, Shri H.G.	Shakyawar, Shri Nathuram
	Shankaranand, Shri B.

Shanmugam, Shri P.	Tripathi, Shri Kamalapati
Sharma, Shri Chiranjit Lal	Tudu, Shri Manmohan
Sharma, Shri Kali Charan	Tytler, Shri Jagdish
Sharma, Shri Nand Kishore	Uike, Shri Chhote Lal
Sharma, Shri Nawal Kishore	Vairale, Shri Madhusudan
Sharma, Shri Pratap Bhanu	Velu, Shri A.M.
Sharma, Dr. Shanker Dayal	Venkatasubbaiah, Shri P.
Shastri, Shri Dharam Dass	Verma, Shri Deen Bandhu
Shastri, Shri Hari Krishna	Verma, Shrimati Usha
Shingda, Shri D.B.	Vijayaraghavan, Shri V.S.
Shiv Shankar, Shri P.	Vyas, Shri Girdhari Lal
Shivendra Bahadur Singh, Shri	Wagh, Dr. Pratap
Shukla, Shri Vidyacharan	Wasnik, Shri Balkrishna Ramchandra
Sidnal, Shri S.B.	Yadav, Shri D.P.
Singaravelivel, Shri S.	Yadav, Shri R.N.
Singh, Shri C.P.N.	Yadav, Shri Ram Singh
Singh, Kumari Pushpa Devi	Yadav, Shri Subhash Chandra
Singh Deo, Shri K.P.	Yazdani, Dr. Golam
Sinha, Shrimati Ramdulari	Zainul Basher, Shri
Solanki, Shri Babu Lal	NOES
Soren, Shri Harihar	Agarwal, Shri Satish
Soundararajan, Shri N.	Barman, Shri Palas
Sparrow, Shri R.S.	Basu, Shri Chitta
Sreenivasa Prasad, Shri V.	Bhim Singh, Shri
Subburaman, Shri A.G.	Biswas, Shri Ajoy
Sukhbunns Kaur, Shrimati	Chakraborty, Shri Satyasadhan
Sultapuri, Shri Krishan Dutt	Chatterjee, Shri Somnath
Sunder Singh, Shri	Choubey, Shri Narayan
Suryawanshi, Shri Narsingrao	Choudhury, Shri Saifuddin
Swami, Shri K.A.	Dandavate, Prof. Madhu
Swaminathan, Shri R.V.	Dandavate, Shrimati Pramila
Tapeshwar Singh, Shri	Datta, Shri Amal
Tayeng, Shri Sobeng	Dhandapani, Shri C.T.
Tewari, Shri K.P.	Ghosh Goswami, Shrimati Bibha
Tewary, Prof. K.K.	Gopalan, Shrimati Suseela
Thorat, Shri Bhausaheb	Gupta, Shri Indrajit
Thungon, Shri P.K.	Halder, Shri Krishna Chandra
Tiwari, Shri Chandra Bhal Mani	Hannan Mollah, Shri
Tiwari, Shri R.G.	

Horo, Shri N.E.

Kodiyan, Shri P.K.

Kulandaivelu, Dr. V.

Mahata, Shri Chitta

Maitra, Shri Sunil

Mandal, Shri Sanat Kumar

Masudal Hossain, Shri Syed

Mehta, Prof. Ajit Kumar

Mukherjee, Shri Samar

Ngangom Mohendra, Shri

Paswan, Shri Ram Vilas

Pathak, Shri Ananda

Riyan, Shri Baju Ban

Roy, Shri A.K.

Roypradhan, Shri Amar

Saha, Shri Ajit Kumar

Sen, Shri Subodh

Shejwalkar, Shri N.K.

Sinha, Shri Nirmal

Tirkey, Shri Pius

Unnikrishnan, Shri K.P.

Varma, Shri Ravindra

Verma, Shri Raghunath Singh

Zainal Abedin, Shri

MR. SPEAKER : Subject to correction the result* of the division is : Ayes—309 ; Noes—42.

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 2—(Substitution of Article 33)

SHRI RAVINDRA VARMA : I beg to move :

“Page 1,—

after line 22, insert—

“Provided that any such law applicable to persons specified in clauses (b), (c), (d) and (e) shall also provide an effective machinery for the expeditious settlement of the individual and collective grievances of those employed in the services affected by the law and shall not abrogate the right to seek redressal of collective grievances through representative associations.” (2)

SHRI P. V. NARASIMHA RAO : I beg to move :

“Page 1,—

(i) omit lines 12 to 14 ;

(ii) in line 15, for “(d)” substitute “(c)” ;

(iii) in line 18, for “(e)” substitute “(d)” ;

(iv) in line 20, for “(d)” substitute “(c)”. (3)

MR. SPEAKER : Now, I put amendment No. 2 moved by Shri Ravindra Varma to the vote of the House.

