

15.02 hrs.

The Lok Sabha re-assembled after Lunch at two minutes past fifteen of the Clock

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

CONSTITUTION (EIGHTY-FIFTH
AMENDMENT) BILL

(Amendment of the Ninth Schedule)

As passed by Rajya Sabha

[English]

MR. DEPUTY-SPEAKER: Shri Sitaram Kesri.

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): I beg to move—

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: If you want, you can explain the provisions of the Bill.

[Translation]

SHRI SITARAM KESRI: Sir, the Bill regarding Tamil Nadu Scheduled Castes, Scheduled Tribes and backward classes (Reservation of Posts or appointments in State services and reservation in Educational Institutions) Act, 1994 is put forth to include it in Ninth Schedule of Constitution. Rajya Sabha has already passed it on 24th August, 1994.

Provision of reservation was made at the end of 19th century. At that time Mysore State had provided reservation for backward classes. Provision of reservation for backward classes was made in Tamil Nadu in 1921. The Tamil Nadu Government has been raising the limit of reservation from time to time. It was done mostly in accordance with the needs of public and now it is 69 per cent which consists of 18 percent for SC, one per cent for ST and rest 50 percent for backward classes.

With reference to the verdict delivered by the Supreme Court in *Indira Sahni versus Union Government of India and others*, case (which is also known as *Mandal case*) a writ petition was filed in Madras High Court regarding reservation for other Backward Classes in which it was stated that reservation limit in institutions should be kept 50 percent by reducing it w.e.f. academic year 1994-95.

The Government of Tamil Nadu filed a special petition and subsequently, the issue came up before the Supreme Court. The Court reiterated its earlier decision that so far as admission in educational institutions are concerned, the limit of reservation should not exceed 50 percent.

In a special session of Tamil Nadu Legislative Assembly on 9th November, 1993 a unanimous decision was taken that 69 percent reservation in government services as well as educational institutions should be continued and the Union Government should be requested to carry out necessary amendments in the Constitution of India. On 26th November, 1993 an all-party meeting was held in Tamil Nadu. This issue also came up before this meeting. The Legislation passed by the Government of Tamil

Nadu in this regard was pending with the hon. President for his assent and he gave his assent to this legislation on 19th July, 1994.

The Government of Tamil Nadu had sent a proposal to the Union Government in which it was requested that the Bill passed by it i.e. Act No. 45 of 1994 be included in the 9th Schedule of the Constitution so that it could get protection under Article 31(B) of the Constitution at the time of judicial review.

Sir, with the assent of the hon. President to the legislation passed by the Government of Tamil Nadu, the Government of India has already endorsed the provisions regarding State Legislation. Therefore, now it has become necessary that this Act should be brought under the jurisdiction of Ninth Schedule of the Constitution so that it could not face any legal challenge and the backward classes of Tamil Nadu continue to get 69 per cent reservation in the State Government services and the educational institutions.

I would like to submit that reservation for the Scheduled Castes, Scheduled Tribes and other backward classes will alone not resolve the problems. However, reservation in the State Government Services and the educational institutions is an important step in the direction of giving social justice to the backward classes.

The Union Government has set up a National Backward Classes Finance and Development Corporation with an authorised capital of Rs. 200 crore. Out of this total capital, Rs. 82 crore have already been disbursed by March, 1994. This Corporation is likely to be given an additional amount of Rs. 55.90 crore

during 1994-95. The Corporation has sanctioned Rs. 134 crore and an amount of Rs.56 crore have been disbursed during 1993-94. About one lakh people of the backward classes will be benefited by the loans sanctioned by the Corporation.

Before concluding, I would like to say that under the able guidance of our leader and Prime Minister, Shri P.V. Narsimha Rao, we are continuously marching towards the goal of an egalitarian society. While considering the responsibility in the matter of Scheduled Castes, Scheduled Tribes and other backward classes as a pious duty, the Government has resolved that it will give them social justice and make them equal partner in building the nation. With these words, I request the House that this Bill may be taken into consideration.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India as passed by the Rajya Sabha, be taken into consideration."

