

सभापति महोदय : आप उसमें नहीं जाइये। मंत्री जी ने एक स्टेटमेंट दिया है। आप उसकी डिटेल्स में जा रहे हैं। श्री उइके.....  
(व्यवधान)

16.44 hrs.

CONSTITUTION (AMENDMENT)  
BILL—Contd.

(Amendment of articles 330 and 332)

श्री मंगरू उइके (मंडला) : सभापति महोदय, जो यह रेजोल्यूशन है इसके सम्बन्ध में दो वक्तवाओं के भाषण हुए हैं। सब हाउस इसके पक्ष में है लेकिन कोई भी प्रकार का बिल आये, इस सरकार की निन्दा और नुक्ताचीनी करना यह एक निशाना हो गया... (व्यवधान)... मैं यह बताना चाहता हूँ कि जिस वक्त आदिवासियों और हरिजनों के लिए रिजर्वेशन दिया गया, मैं समझता हूँ कि अभी जो भाषण दिया गया है ऐसे लोगों के दिमाग में यह बात नहीं आई थी। उस वक्त यह किसी और के दिमाग की बात थी और मैं महात्मा गांधी जी को याद करता हूँ कि उन्होंने के कारण हरिजनों और आदिवासियों को यह सुविधा मिली। इसमें शुरू में किसने अन्याय किया? जो आप इसका पक्ष करते हैं, ऐसे ही लोगों ने इसका इनना विरोध किया। तो यह जो कुछ कहते हैं, करते कुछ और हैं। मेरे मध्य प्रदेश एक जगह के आदिवासी हैं और वही जाति के व्यक्ति दूसरी जगह आदिवासी नहीं हैं। 1-20 साल तक इनको आदिवासी कल्याण कार्यों के सुभीतों के हक नहीं रहे हैं, 1 लाख लोगों को अपने हकों से वंचित किया गया। आज जो शैड्यूल कास्ट और आदिवासियों का इन्क्लूजन करने का बिल आया है, 15-20 साल बाद जो उनको दिया जा रहा है, वह सारा कल्याण का काम, उनको जो मिलने वाला है, यह रूकावट किया किसने? यही लोगों ने किया है। और आज हमारे जनसंघ के भाई ने बड़ा

जोर लगाकर कहा। मैं कहता हूँ कि 1966 में श्रीमती चन्द्रशेखर स्टेट मिनिस्टर थीं, उस समय आदिवासी और अन्य हरिजनों के तथा अन्य पार्टियों के प्रतिनिधियों को बुलाया गया कि शैड्यूल कास्ट का ऐक्सक्लूजन और इन्क्लूजन के बारे में विचार करना है, तो मैं यह कहता हूँ कि जनसंघ के एक दूसरे लीडर—मुझे उनका नाम याद नहीं आ रहा है—श्री मधोक ने सख्ती के साथ इसका विरोध किया कि क्या आप आदिवासियों और हरिजनों के रिजर्वेशन की बात करते हो? इनको खत्म करना चाहिए उसी प्रकार से स्वतन्त्र पार्टी के डाह्या भाई पटेल ने जोर लगाकर कहा कि आदिवासियों और हरिजनों का रिजर्वेशन खत्म कर दो। यह सब रिकार्ड में है। यह कमेटी के अन्दर सब बयान लिखे हुए हैं। उस वक्त मैंने उसका विरोध किया था, यह मुझे मालूम है।... (व्यवधान)। आज सरकार की तरफ से कोई ऐसा अन्याय नहीं होता है। मैं भी डिलिमिटेशन कमीशन में को-ऑप्टेड मेम्बर था और मेरे यहां 7.5 प्रतिशत हमारी पापुलेशन निकली। तो 1967 के चुनाव में हमारे 8 मेम्बर आये। यहीं से मध्य प्रदेश से सात आदिवासी संसद सदस्य थे। मेरी कंस्टीट्यूटेंसी के अन्दर 3 आदिवासी मेम्बर विधान सभा के थे, उसी संख्या के अनुसार 4 हुए, तीसरे चुनाव में और चौथे चुनाव में वह 5 हुए। जनसंख्या के अनुपात में मेम्बर दिये जाते हैं। पर होता क्या है? यहां ये पक्ष में बात करेंगे, लेकिन जब मर्दूम-शुमारी होगी तो उनकी संख्या 10 प्रतिशत बढ़ेगी, लेकिन आदिवासियों और हरिजनों की संख्या मुश्किल से 2 या तीन प्रतिशत बढ़ती है। कारण क्या है? मर्दूम-शुमारी में जो लोग लिखने वाले होते हैं, वे क्या आदिवासी और हरिजन होते हैं? 80 या 90 प्रतिशत आपके आदमी होते हैं जो आदिवासियों और हरिजनों की जनसंख्या कम करते हैं। मैं मिनिस्टर को