Amendment No. 2 was put and negatived.

MR. SPEAKER : The question is :

“Page 1,—

(i) omit lines 12 to 14 ;

(ii) in line 15, for “(d)” substitute “(c)” ;

*The following Members also recorded their votes :

AYES : Sarvashri P.C. Sethi, Bagun Sumbrui, Ramayan Rai, Gireraj Singh and Pasala Penchallaiah.

NOES : Shri Pitambar Sinha.

(iii) in line 18, for "(e)" substitute
" (d)";

(iv) in line 20, for "(d)" substitute
" (c)". (3)

The Motion was adopted.

MR. SPEAKER : Before I put Clause 2, as amended, 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, stand part of the Bill."

The Lok Sabha divided.

Division No. 20] [20.44 hrs.

AYES

Abbas, Shri Kazi Jalil	Bairwa, Shri Banwari Lal
Ahmad, Shri Mohammad Asrar	Baitha, Shri D.L.
Ahmed, Begum Abida	Bajpai, Dr. Rajendra Kumari
Ahmed, Shri Gulsher	Baleshwar Ram, Shri
Ahmed, Shri Kamaluddin	Bansi Lal, Shri
Ajit Pratap Singh, Shri	Behera, Shri Rasabehari
Alluri, Shri Subhash Chandra Bose	Bhagat, Shri B.R.
Anand Singh, Shri	Bhagat, Shri H.K.L.
Ankineedu Prasada Rao, Shri P.	Bhagwan Dev, Acharya
Ansari, Shri Z.R.	Bhakta, Shri Manoranjan
Anuragi, Shri Godil Prasad	Bhardwaj, Shri Parasram
Anwar Ahmad, Shri	Bhatia, Shri R.L.
Appalanaidu, Shri S.R.A.S.	Bhoi, Dr. Krupasindhu
Arakal, Shri Xavier	Bhole, Shri R.R.
Arunachalam, Shri M.	Bhoye, Shri Reshma Motiram
Ashfaq Hussain, Shri	Bhuria, Shri Dileep Singh
Azad, Shri Bhagwat Jha	Bhuyan, Shri Bhubaneswar
Azad, Shri Ghulam Nabi	Birbal, Shri
Azmi, Dr. A.U.	Birender Singh, Rao
Bagun Sumbrai, Shri	Bishnu Prasad, Shri
	Boddepalli, Shri Rajagopala Rao
	Brar, Shrimati Gurbrinder Kaur
	Brijendra Pal Singh, Shri
	Buta Singh, Shri
	Chakradhari Singh, Shri
	Chandrakar, Shri Chandu Lal
	Chandrashekharappa, Shri T.V.
	Charanjit Singh, Shri
	Chaturvedi, Shrimati Vidyawati
	Chaudhary, Shri Manphool Singh
	Chaudhuri, Shri A.B.A. Ghani Khan
	Chavan, Shri S.B.
	Chavan, Shri Yeshwantrao
	Channupati, Shrimati Vidya
	Chingwang Konyak, Shri
	Choudhari, Shrimati Usha Prakash
	Chouhan, Shri Fatehthan Singh
	Chowdari, Shri Chitturi Subba Rao