Now, Shri Ram Vilas Paswan may speak.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Deputy Speaker, Sir, the constitution Amendment Bill as passed by the Rajya Sabha has been brought in this House. I rise to support this Bill. Though there is no need of a long speech yet many aspects are linked with this issue. As the hon. Minister has stated, this issue had been pending for

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a long time but as soon as the Supreme Court delivered its judgement on Mandal Commission, this issue was raised from all quarters. It is since then that we have been demanding in this House that the whole issue may be decided once for all. The Supreme Court in its judgement has excluded some points on the one hand but included some points in the other. Therefore, whenever one talk about Scheduled Castes, Scheduled Tribes and the backward classes, I urge that all aspects should be taken into account seriously. Now you have raised the issue of Tamil Nadu in which it has been requested that the Act passed by Tamil Nadu Assembly should be included in the Ninth Schedule of the Constitution. However, no decision has been arrived at about Article 15-4, 16-4, and 335. We have proposed an amendment that all the provisions relation to reservation may be included in the Ninth Schedule of the Constitution. The Government gives from one hand but subsequently takes from the other hand. Shri Shankranand is sitting here. If as per Mandal Commission's recommendations 50 per cent reservation is implemented in AIIMS the governing body may approach the Court next day and it may be possible that the Court may give stay on the implementation. Similar is the case in Karnataka. The reservation limit has been raised from 73 per cent to 80 per cent there. If somebody goes to a Court there, the Court can give stay orders. Nobody has power to encroach the jurisdiction of the Court. Recently, the issue of reservation in promotion to the SCs and STs was raised. At that time, there was no such issue before the Supreme Court. Had such an issue been before the Court, a SC judge of the Supreme Court would have been included in the bench of nine judges. However, it was not done

so. When the time for judgement came up, it was stated that the provision of reservation in promotion will be not kept beyond five years. The Government immediately issued a clarification through its Personnel Department to this effect that reservation shall also be given in promotion. However, it was not implemented in between but is now being implemented. I would like to forewarn that after 1997, it would automatically stand lapsed. The Supreme Court is the only body to interpret the provisions of Constitution. Once it has declared that there would be no reservation after five years, it is binding to all, provided an amendment is carried out to that effect. The Court can give the same ruling in regard to Karnataka as has been given in the case of Tamil Nadu. Therefore, I urge upon the Government that

[English]

prevention is better than cure

[Translation]

Today the issue of Tamil Nadu has not taken a violent turn. The Bill was forwarded to the Union Government in January. However, the President gave his assent to it on 16th July. As a result thereof, it was published in the Gazzete only when the President signed it. Now, when this issue has come up before the Court, the Government is thinking to bring an amendment in the Constitution. Further, the Government also want to avoid a discussion on it. Under Article 335, which deals with SCs and STs, the words "subject to merit" should be deleted. It should be added therein that this provision would also be applicable for reservation in promotion. If it is not possible, then Explanation-1 and 2 could be added in Article 54. However, if Article

164 is not amended accordingly, the shortcoming will remain forever and the Government would have to go a long way. We have been hearing about the reservation since you were elected to Parliament.

SHRI SITA RAM KESRI: I was not in Parliament for eight months.

SHRI RAM VILAS PASWAN: The Government has been declaring since 1991, inside the House as well as outside, that there is reservation for SCs and is being implemented as per the orders of the Government and not as per the law. Further, it has been claiming that a Bill will be brought in Parliament and a law will be enacted. Had this Bill become an Act and subsequently been included in the 9th Schedule, I would have been very happy. But today there is no such Act and how can we say to include it in the 9th Schedule?