और सरकार से यह कहना चाहता हूँ कि यह जो 1971 में मर्दुम-शुमारी होने वाली है, इसमें जिस अनुपात में एक जिले में और जातियों की संख्या बढ़ेगी, उसी अनुपात में आदिवासियों और हरिजनों की भी बढ़ना चाहिए, नहीं तो इधर तो ज्यादा बढ़ाने की बात करेंगे और उधर जनसंघ वाले इनको घटाने का काम करेंगे। यह जरूर होगा। हाथी के दांत खाने के और तथा दिखाने के और होते हैं मगर के आसू टपकाने से कुछ नहीं होता है। वास्तविकता तो दूसरी ही रहती है।

तो मैं कहना चाहता हूँ कि हाउस इस चीज को पास करता है तो यह बहुत अच्छी बात है। लेकिन सबसे ज्यादा जरूरत सरकार को इस बात के ऊपर ध्यान रखने की है कि एक जिले में मर्दुम-शुमारी में उसी अनुपात में हरिजनों और आदिवासियों की जनसंख्या न बढ़े, तो उनको फिर से सेंसस एक दो जगह करके आदिवासियों और हरिजनों की संख्या बढ़ाकर उसी अनुपात में उनको सीट्स देने चाहिए।

SHRI C. K. CHAKRAPANI (Ponnani) : I fully support the Bill brought forward by my hon. friend Shri Suraj Bhan. The crux of the question is that the reservation should be made on the basis of population. If Shri Suraj Bhan's Bill is accepted, the Scheduled Castes and Scheduled Tribes people will get 19 votes each. At present, there are only 112 seats allotted for the Scheduled Castes and Scheduled Tribes. Under the Delimitation Order, the seats reserved for Scheduled Castes are 77 and those for Scheduled Tribes are 37. If my hon. friend's Bill is accepted, the seats for Scheduled Castes will be 86, and the seats for Scheduled Tribes will be 47, altogether making a total of 133 seats. So, I want that this Bill should be accepted by the House. But I do not think that the problem facing the Scheduled Castes and Scheduled Tribes in India can be solved by merely giving them some more seats in Parliament.

The main problem is, as I have pointed out earlier, that land has not been distributed to the scheduled castes and scheduled tribes.

Government have not come forward with any such proposals so far. In this connection, I would draw attention to the Chief Ministers' conference held recently. When the question of concrete legislation came up for discussion, it was opposed by almost all Chief Ministers. Such being the attitude, how can we have amelioration of the condition of the scheduled castes and scheduled tribes.

Another obstacle is the continuance of the evil of the caste system. For centuries the Harijans were oppressed and repressed by caste Hindus. We have not been able to root out this system. So long as this system continues, no great improvement can be effected.

Another matter is about service conditions. I would quote a particular instance from Kerala. In the last three years not even one Harijan has been recruited to the IPS and IAS from that State. I do not know why this discrimination against Kerala people.

As I said, the most important problem is the land problem. If the land problem of the Harijans is not solved, nothing is possible by way of improving their economic condition. By merely giving them more seats in Parliament and the Assemblies the problem is not going to be solved. Government should come forward with concrete land legislation to give land to the Harijans.

SHRI KARTIK ORAON (Lohardaga) : I rise to support the Bill moved by Shri Suraj Bhan. Let us try to understand the problem in its correct perspective. Let us not look at it as if it is brought by a member of any political party or community. Let us not think that this has been brought forward by Shri Suraj Bhan, a member of the Jana Sangh or a scheduled caste. Let us think that a citizen of this country and a member of this House has brought this Bill forward. That should be the approach.

What really is the purpose of the reservations? The purpose is to protect the interests of those who cannot look after themselves. Suppose there is a particular community which is very advanced and politically conscious and economically very well off. It will never allow any other community to be represented. If no protection is given to the scheduled castes and scheduled tribes, I am afraid scheduled castes and scheduled tribes will never be adequately

[Shri Kartik Oraon]

represented in the Assemblies and Parliament. The purpose of this Bill is to get them proper and adequate representation in Parliament and Assemblies.