Dabhi, Shri Ajitsinh	Jadeja, Shri Daulatsinhji
Daga, Shri Mool Chand	Jaffer Sharief, Shri C.K.
Dalbir Singh, Shri	Jain, Shri Bhiku Ram
Dalbir Singh, Shri	Jain, Shri Nihal Singh
Damor, Shri Somjibhai	Jain, Shri Virdhi Chander
Das, Shri A.C.	Jakkayan, Shri S.T.K.
Dennis, Shri N.	Jamilur Rahman, Shri
Desai, Shri B.V.	Jena, Shri Chintamani
Dev, Shri Sontosh Mohan	Jitendra Prasad, Shri
Devarajan, Shri B.	Kahandole, Shri Z.M.
Dhote, Shri Jambuwant	Kailash Pati, Shrimati
Dogra, Shri G.L.	Kamal Nath, Shri
Doongar Singh, Shri	Kamla Kumari, Kumari
Dubey, Shri Bindeshwari	Karma, Shri Laxman
Dubey, Shri Ramnath	Kaul, Shrimati Sheila
Ekka, Shri Christopher	Ken, Shri Lala Ram
Engti, Shri Biren Singh	Keyur Bhusan, Shri
Era Anbarasu, Shri	Khan, Shri Arif Mohammad
Faleiro, Shri Eduardo	Khan, Shri Malik M.M.A.
Fernandes, Shri Oscar	Khan, Shri Zulfiqar Ali
Gadgil, Shri V.N.	Kharlukhi, Shri Bajuban R.
Gadhavi, Shri Bheravadan K.	Kidwai, Shrimati Mohsina
Gaekwad, Shri R.P.	Kosalram, Shri K.T.
Gaikwad, Shri Udaysingrao	Krishna, Shri S.M.
Gamit, Shri Chhitubhai	Krishna Pratap Singh, Shri
Gandhi, Shrimati Indira	Krishnan, Shri G.Y.
Gandhi, Shri Rajiv	Kshirsagar, Shrimati Kesharbai
Gavit, Shri Manikrao Hodlya	Kuchan, Shri Gangadhar S.
Gehlot, Shri Ashok	Kunhambu, Shri K.
Ghufran Azam, Shri	Kunwar Ram, Shri
Gireraj Singh, Shri	Kurien, Prof. P.J.
Gogoi, Shri Tarun	Lakkappa, Shri K.
Gohil, Shri G.B.	Lakshmanan, Shri G.
Gomango, Shri Giridhar	Laskar, Shri Nihar Ranjan
Gounder, Shri A. Senapathi	Madhuri Singh, Shrimati
Gouzgin, Shri N.	Mahabir Prasad, Shri
Gowda, Shri D.M. Putte	Mahajan, Shri Vikram
Gowda, Shri H.N. Nanje	Mahajan, Shri Y.S.
Hembrom, Shri Seth	Mahala, Shri R.P.
	Mahendra Prasad, Shri

Makwana, Shri Narsinh	Nurul Islam, Shri
Mallanna, Shri K.	Oraon, Shrimati Sumati
Mallick, Shri Lakshman	Pandey, Shri Krishna Chandra
Mallikarjun, Shri	Panigrahi, Shri Chintamani
Mallu, Shri A.R.	Panika, Shri Ram Pyare
Mane, Shri R.S.	Parashar, Prof. Narain Chand
Mani, Shri K.B.S.	Pardhi, Shri Keshoraao
Manni Lal, Shri	Parmar, Shri Hiralal R.
Mavani, Shri Ramjibhai	Parthasarathy, Shri P.
Mishra, Shri Gargi Shankar	Patel, Shri Ahmed Mohammed
Mishra, Shri Ram Nagina	Patel, Shri C.D.
Mishra, Shri Uma Kant	Patel, Shri Mohan Lal
Misra, Shri Harinatha	Patel, Shri Shantubhai
Misra, Shri Nityananda	Patil, Shri A.T.
Mohanty, Shri Brajamohan	Patil, Shri Balasaheb Vikhe
Mohite, Shri Yashawantrao	Patil, Shri Chandrabhan Athara
Mohsin, Shri F.H.	Patil, Shrimati Shalini
More, Shri Ramkrishna	Patil, Shri Shankarrao
Motilal Singh, Shri	Patil, Shri Shivraj V.
Mukhopadhyay, Shri Ananda Gopal	Patil, Shri Uttamrao
Murthy, Shri Kusama Krishna	Patil, Shri Veerendra
Murthy, Shri M. Rajashekha	Patil, Shri Vijay N.
Murthy, Shri M.V. Chandrashekha	Patnaik, Shrimati Jayanti
Muttemwar, Shri Vilas	Pattabhi Rama Rao, Shri
Muzaffar Hussain, Shri Syed	Pattuswamy, Shri D.
Nagina Rai, Shri	Penchalaiah, Shri Pasala
Naidu, Shri P. Rajagopal	Phulwariya, Shri Virda Ram
Naik, Shri G. Devaraya	Pilot, Shri Rajesh
Naikar, Shri D.K.	Poojary, Shri Janardhana
Nair, Shri B.K.	Potdukhe, Shri Shantaram
Namgyal, Shri P.	Pradhani, Shri K.
Nandi Yellaiah, Shri	Prasan Kumar, Shri S.N.
Narayana, Shri K.S.	Pullaiah, Shri Darur
Nayak, Shri Mrutyunjaya	Quadri, Shri S.T.
Nehru, Shri Arun Kumar	Raju, Shri P.V.G.
Netam, Shri Arvind	Ram, Shri Ramswaroop
Nihalsinghwala, Shri G.S.	Ramalingam, Shri N. Kudanhai
Nikhra, Shri Rameshwar	Ramamurthy, Shri K.