Mr. Deputy Speaker, Sir, through you, I would like to submit to the Government that they have three Ministries. The newspapers are carrying news-items that there is a lack of coordination among the three. You are saying something else and Department of Personnel and Ministry of Law are saying something else. You say that your leader is Shri Narasimha Rao but what is the intention of the Ministry under the hon. Prime Minister? Is he with you? He says that Kesariji is in the habit of saying one thing or the other, he has nothing to do with law. That is why, I urge upon you to ensure that the Government should do something if they are sincere. You may make as many efforts as you like but you cannot stop it. Tamilnadu passed a Resolution increasing reservation to 69 per cent, you also approved it. But neither you did it as a

hobby nor you gave it as alms. They have taken it as it was their right. The persons who have been opposing it so far are now supporting it. Karnataka is also unanimously passing a Resolution providing 80 per cent reservation. So a new trend of social justice is developing you can not stop this trend of reservation. You will have to give it willingly or otherwise. In case the Central Government give assurance to the effect that the amendment they have moved does not apply on any State then it will depend on each State to follow it or not. For example, the Chief Minister of Bihar has announced that the reservation would be increased to 80 per cent for backward classes and scheduled castes in his State. If this Resolution is passed unanimously in the State, how can the Central Government oppose it? The State Governments should be empowered to do it according to their population. If a person belonging to a high-caste complains that his right has been violated then the reservation should be made according to the population of a particular caste. In this way everybody would be satisfied and there will be a representation of all the castes in the Government. Then the Government would not need to form RAF.

Mr. Deputy Speaker, Sir, you should empower all the States to make amendment to the Constitution and enact laws to provide social justice to the people belonging to Scheduled Castes and Scheduled Tribes. The reservation will be made in education and Government jobs under Section 16(4) and 15(4). If it is done so, the State Governments will not have to come here again and again. If it had been provided earlier then what has happened in regard to SCs/STs would not have happened. The Ministers have been *misguiding the House* or getting misguided themselves regarding

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Union Public Service Commission. You have repeatedly maintained that the youth belonging to backward classes would be given relaxation in age. You had announced it in this very House and the particular examination was conducted on 26th June but not a single candidate was selected on the basis of reservation. The 12 per cent candidates, who have been selected, have come after qualifying the preliminary test and competing with the candidates of general category. Nothing is being said by the Government in this regard. Two students have threatened to immolate themselves. This way the sentiments of the people are being provoked but the Government is keeping mum in this regard. How long can this be tolerated? That is why I urge upon you not to allure the people belonging to scheduled castes, scheduled tribes and backward classes simply by giving assurances only. If the Government is sincere in this matter they should properly do it once. It is not a one-party matter. Whenever a meeting is convened to discuss matters related to SCs/STs then all the parties, be it—BJP, Janata Dal, Congress or Communist Party—try to pass a unanimous motion. They rise above the party spirit but here nothing is being done.

The constitution maintains that SCs/STs will be given reservation according to their population. As per 1991 census, their population stands at 24.56% but their reservation is only 22.5%. Neo-Buddhists, Gujars, Makarwal have also been included in their population. Several castes are being included in the list. The reservation should be proportionate. A constitution (Amendment) Bill will have to

be passed for that also. When we had called on the hon. President, he also agreed that the demand was justified because when Public Sectors are being changed into Private Sectors, the reservation should be provided in the Private Sector also. These days a conspiracy is going on to do away with the concept of reservation wherever it prevails.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Has the hon. President asked you to mention it in the Lok Sabha also?