As it stands today, the terminology 'as nearly as may be' creates a situation in which the fraction of a figure will be ignored unless it is more than 0.5 per cent. Suppose it is 5.1 per cent, the 0.1 per cent will be ignored. Unless it is 0.5 or more, it will not be taken into account. The implication of this Bill is that this fraction which is at present ignored will have to be taken into account and the scheduled castes and scheduled tribes given the correct representation according to their population.

But this is not enough. As my friend and senior colleague, Shri Uikey, has rightly said, if we go into details, we will find that the population of the scheduled castes and scheduled tribes does not increase proportionately with that of other communities. Normally the population growth is about two per cent per year. That means in ten years time it would not be less than 20 per cent. But in most cases we will find that after ten years the population of the Scheduled Castes and Scheduled Tribes has gone down. There is something basically wrong, and unless the system of enumeration is very seriously reviewed and an attempt is made to correctly assess the population of the Scheduled Castes and Scheduled Tribes, this is not going to help the situation any longer. Therefore, I think that it is only appropriate that this motion is accepted by the House. I think it would have been a very good gesture on the part of the Government if they themselves had come forward with this type of Bill so that that would have indicated the genuine desire on the part of the Government to really protect the interests of the Scheduled Castes and Scheduled Tribes.

I do not think there is anything more to say on this point. I would say that there is a lot of point in this Bill and we should consider it dispassionately and take a decision. I would urge upon the Government to accept this motion regardless of who says what and when and how.

THE MINISTER OF STATE IN THE  
MINISTRY OF LAW AND IN THE  
DEPARTMENT OF SOCIAL WELFARE

(SHRI JAGANATH RAO) : This Bill seeks to replace the words "as nearly as may be the same proportion" by the words "a proportion not less than" which are contained in article 332(1). The effect of this amendment, if accepted, would be that there will be an increase of nine Scheduled Castes seats to the House of the People and nine Scheduled Tribes seats to the House of the People. At present there are 77 Scheduled Castes and 37 Scheduled Tribes seats. The words which the Mover wants to introduce in this article have been taken from sub-clause 4 of article 312 which relates to the autonomous Districts of Assam. There a sub-committee was appointed by the Constituent Assembly to go into the question and special reservation was made for these interests in those Districts. Therefore, they said that in proportion to the population in the State these Districts would be represented. There is also sub-clause 6 which says that no person shall be entitled to stand for election to the Legislative Assembly of the State from any Constituency of that District unless he belongs to the Scheduled Tribe. Therefore, that is the principle which was adopted in respect of the autonomous of the Districts of Assam. The Mover wants to introduce this principle to the rest of the country so that the seats may be increased.

If you look at the distribution of the seats, in Bihar in proportion to the general population the Scheduled Castes are entitled to 7.42 seats, but the seats allotted by the Demilitation Commission were only seven. If we accept this principle, it would become eight. Similarly in Tamil Nadu the Scheduled Castes are entitled to 7.02 seats and were allotted to 7 seats. Even for the .02 they will be entitled to one more seat under this principle. In Orissa they are entitled to 3.15 seats and only three seats are allotted. In Jammu and Kashmir there is no seat for Scheduled Castes because they are entitled to only 0.47 seat. Under this principle they will be entitled to one seat for Scheduled Castes and one seat for Scheduled Tribe.

But the main difficulty is in respect of Union Territories. For instance there are two seats in Parliament for Goa, Daman and Diu. The total population is 6,26,000 of which the Scheduled Castes are only

25,000 and Scheduled Tribes only 4,500. If this principle is accepted, both the seats will go to them and the general population which is more than six lakhs will not be represented. Manipur has now two Parliamentary seats. The total population is 7,80,000 of which the Scheduled Castes are 13,376 and Scheduled Tribes 2,49,000. There also the two seats will go to them and the general population of more than five lakhs will go unrepresented. So also in respect of Tripura. Two parliamentary seats are there. The Scheduled Castes constitute 1,19,725 while the Scheduled Tribes number 3,60,000 and one seat has been reserved for Scheduled Tribes. If you accept the principle of the Bill the other seat also will go to the Scheduled Castes and the general population who form eight lakhs will go unrepresented.

SHRI P. K. DEO : You should have bigger States.