Ramulu, Shri H.G.	Sethi, Shri P.C.
Rana Vir Singh, Shri	Shailani, Shri Chandra Pal
Ranga, Prof. N.G.	Shaktawat, Prof. Nirmala Kumari
Ranjit Singh, Shri	Shakyawar, Shri Nathuram
Rao, Shrimati B. Radhabai Ananda	Shankaranand, Shri B.
Rao, Shri Jalagam Kondala	Shanmugam, Shri P.
Rao, Shri M. Nageswara	Sharma, Shri Chiranji Lal
Rao, Dr. M.S. Sanjeevi	Sharma, Shri Kali Charan
Rao, Shri M. Satyanarayan	Sharma, Shri Nand Kishore
Rao, Shri P.V. Narasimha	Sharma, Shri Nawal Kishore
Rath, Shri Rama Chandra	Sharma, Shri Pratap Bhanu
Rathawa, Shri Amarsinh	Sharma, Dr. Shanker Dayal
Rathod, Shri Uttam	Shastri, Shri Dharam Dass
Raut, Shri Bhola	Shastri, Shri Hari Krishna
Ravani, Shri Navin	Shingda, Shri D.B.
Rawat, Shri Harish	Shiv Shankar, Shri P.
Reddi, Shri G.S.	Shivendra Bahadur Singh, Shri
Reddy, Shri G. Narsimha	Shukla, Shri Vidyacharan
Reddy, Shri K. Brahmananda	Sidnal, Shri S.B.
Reddy, Shri K. Obul	Singaravelivel, Shri S.
Reddy, Shri K. Vijaya Bhaskara	Singh, Shri C.P.N.
Reddy, Shri M. Ram Gopal	Singh, Kumari Pushpa Devi
Reddy, Shri P. Venkata	Singh Deo, Shri K.P.
Reddy, Shri T. Damodar	Sinha, Shrimati Ramdulari
Roat, Shri Jai Narain	Solanki, Shri Babu Lal
Sahi, Shrimati Krishna	Soren, Shri Harihar
Sahu, Shri Narayan	Soundararajan, Shri N.
Sahu, Shri Shiv Prasad	Sparrow, Shri R.S.
Sajjan Kumar, Shri	Sreenivasa Prasad, Shri V.
Saminuddin, Shri	Subburaman, Shri A.G.
Sangma, Shri P.A.	Sukhbuns Kaur, Shrimati
Shankhawar, Shri Ashkaran	Sultanpuri, Shri Krishan Dutt
Sathe, Shri Vasant	Sunder Singh, Shri
Satish Prasad Singh, Shri	Suryawanshi, Shri Narsingrao
Satya Deo Singh, Prof.	Swami, Shri K.A.
Sawant, Shri T.M.	Swaminathan, Shri R.V.
Sebastian, Shri S.A. Dorai	Tapeshwar Singh, Shri
Sethi, Shri Arjun	

Tayeng, Shri Sobeng	Chakraborty, Shri Satyasadhan
Tewari, Shri K.P.	Chatterjee, Shri Somnath
Tewary, Prof. K.K.	Choubey, Shri Narayan
Thorat, Shri Bausaheb	Choudhury, Shri Saifuddin
Thungon, Shri P.K.	Dandavate, Prof. Madhu
Tiwari, Shri Chandra Bhal Mani	Dandavate, Shrimati Pramila
Tiwari, Shri R.G.	Datta, Shri Amal
Tripathi, Shri Kamalapati	Dhandapani, Shri C.T.
Tudu, Shri Manmohan	Ghosh Goswami, Shrimati Bibha
Tytler, Shri Jagdish	Gopalan, Shrimati Suseela
Uike, Shri Chhote Lal	Gupta, Shri Indrajit
Vairale, Shri Madhusudan	Halder, Shri Krishna Chandra
Varma, Shri Jai Ram	Hannan Mollah, Shri
Velu, Shri A.M.	Horo, Shri N.E.
Venkatasubbaiah, Shri P.	Kodiyan, Shri P.K.
Verma, Shri Deen Bandhu	Kulandaivelu, Dr. V.
Verma, Shrimati Usha	Mahata, Shri Chitta
Vijayaraghavan, Shri V.S.	Maitra, Shri Sunil
Vyas, Shri Girdhari Lal	Mandal, Shri Sanat Kumar
Wagh, Dr. Pratap	Masudal Hossain, Shri Syed
Wasnik, Shri Balkrishna Ramchandra	Mehta, Prof. Ajit Kumar
Yadav, Shri D.P.	Mukherjee, Shri Samar
Yadav, Shri R.N.	Ngangom Mohendra, Shri
Yadav, Shri Ram Singh	Paswan, Shri Ram Vilas
Yadav, Shri Subhash Chandra	Pathak, Shri Ananda
Yazdani, Dr. Golam	Riyan, Shri Baju Ban
Zainul Basher, Shri	Roy, Shri A.K.