SHRI RAM VILAS PASWAN: That is another matter. Mr. Deputy Speaker, Sir, Vajpayeeji is very wise. I agree with what Shri Chandra Jeet Yadav had said in the morning that Vajpayeeji very skilfully manages to dilute everything. I do not want to use the word 'cleverness' but we had mentioned it to the hon. President that we would openly say at least this much that had considered it justified. You are aware that the hon. Minister uses limited words and I feel that whatever Shri Shankar Dayal Sharma has said, is quite meaningful. There is reservation in Public sector, and in banks also but after the privatisation of banks the concept of reservation will be done away within banks. Tomorrow the Railways may also be privatised and the reservation will end there also. In this country no person or organisation is above the constitution. The constitution is supreme and when the constitution has provided reservation for SCs/STs and the reservation is being provided for backward classes then the reservation will have to be provided everywhere—be it—private Sector, Public Sector or Government Sector. Sooner or later you will have to...*.....It will have to

*Expunged as ordered by the Chair.

be done and the Government which does not do it will be thrown out of power...*(Interruptions)*

[English]

SHRI UMRAO SINGH (Jalandhar): Sir,*..... is unparliamentary and it should be expunged...*(Interruptions)*

MR. DEPUTY-SPEAKER: If it is unparliamentary, we expunge it.

[Translation]

SHRI RAM VILAS PASWAN: I would like to make a commitment and give an assurance to House that they will bring amendment in the constitution and include these points. In this matter States should be empowered to decide about the percentage of reservation themselves independently.

Secondly, I would like to mention that there has been a conspiracy to do away with the reservation in promotions. The Supreme Court has fixed a period of five years i.e. upto 1997 for reservation and thereafter it would automatically end. I demand that there should be reservation for SCs/STs in promotions also. The Sections 33 and 35 of the constitution should be amended to remove the Efficiency Clause which has forcefully been added.

Thirdly, as you have mentioned that Act or legislation would be enacted for SCs/STs as per the G.O. Bihar Government has enacted a law to incarcerate those officers for 3 months who will fail to complete the reservation quota. The Central Government should also enact a law on the similar lines because even after 48 years of

Independence only 10 per cent reservation quota for SCs/STs in class I Government jobs has been filled up. I do not have any example to cite to substantiate this view that able candidates belonging to Scheduled Castes and Scheduled Tribes are not available for IAS, IPS and other UPSC exams. But when an able candidate is found, at what ground he is declared unfit for clerical cadre. That is why, the guilty officers should get 3 months' imprisonment and a constitution amendment Bill should be brought in the House with this provision.

Besides, the reservation quota should be increased in the commensurate with increase in the population and the provision for reservation should be introduced in the Private Sector also.

Your purpose of bringing this Bill will be achieved only when a constitution amendment Bill is introduced in the House including necessary amendments covering all those 7-8 points to which I have drawn your attention. Alright, today, there was a furore in Tamil Nadu so you brought a Bill regarding Tamil Nadu and tomorrow if a similar situation is there in some other State and then you will have to bring a similar Bill for that also. This is not social justice, but social injustice. Whatever is done under pressure will not prove to be good either for you or for us.

That is why, through you, we would like to urge upon you to support and continue to work with the Prime Minister unitedly avoiding party-politics. A Constitution (amendment) Bill should be brought covering all the points which I have raised. I do not know whether the rules will permit the acceptance of my amendments and whether they would be

*Expunged as ordered by the Chair.

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raised here for voting or not but I have suggested these amendments with an intention so as to let the Government to respond on Constitution Amendment Bill will be brought in near future? With these words, I thank you for giving me time to speak.

SHRI NITISH KUMAR (Barh): Mr. Deputy Speaker, Sir, I rise to support the Constitution Amendment Bill brought forward by the Government though it has been brought for a very limited objective. Reservation is being discussed within the country since long. The Government has hurriedly brought this Constitution Amendment Bill in view of the situation prevailing in Tamil Nadu so as to include a Bill of the State in the 9th Schedule of the Constitution. It may immediately retrieve the situation in Tamil Nadu, restore peace there as all the parties have made a demand to this effect but the Government seems to be least interested in finding a solution to the discussion and debate it has initiated through the country.