SHRI JAGANATH RAO : The principle will apply to the Union Territories as well as States. I am pointing out that this principle will cause hardship to smaller areas which have small representation in the House. I am not opposed to the principle of the Mover of the Bill but these are the difficulties that will arise. There will be increase in the number of seats according to the rise in population as per Census figures enumerated; nobody can prevent it. The Delimitation Commission would be appointed as provided in the Constitution after the completion of the census. Let us leave it to the Delimitation Commission which will be appointed after the 1971 census so that the increased population would be taken into consideration and the seats allotted accordingly. If you accept this principle, smaller Union Territories such as Goa, Daman and Diu, Manipur, Tripura, Pondicherry and Andamans will be affected. Shri Kanwar Lal Gupta raised the question that in Andamans the Scheduled Castes and Tribes were not allotted a seat. I shall certainly refer it to the Election Commission and the Delimitation Commission. I am not opposing the spirit of the Bill; I accept the principle. But these are the difficulties. I leave it to the House to accept the Bill or reject it.

17 00 hrs.

SHRI B. K. DASCHOWDHURY (Cooch-Behar) : One clarification from the hon. Minister. He says there is no representation for the Scheduled Castes and Scheduled Tribes from Andamans and Nicobar Islands and he promised that he would refer the matter to the Election Commission. He should consider this point. People belonging to the ethnical group, the Scheduled Castes and Tribes of these islands, should be recorded as such; they are not recorded as such. The main problem is one of recording them as such and not referring the matter to the Election Commission or the Census Commission.

SHRI JAGANATH RAO : The Election Commission and the Delimitation Commission will be guided by the census figures.

श्री सूरज भान (अम्बाला) : सभापति महोदय, मेरे इस बिल पर मेरे अलावा 30 मेम्बर्स ने डिस्कशन में पार्टिसिपेट किया है। मैं उन सबका मशकूर हूँ, उन्होंने अपने विचार रखे हैं, हरिजनों के बारे में अपनी बात कही है। लेकिन एक बात कहते हुए मुझे दुःख है कि शायद वह 30 मेम्बर भी इस वक्त हाउस में नहीं हैं। मेरा अपना ख्याल था कि गवर्नमेंट शायद अपनी बात को रखते हुए इतने खुले रूप में हरिजनों की मुखालिफत नहीं करेगी जितनी कि आज की है। मन्त्री महोदय का काम तो उसी दिन पूरा हो गया था जब कि उन की ओर से एक नोट तैयार कर के यहां पर मेम्बरों को यह कह कर बांटा गया था कि इस नोट के आधार पर इस बिल की मुखालिफत करो। सब से पहले वह नोट कंडप्पन साहब को दिया गया था। लेकिन उनको हैरानी हुई जब कंडप्पन साहब ने उन के नोट को उन के ही खिलाफ इस्तेमाल किया। मन्त्री जी ने कहा कि अगर यह बिल मान लिया जाय तो 19 सीटें हरिजन और आदिवासियों की बढ़ जायेंगी। इस से यह बात साफ हो जाती है कि आज 17

[श्री सूरज भान]

19 सीटें गवर्नमेंट हरिजन और आदिवासियों का कम देती रही है, जानबूझ कर कम देती रही है जब कि वह इस के लिए एन्टाइटल्ड थे।

जहां तक बिल के पास होने का ताल्लुक है मुझे पता है कि यह बिल आज पास नहीं होगा। मुझे बड़े दुःख के साथ कहना पड़ रहा है क्यों कि दो तिहाई मेजोरिटी इस के लिए चाहिए और इस के लिए जिम्मेदार सिर्फ गवर्नमेंट है, और कोई जिम्मेदार नहीं है क्यों कि गवर्नमेंट के ऐंटीट्यूड का सब मेम्बरों को पता लग गया कि गवर्नमेंट सपोर्ट नहीं कर रही है और गवर्नमेंट जब तक सपोर्ट नहीं करेगी तब तक यह बिल पास हो नहीं सकता जब तमाम पार्टियों को और मेम्बरों को पता लग गया कि गवर्नमेंट इस बिल को सपोर्ट नहीं कर रही है और यह कह कर तसल्ली कर ली कि हम ने मेम्बरों को फ्रीडम आफ वोट दे दिया है।

SHRI RANDHIR SINGH (Rohtak) :  
You are only one member now. The Jan Sangh has only one member. We are 100 percent with you. What about your party ?