NOES

Agarwal, Shri Satish	Saha, Shri Ajit Kumar
Barman, Shri Palas	Sen, Shri Subodh
Basu, Shri Chitta	Shejwalkar, Shri N.K.
Bhim Singh, Shri	Sinha, Shri Nirmal
Biswas, Shri Ajoy	Tirkey, Shri Pius
	Unnikrishnan, Shri K.P.
	Varma, Shri Ravindra

Verma, Shri Raghunath Singh

Zainal Abedin, Shri

MR. SPEAKER : Subject to correction, the result* of the Division is as follows : Ayes—315 ; Noes—42.

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 2, as amended, was added to the Bill.

Clause 1—(Short title).

Amendment made

Page 1, line 3,—

for "Fifty-second" substitute "Fiftieth" (1)

(SHRI P.V. NARASIMHA RAO)

MR. SPEAKER : The question is :

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

The Motion was adopted.

Clause 1, as amended, was added to the Bill.

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

SHRI P.V. NARASIMHA RAO : I beg to move :

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

MR. SPEAKER : Motion moved :

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

SHRI SUNIL MAITRA : Sir, I have only one submission to make. Last month I had been to a hilly region. There the workers of the Border Roads Organisation are putting in eight hours a day at 12000 feet height. Their main grievance is that they are not getting the ration in the same way as the jawans are being given. Hon. Minister may kindly look into this question.

SHRI P.V. NARASIMHA RAO : Sir, this is no time to go into individual cases. I have said that the approach of the Government has always been and will always be to consider these questions sympathetically.

PROF. MADHU DANDAVATE : It is not an individual case.

SHRI P.V. NARASIMHA RAO : Individual case does not mean on one man's case ; it is a case of individual category.

MR. SPEAKER : Before I put the motion that the Bill, as amended, be passed, to the vote of the House, this being a Constitutional amendment, voting has to be by division. Let the lobbies be cleared.....

The lobbies have been cleared.

The question is :

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

The Lok Sabha divided :

Division No. 21]

[20.52 hrs.

AYES

Abbasi, Shri Kazi Jalil

Ahmad, Shri Mohammad Asrar

*The following members also recorded their votes :

AYES : Sarvashri M. Ankineedu, R.Y. Ghorpade, Ramayan Rai and Hakam Singh.

NOES : Shri Pitambar Sinha.

Ahmed, Bagum Abida	Birender Singh, Rao
Ahmed, Shri Gulsher	Bishnu Prasad, Shri
Ahmed, Shri Kamaluddin	Boddepalli, Shri Rajagopala Rao
Ajit Pratap Singh, Shri	Brar, Shrimati Gurbrinder Kaur
Alluri, Shri Subhash Chandra Bose	Brijendra Pal Singh, Shri
Anand Singh, Shri	Buta Singh, Shri
Ankineedu, Shri M.	Chakradhari Singh, Shri
Ankineedu Prasada Rao, Shri P.	Chandrakar, Shri Chandu Lal
Ansari, Shri Z.R.	Chandrashekharappa, Shri T.V.
Anuragi, Shri Godil Prasad	Charanjit Singh, Shri
Anwar Ahmad, Shri	Chaturvedi, Shrimati Vidyawati
Appalanaidu, Shri S.R.A.S.	Chaudhary, Shri Manphool Singh
Arakal, Shri Xavier	Chaudhuri, Shri A.B.A. Ghani Khan
Arunachalam, Shri M.	Chavan, Shri S.B.
Ashfaq Hassain, Shri	Chavan, Shri Yeshwantrao
Azad, Shri Bhagwat Jha	Chennupati, Shrimati Vidya
Azad, Shri Ghulam Nabi	Chingwang Konyak, Shri
Azmi, Dr. A.U.	Choudhari, Shrimati Usha Prakash
Bagun Sumbrai, Shri	Chouhan, Shri Fatehbhan Singh
Bairwa, Shri Banwari Lal	Chowdari, Shri Chitturi Subba Rao
Baitha, Shri D.L.	Dabbi, Shri Ajitsinh
Bajpai, Dr. Rajendra Kumari	Daga, Shri Mool Chand
Baleshwar Ram, Shri	Dalbir Singh, Shri
Bansi Lal, Shri	Dalbir Singh, Shri
Behera, Shri Rasabehari	Damor, Shri Somjibhai
Bhagat, Shri B.R.	Das, Shri A.C.
Bhagat, Shri H.K.L.	Dennis, Shri N.
Bhagwan Dev, Acharya	Desai, Shri B.V.
Bhakta, Shri Manoranjan	Dev, Shri Sontosh Mohan
Bhardwaj, Shri Parasram	Devarajan, Shri B.
Bhatia, Shri R.L.	Dhote, Shri Jambuwant
Bhoi, Dr. Krupasindhu	Dogra, Shri G.L.
Bhole, Shri R.R.	Doongar Singh, Shri
Bhoye, Shri Reshma Motiram	Dubey, Shri Bindeshwari
Bhuria, Shri Dileep Singh	Dubey, Shri Ramnath
Bhuyan, Shri Bhubaneswar	Ekka, Shri Christopher
Birbal, Shri	Engti, Shri Biren Singh