The Amendment to Constitution should not be made a day-to-day routine. All the aspects of the problem of the whole issue should be included once and then the amendment in the constitution should be made. Reservation has wide ranging dimensions. The Constitution Amendment Bill should be brought in order to remove, once for all, all the lacunae in the Constitution and all the controversies that might have arisen in question. Today, a Bill has been brought forward for Tamil Nadu, tomorrow another will be brought for Karnataka and thereafter for some other State. I suppose it a total lack of farsight on the part of the Government. The Government seems to be least interested in attaining a

positive approach on this issue by initiating a meaningful debate or solving it for ever. The Supreme Court has held in its recent verdict that the limit of reservation should not exceed 50 per cent and a very grave situation is arising out of such interpretation in the country. Neither the Central Government nor the State Government can grant more than 50 percent reservation at any cost but the situation is changing. Shri Paswan said just now that on the one hand the number of scheduled caste and scheduled tribe people is growing and on the other the feeling that they are not getting as much reservation in employment as they should is generating a sense of indignation among the backward classes. When reservation became controversial, it was said that upper caste poor people will also be given 5-10 per cent reservation. This limit needs to be raised for that purpose.

Another issue of age relaxation also crept up. Meanwhile, the result of Preliminary exam of UPSC was also declared. Some days ago, I had raised this issue in this House and proved on the basis of figures published in the newspapers that the intention of the Government about granting reservation was not bonafide. While granting reservation to backward people, those classes are kept in backward classes which can compete on the basis of merit whereas it is a principle of a special opportunity. This provision should be reserved for those who can not compete in the general category. The way reservation is being interpreted today implies that there is 50 per cent reservation for non-backward, non-scheduled-caste and non-scheduled-tribe people. So, this situation should be changed. There was a controversy in the country and it was said that this problem should be solved once for all.

In 1931, caste based census was conducted in this country. Today, every caste claims that their population has grown so much. Therefore, caste based census should once again be conducted in this country and every caste should be granted reservation in proportion to its population. That way, nobody will have any grievance and reservation will be accomplished. Nobody will be able to divest the other person of his rights and there will be no scope for suicides. All these issues should be considered together.

I had written a letter to the hon. Prime Minister about age relaxation. The other backward classes (OBC) have for the first time got an opportunity after the implementation of the Mandal Commission. We advanced many reasons. It was first implemented by the Government of Shri V.P. Singh in 1990. Had it not been challenged in the court of law, it would have been enforced in 1990 itself and they would have been getting the benefits for the past four years. Therefore, there should be age relaxation. They are not at fault in this context.

The facility of reservation in UPSC examination is given to 9 classes. They have been given the facility of age relaxation but not the OBCs. I advocated this cause on this basis. In response to my letter addressed to the Prime Minister the Minister of State for Personnel replied that it was implemented for the first time and it was to be seen what result its implementation brings. The results have come, only 12.25 per cent OBCs qualified the Preliminary Test. This way the reservation quota of 27 per cent will not be filled. It is a testimony to the Government's apathy towards it. The intention of the Government is not bonafide in this matter. It was interpreted

in the context of hue and cry that took place some where.

There is a dearth of Government jobs in Private and Public sectors. All the industries are being handed over to the Private Sector. It is like giving with one hand and taking away with the other. On the one hand, it is said that reservation will be given in the Government jobs and in the Public sector and on the other privatisation is being resorted to in pursuit of the policy of liberalisation and the foreign companies are emerging on the scene. Not only this, the Government has struck a business deal with many institutions. They, too, have not been brought under the purview of reservation. The Railway is retrenching its labourers and its work is being done on the contract. There is no reservation for them. In such situation, private sector should also be covered under the purview of reservation. Kindly take all these points into consideration and formulate a national reservation policy, making clear provisions on which basis reservation will be provided. The leaders of all the parties should be taken into confidence for it. Then a comprehensive Constitution Amendment Bill regarding reservation should be brought forward after reaching a unanimous decision.

15.35 hrs.