श्री श्रीम प्रकाश त्यागी (मुरादाबाद) :  
चौधरी साहब, वोटिंग में पता चलेगा।

श्री सूरज भान : 1969 के दिसम्बर में जब रिजर्वेशन को 10 साल के लिए बढ़ाने की बात थी, उस वक्त भी मैंने अमेण्डमेन्ट पेश किया था लेकिन सरकार ने इस की मुत्तालिफत की थी। स्वर्गीय श्री गोविन्द मेनन ने कहा था कि यह इम्प्रीक्टिकेबल है। हमें उसी वक्त गवर्नमेंट के माइण्ड का पता लग गया था और हम वक्त भी चूँकि मेम्बरस के दिमाग में यह बात आ गई है कि सरकार इस को सपोर्ट नहीं कर रही है और दो-तिहाई बहुमत नहीं हो सकेगा, इस लिये अगर पांच-छः बजे तक बैठे रहें तो उस से कोई बात नहीं बनेगी।

मैं यह समझता हूँ कि मेरे बिल की मुत्तालिफत की दो वज्रहात हो सकती हैं, पहली तो यह कि यह एक हरिजन की तरफ से आया है। दूसरी वजह यह है कि यह बिल हरिजन-आदिवासियों के लाभ के लिये है—वरना इस के लिए कोई तीसरी वजह नहीं हो सकती है ...

एक माननीय सदस्य : यह जनसंघ की तरफ से आया है।

श्री सूरज भान : हां, यह हो सकता है। कुछ लोगों का यह ख्याल भी था कि आज तक कोई भी कांस्टीचूशन अमेण्डमेन्ट प्राइवेट मेम्बर के बिल के जरिये नहीं हुआ है, अगर यह पास हो जायगा—अपोजिशन के जरिये और वह भी एक हरिजन मेम्बर के जरिये—तो पहाड़ टूट जायेगा। यही वज्रहात हो सकती है, जिन के कारण गवर्नमेंट के दिमाग में यह बात आई और गवर्नमेंट ने कह दिया कि हम ने इस मामले में फ्रीडम आफ वोट दे दिया है। प्रीवी पसंज के मामले में सब पार्टियों ने व्हीप ईशू किये, लेकिन इस मामले पर कुछ नहीं किया। कांग्रेस पार्टी ने सोच लिया कि हाउस में ही मत जाओ, अपने आप दो तिहाई वोट न मिलने से बिल फेल हो जायगा।

सब ने अपने भाषणों में कहा है कि आदिवासियों के लिये यह होना चाहिये, हरिजनों के लिये वह होना चाहिये—लेकिन हालत यह है—

साहिल के तमाशाई हर हूबने वाले पर, अफसोस तो करते हैं, इमदाद नहीं करते।

जुबान से सब कहते हैं, लेकिन करना नहीं चाहते। जहां तक मेरा फर्ज है, मैंने अपने फर्ज को अदा कर दिया है, लेकिन मुझे अफसोस इस बात पर है कि इस हाउस के जो हरिजन और

आदिवासी मेम्बरजं हैं, उन्होंने भी हरिजनों और आदिवासियों के साथ इन्साफ नहीं किया है, मैं समझता हूँ कि उन्होंने इनके साथ गद्दारी की है, उन के हितों के साथ गद्दारी की है, जिस कौज को लेकर वे यहां आये, उस को उन्होंने पूरा नहीं किया। मुझे यह कहते हुए अफसोस है कि शेड्यूलड कास्ट्स के और शेड्यूलड ट्राइब्स के रेस्पॉन्सिबल लीडर्स और मिनिस्टर्स तक यहाँ मौजूद नहीं हैं .....

श्री रणधीर सिंह : हम यहां मौजूद हैं, आप के साथ हैं।

श्री सुरज भान : मुझे खुशी होती अगर गवर्नमेंट इन-प्रिन्सिपल ही इस से एग्री करती, लेकिन उन की जुबान से वह भी नहीं निकला.....

श्री रणधीर सिंह : उन्होंने कहा है.....

SHRI JAGANATHA RAO : I said so. I repeat it.

श्री सुरज भान : आप इतना यकीन दिला दीजिये कि सरकार की ओर से ऐसा बिल लायेंगे। मैं इस को विद्वा कर लूंगा।

SHRI RANDHIR SINGH : The Minister is going to support your Bill. We are going to support it with both hands.