Era Anbarasu, Shri	Kaul, Shrimati Sheila
Faleiro, Shri Eduardo	Ken, Shri Lala Ram
Fernandes, Shri Oscar	Keyur Bhusan, Shri
Gadgil, Shri V.N.	Khan, Shri Arif Mohammad
Gadhavi, Shri Bheravadan K.	Khan, Shri Malik M.M.A.
Gaekwad, Shri R.P.	Khan, Shri Zulfiqar Ali
Gaikwad, Shri Udaysingrao	Kharlukhi, Shri Bajuban R.
Gamit, Shri Chhitubhai	Kidwai, Shrimati Mohsina
Gandhi, Shrimati Indira	Kosalram, Shri K.T.
Gandhi, Shri Rajiv	Krishna, Shri S.M.
Gavit, Shri Manikrao Hodlya	Krishna Pratap Singh, Shri
Gehlot, Shri Ashok	Krishnan, Shri G.Y.
Ghorpade, Shri R.Y.	Kshirsagar, Shrimati Kesharbai
Ghusrau Azam, Shri	Kuchan, Shri Gangadhar S.
Gireraj Singh, Shri	Kunhambu, Shri K.
Gogoi, Shri Tarun	Kunwar Ram, Shri
Gobil, Shri G.B.	Kurien, Prof. P.J.
Gomango, Shri Giridhar	Lakkappa, Shri K.
Gounder, Shri A. Senapathi	Lakshmanan, Shri G.
Gouzagin, Shri N.	Laskar, Shri Nihar Ranjan
Gowda, Shri D.M. Putte	Madhuri Singh, Shrimati
Gowda, Shri H.N. Nanje	Mahabir Prasad, Shri
Hembrom, Shri Seth	Mahajan, Shri Vikram
Jadeja, Shri Daulatsinhji	Mahajan, Shri Y.S.
Jaffer Shrief, Shri C.K.	Mahala, Shri R.P.
Jain, Shri Bhiku Ram	Mahendra Prasad, Shri
Jain, Shri Nihal Singh	Makwana, Shri Narsinh
Jain, Shri Virdhi Chander	Mallanna, Shri K.
Jakkayan, Shri S.T.K.	Mallick, Shri Lakshman
Jamilur Rahman, Shri	Mallikarjun, Shri
Jena, Shri Chintamani	Mallu, Shri A.R.
Jitendra Prasad, Shri	Mane, Shri R.S.
Kahandole, Shri Z.M.	Mani, Shri K.B.S.
Kailash Pati, Shrimati	Manni Lal, Shri
Kamal Nath, Shri	Mavani, Shri Ramjibhai
Kamla Kumari, Kumari	Mishra, Shri Gargi Shankar
Karma, Shri Laxman	Mishra, Shri Ram Nagina