श्री सुरज भान : सभापति महोदय, मैं ज्यादा टाइम नहीं लेना चाहता, क्योंकि मेरे इस बिल के कारण और कई बिल रह गये हैं। मैं यही निवेदन करना चाहता हूँ कि जो भाई इस वक्त मौजूद हैं कम से कम वे यूनिमस हो जायें, जो इस वक्त हाजिर हैं, वे इसके हक में वोट डालें। इसलिये मैं अब प्रस्ताव करता हूँ कि इस पर वोट हो।

MR. CHAIRMAN : You say that there should be voting ?

SHRI SURAJ BHAN : Yes, Sir.

MR. CHAIRMAN : All right This is a Constitution (Amendment) Bill. You know the rules also about the voting. The lobbies may be cleared. The lobbies have been cleared, I have to inform the House that the Rules Committee have recommended and decided that hence forward any division on a Constitution Amendment Bill should not be by this mechanism because last time there were some complaints about the voting following the voting on the privy purses Bill. Taking that into consideration, the Rules Committee in good faith have taken such a decision Now you are going to have a division on a Constitutional Amendment Bill this time. So, I do not know what to do.

SHRI K. LAKKAPPA (Tumkur) : Sir, I rise on a point of order. The Rules Committee has taken a decision because there was a complaint on the occasion of the division on the Constitution Amendment Bill relating to privy purse. But this suggestion is a reflection on the character of the members and such a decision cannot be taken by the Rules Committee. Therefore, I do not agree with the decision of the Rules Committee. We should go by the automatic voting system.

SHRI S. M. BANERJEE (Kanpur) : While I always respect the decisions of the Rules Committee, in this particular case I find it difficult to agree with their decision. Last time objection was raised because the Speaker repeatedly tried to convince the House that there was nothing wrong with it even when some members raised some objection. Now, as is suggested, if we follow the system of going to the lobby for voting there is every possibility that Shri Atal Bihari Vajpayee may catch hold of a small person and ask him to vote for him, which is much more dangerous. Then Shri Piloo Mody can compel any person to vote as he wants. I fully agree with Shri Lakkappa that this is an aspersion.

SHRI ATAL BIHARI VAJPAYEE : Sir, are we going to have a regular discussion on this now when the lobby is cleared ?

MR. CHAIRMAN : No. I agree .. (Interruptions) I would request Shri

[Mr. Chairman]

Nambiar and Shri Shiva Chandra Jha to resume their seats. Now no further discussion in this matter. The only thing I want to know from the hon. Members is whether it is the consensus of the House that we should follow the existing pattern of voting.

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : All right. Now the question is :

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

*The Lok Sabha divided :*

Division No. 6] AYES [17.18 hrs.

Abraham, Shri K. M.  
Achal Singh, Shri  
Ahirwar, Shri Nathu Ram  
Ahmad, Dr. I.  
Atam Das, Shri  
Bajaj, Shri Kamalnayan  
Banerjee, Shri S. M.  
Barua, Shri Bedabrata  
Barupal, Shri P. L.  
Basu, Dr. Maitreyee  
Bhagaban Das, Shri  
Bharati, Shri Maharaj Singh  
Birua, Shri Kolai  
Buta Singh, Shri  
Chakrapani, Shri C. K.  
Chauhan, Shri Bharat Singh  
Dasappa, Shri Tulsidas  
Daschowdhury, Shri B. K.  
Dass, Shri  
Deo, Shri P. K.  
Deshmukh, Shri Shivajirao S.  
Dipa, Shri A.  
Durairasu, Shri  
Ghosh, Shri P. K.  
Goyal, Shri Shri Chand  
Gupta, Shri Kanwar Lal  
Hazarika, Shri J. N.  
Heerji Bhai, Shri  
Horo, Shri N. E.  
Jaggaiiah, Shri K.  
Jai Singh, Shri  
Jha, Shri Bhogendra  
Jha, Shri Shiva Chandra  
Kamalanathan, Shri  
Kandappan, Shri S.  
Kapoor, Shri Lakhan Lal

Kisku, Shri A. K.  
Kothari, Shri S. S.  
Kotoki, Shri Liladhar  
Kripalani, Shri J. B.  
Krishnan, Shri G. Y.  
Kureel, Shri B. N.  
Lakkappa, Shri K.  
Lakshmikanthamma, Shrimati  
Laxmi Bai, Shrimati  
Madhok, Shri Bal Raj  
Mandal, Shri Yammuna Prasad  
Maran, Shri Murasoli  
Mayavan, Shri  
Meena, Shri Meetha Lal  
Menon, Shri Vishwanatha  
Molahu Prasad, Shri  
Mrityunjay Prasad, Shri  
Nambir, Shri  
Nayanar, Shri E. K.  
Oraon, Shri Kartik  
Paokai Haokip, Shri  
Parmar, Shri Bhaljibhai  
Patil, Shri S. B.  
Patodia, Shri D. N.  
Pradhani, Shri K.  
Pramanik, Shri J. N.  
Rajaram, Shri  
Ram Charan, Shri  
Ram Swarup, Shri  
Ramshekhar Prasad Singh, Shri  
Randhir Singh, Shri  
Rao, Shri Jaganath  
Rao, Shri K. Narayana  
Samanta, Shri S. C.  
Satya Narain Singh, Shri  
Sayeed, Shri P. M.  
Sen, Shri P. G.  
Shambhu Nath, Shri  
Sharma, Shri Yogendra  
Shastri, Shri Ramavatar  
Shastri, Shri Sheopujan  
Shiv Chandika Prasad, Shri  
Siddayya, Shri  
Singh, Shri D. N.  
Sinha, Shri R. K.  
Sivasankaran, Shri  
Solanki, Shri S. M.  
Subravelu, Shri  
Suraj Bhan, Shri  
Suryanaayana, Shri K.  
Tiwary, Shri D. N.  
Tyagi, Shri Om Prakash  
Uikey, Shri M. G.  
Vajpayee, Shri Atal Bihari  
Viswanatham, Shri Tenneti

MR. CHAIRMAN : The result\* of the division is : Ayes 91 : Noes Nil.

I regret to announce that the motion is not carried by the required majority.

The motion was not 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 negatived.**

17.20 hrs.

## CONFERMENT OF DECORATIONS ON PERSONS (ABOLITION) BILL

SHRI J. B. KRIPALANI (Guna) : Mr. Chairman, I move :

"That the Bill to provide for the abolition of the practice of conferring by the State decorations, such as Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri, and for matters connected therewith be taken into consideration."

Sir, I have brought before the House this Bill in pursuance of article 18 of the Constitution. As everybody knows, the Constitution prohibits any Indian Government from conferring any title on an Indian citizen or on a foreigner. Also, it prohibits Indian citizens from accepting any decoration from a foreign government. Not only that, when a foreigner is working in India, our Constitution provides that he cannot accept any decoration either from this Government or from any foreign government without the consent of the President of the Republic. These words are very clear in article 18.

Why was this done? Why were these decorations abolished? There was a reason for that. It was because the British Government consolidated its power by the grant of these titles and decorations. They degraded our people. They made them to flatter the authorities that be and the authorities took advantage of conferring titles and decorations on those people who would say ditto to whatever they did. This was the origin of article 18.

Let me point out to you what Sardar

Patel said when this article of the Constitution was being passed. He said :

"We have discussed carefully this matter and we have come to this conclusion which is embodied in article 18."

He said :

"We are legislating or trying to legislate on what the State will do or what the State should do, not on what the people can or should do. There may be party governments :"

remember, Sardar Vallabhbhai said that there might be party governments—

"there may be other governments. They should have no authority to give any inducements or to corrupt people in order to build up their party or to obtain or derive strength by unfair means."

It is not only a foreign government that derives its strength by unfair means but an Indian Government may also do so. Remember that the Sardar had no doubt about his own government. It was a Congress government ; it was a government of those who had fought for the freedom of the people. But he was a foresighted Statesman. He did not think that in future or for all time to come the Congress government would be in office.

We have the continuance of the Congress Government. They may also claim that because the Congress worked for the independence of the country, they are the inheritors of that tradition. I have no quarrel if they make that claim though that claim will not be admitted by the general run of the people of India. But they are entitled to their own opinions and I would say it is a very natural claim but since 1967 they have seen with their own eyes that there are different Governments in different States. They have also seen with their own eyes that even at the Centre they have not a comfortable majority. Rather they are in a minority. They may be fair-minded persons. They may be good persons. But how are they sure that those who come behind them will be as fair-minded as they are ? Therefore, in the interests of the whole country, as Sardar said, there should be no temptation given to any government to utilise this kind of grant of decorations and titles and to strengthen themselves. The Government may

\*The following Members also recorded their votes for AYES :

Sarvashri Kishok Bakula and C. C. Gohani,