Misbra, Shri Uma Kant	Patel, Shri Mohan Lal
Misra, Shri Harinatha	Patel, Shri Shantubhai
Misra, Shri Nityananda	Patil, Shri A.T.
Mohanty, Shri Brajamohan	Patil, Shri Balasaheb Vikhe
Mohite, Shri Yashawantrao	Patil, Shri Chandrabhan Athara
Mohsin, Shri F.H.	Patil, Shrimati Shalini
More, Shri Ramkrishna	Patil, Shri Shankarrao
Motilal Singh, Shri	Patil, Shri Shivraj V.
Mukhopadhyay, Shri Ananda Gopal	Patil, Shri Uttamrao
Murthy, Shri Kusuma Krishna	Patil, Shri Veerendra
Murthy, Shri M. Rajashekhar	Patil, Shri Vijay N.
Murthy, Shri M.V. Chandrashekhar	Patnaik, Shrimati Jayanti
Muttemwar, Shri Vilas	Pattabhai Rama Rao, Shri
Muzaffar Hussain, Shri Syed	Pattuswamy, Shri D.
Nagina Rai, Shri	Penchalaiah, Shri Pasala
Naidu, Shri P. Rajagopal	Phulwariya, Shri Virda Ram
Naik, Shri G. Devaraya	Pilot, Shri Rajesh
Naikar, Shri D.K.	Poojary, Shri Janardhana
Nair, Shri B.K.	Potdukhe, Shri Shantaram
Namgyal, Shri P.	Pradhani, Shri K.
Nandi Yellaiah, Shri	Prasan Kumar, Shri S.N.
Narayana, Shri K.S.	Pullaiah, Shri Darur
Nehru, Shri Arun Kumar	Quadri, Shri S.T.
Netam, Shri Arvind	Raju, Shri P.V.G.
Nihalsinghwala, Shri G.S.	Ram, Shri Ramswaroop
Nikhra, Shri Rameshwar	Ramalingam, Shri N. Kudanthai
Nurul Islam, Shri	Ramamurthy, Shri K.
Oraon, Shrimati Sumati	Ramulu, Shri H.G.
Pandey, Shri Krishna Chandra	Rana Vir Singh, Shri
Panigrahi, Shri Chintamani	Ranga, Prof. N.G.
Panika, Shri Ram Pyare	Ranjit Singh, Shri
Parashar, Prof. Narain Chand	Rao, Shrimati B. Radhabai Ananda
Pardhi, Shri Keshaorao	Rao, Shri Jalagam Kondala
Parmar, Shri Hiralal R.	Rao, Shri M. Nageswara
Parthasarathy, Shri P.	Rao, Dr. M.S. Sanjeevi
Patel, Shri Ahmed Mohammed	Rao, Shri M. Satyanarayan
Patel, Shri C.D.	Rao, Shri P.V. Narasimha

Rath, Shri Rama Chandra	Sharma, Shri Nand Kishore
Rathawa, Shri Amarsinh	Sharma, Shri Nawal Kishore
Rahod, Shri Uttam	Sharma, Shri Pratap Bhanu
Raut, Shri Bhola	Sharma, Dr. Shanker Dayal
Ravani, Shri Navin.	Shastri, Shri Dharam Dass
Rawat, Shri Harish	Shastri, Shri Hari Krishna
Reddi, Shri G.S.	Shingda, Shri D.B.
Reddy, Shri G. Narsimha	Shiv Shankar, Shri P.
Reddy, Shri K. Brahmananda	Shivendra Bahadur Singh, Shri
Reddy, Shri K. Obul	Shukla, Shri Vidyacharan
Reddy, Shri K. Vijaya Bhaskara	Sidnal, Shri S.B.
Reddy, Shri M. Ram Gopal	Singaravadiel, Shri S.
Reddy, Shri P. Venkata	Singh, Shri C.P.N.
Reddy, Shri T. Damodar	Singh, Kumari Pushpa Devi
Roat, Shri Jai Narain	Singh Deo, Shri K.P.
Sahi, Shrimati Krishna	Sinha, Shrimati Ramdulari
Sahu, Shri Narayan	Solanki, Shri Babu Lal
Sahu, Shri Shiv Prasad	Soren, Shri Harihar
Sajjan Kumar, Shri	Soundararajan, Shri N.
Saminuddin, Shri	Sparrow, Shri R.S.
Sangma, Shri P.A.	Sreenivasa Prasad, Shri V.
Sankhawar, Shri Ashkaran	Subburaman, Shri A.G.
Sathe, Shri Vasant	Sukhbuns Kaur, Shrimati
Satish Prasad Singh, Shri	Sultanpuri, Shri Krishan Dutt
Satya Deo Singh, Prof.	Sunder Singh, Shri
Sawant, Shri T.M.	Suryawanshi, Shri Narsingrao
Sebastian, Shri S.A. Dorai	Swami, Shri K.A.
Sethi, Shri Arjun	Swaminathan, Shri R.V.
Sethi, Shri P.C.	Tapeshwar Singh, Shri
Shailani, Shri Chandra Pal	Tayeng, Shri Sobeng
Shaktawat, Prof. Nirmala Kumari	Tewari, Shri K.P.
Shakyawar, Shri Nathuram	Tewary, Prof. K.K.
Shankaranand, Shri B.	Thorat, Shri Bausaheb
Shanmugam, Shri P.	Thungon, Shri P.K.
Sharma, Shri Chiranji Lal	Tiwari, Shri Chandra Bhal Mani
Sharma, Shri Kali Charan	Tiwari, Shri R.G.
	Tripathi, Shri Kamalapati
	Tudu, Shri Manmohan

Tytler, Shri Jagdish	Ghosh Goswami, Shrimati Bibha
Uike, Shri Chhote Lal	Gopalan, Srimati Suseela
Vairale, Shri Madhusudan	Gupta, Shri Indrajit
Varma, Shri Jai Ram	Halder, Shri Krishna Chandra
Velu, Shri A.M.	Hannan Mollah, Shri
Venkatasubbaiah, Shri P.	Horo, Shri N.E.
Verma, Shri Deen Bandhu	Kodiyan, Shri P.K.
Verma, Shrimati Usha	Kulandaivelu, Dr. V.
Vijayaraghavan, Shri V.S.	Mahata, Shri Chitta
Vyas, Shri Girdhari Lal	Maitra, Shri Sunil
Wagh, Dr. Pratap	Mandal, Shri Sanat Kumar
Wasnik, Shri Balkrishna Ramchandra	Masudal Hossain, Shri Syed
Yadav, Shri D.P.	Mukherjee, Shri Samar
Yadav, Shri R.N.	Ngangom Mohendra, Shri
Yadav, Shri Ram Singh	Paswan, Shri Ram Vilas
Yadav, Shri Subhash Chandra	Pathak, Shri Ananda
Yazdani, Dr. Golam	Riyan, Shri Baju Ban
Zainul Basher, Shri	Roy, Shri A.K.

NOES

Agarwal, Shri Satish	Roypradhan, Shri Amar
Barman, Shri Palas	Saha, Shri Ajit Kumar
Basu, Shri Chitta	Sen, Shri Subodh
Bhim Singh, Shri	Shejwalkar, Shri N.K.
Biswas, Shri Ajoy	Sinha, Shri Nirmal
Chakraborty, Shri Satyasadhan	Sinha, Shri Pitambar
Chatterjee, Shri Somnath	Tirkey, Shri Pius
Choubey, Shri Narayan	Unnikrishnan, Shri K.P.
Choudhury, Shri Saifuddin	Varma, Shri Ravindra
Dandavate, Prof. Madhu	Verma, Shri Raghunath Singh
Dandavate, Shrimati Pramila	Zainal Abedin, Shri
Datta, Shri Amal	
Dhandapani, Shri C.T.	

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

Ayes—316 ; Noes— 42

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.

20.53 hrs.

SUSPENSION OF RULE 338

MR. SPEAKER : Now Shri P.V. Narasimha Rao—item 23.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : I beg to move :

“That this House do suspend Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for consideration and passing of the Constitution (Fifty-third Amendment) Bill, 1984.”

MR. SPEAKER : The question is :

“That this House do suspend Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for consideration and passing of the Constitution (Fifty-third Amendment) Bill, 1984.”

The Motion was adopted.

20.55 hrs.

CONSTITUTION (FIFTY-THIRD) AMENDMENT BILL

MR. SPEAKER : Now, Mr. Narasimha Rao.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : I beg to move :

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

MR. SPEAKER : Before I put the motion for consideration to the vote of the House, this being a constitutional amendment, voting has to be by division. Let the lobbies be cleared....

Lobbies have been cleared.

The question is :

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

The Lok Sabha divided :

Division No. 22]

[21 hrs.

AYES

Abbas, Shri Kazi Jalil

Agarwal, Shri Satish

Ahmad, Shri Mohammad Asrar

Ahmed, Begum Abida

Ahmed, Shri Gulsher

Ahmed, Shri Kamaluddin

Ajit Pratap Singh, Shri

Alluri, Shri Subhash Chandra Bose

Anand Singh, Shri

Ankineedu, Shri M.

Ankineedu Prasada Rao, Shri P.

Ansari, Shri Z.R.

Anuragi, Shri Godil Prasad

Anwar Ahmad, Shri

*The following Members also recorded their votes :

AYES : Sarvashri Ramayan Rai, Hakam Singh and Mrityunjay Nayak ;

NOES : Prof. Ajit Kumar Mehta.