[SHRIMATI SANTOSH CHOUDHARY *in the Chair*]

Madam Chairperson, the Government does not want to bring forward that comprehensive Bill because it has no interest in granting reservation. It is only interested in giving a limited solution to a question raised and for that they have brought in this Bill. We are compelled today. It would be injustice to Tamil Nadu if this Bill is not passed today. Therefore, in view of Tamil Nadu's demand, I support this Bill and condemn the

[Shri Nitish Kumar]

Government for its lack of will in granting reservation. I hope from Kesariji that he will express his opinion on these points when he will reply on behalf of the Government.

Madam Chairperson, I do not know what is his opinion but when I ask other Ministers, they use to say that these were the assurances of Kesariji as if his assurances are not the Government's assurances. It is not good if this is so. Kesariji's policy of misguiding people is not good. Though, we too will take advantage of his speaking anything he likes but the crux of his policy is that in reality he will not grant any reservation.

Madam Chairperson, through you, I would like to ask Kesariji that just now he was all praise for the hon. Prime Minister but the extent of access he has is imminent from the fact that the Prime Minister is not present here when discussion on such an important Constitution Amendment Bill is going on here. What is his intention in such a situation. It seems that his intention is not good and the Prime Minister keeps mum on every question. He is playing the politics of vote. He wants to get votes through you and does not agree to what you say. His is a totally malafide intention.

Madam Chairperson, with these words, I support the basic Bill while registering my protest.

[English]

MR. CHAIRMAN: I would like to inform the House that there are many speakers and we have to finish this by 4 o'clock and after that we have to take up discussion under Rule 193.

....(Interruptions)

SHRI SYED SHAHABUDDIN (Kishanganj): Madam, I will take 3-4 minutes. I rise to support the Bill with some reservations and seek some clarifications from the hon. Minister.

Questions have already been raised and I think, the House, as a whole is perturbed about the Reservation Policy of the Government. There are many deficiencies, many lacunae, many dark spots and I would like to know the mind of the Government. I will not repeat the points that have already been made, either by Shri Ram Vilas Paswan or by my party colleague, Shri Nitish Kumar.

SHRI NITISH KUMAR : I am your colleague..... (Interruptions)

SHRI SYED SHAHABUDDIN: It only shows on how many points there is a misunderstanding in the country at large about the policy of the Government on this question of reservation.

In a dynamic situation, in a changing situation, how can we stick to just one formulation? I think the time has come for a comprehensive review of the matter and a comprehensive amendment of the Constitution in the light of all the new factors that have developed, of all the new demands that have developed in the society and of all that social justice demands.

Madam, there are two points which I would like to make very briefly. Firstly, while I support the present move of the Government to give judicial immunity to the Tamiz Nadu Bill, there are certain questions in our mind.

I think the Minister owes it to the House to explain the content of the Bill also although that substantively is not

before us. There is a reservation of 69 per cent in Tamil Nadu. I asked for a break-up and I was told that 18 per cent is for the Scheduled Castes, one per cent for the Scheduled Tribes and 50 per cent for the backward classes. Now, the Supreme Court's decision is before us whether we agree with it or we do not agree with it. It says that the reservation shall not ordinary exceed 50 per cent of the posts and it is distributed normally according to the population. Now, here, you grant 50 per cent reservation to the backward classes alone. If you minus 19 per cent for the Schedule Castes and the Scheduled Tribes, you will end up with only 81 per cent. Take for example that there are 10 per cent upper caste people and minorities. I do not know what the number is. In Tamil Nadu it leaves you at 71 per cent. According to the Mandal formula, the reservation for OBCs should have been limited at 35.5 per cent but here it is 50 per cent. That is the question which needs to be resolved. It cannot be left arbitrarily to the judgement of every State Government. Some principles have to be laid down. Some guidelines have to be laid down. We are for reservation. There is no question about it. We are for reservation to the depressed sections of communities. Let there be Shri Ram Vilas Paswan's Formula of universal reservation. Let the entire cake be distributed among different communities and among different groups according to the population. There is, however, the consideration of the Constitution that apart from the Scheduled Castes and Scheduled Tribes which should get full weightage for their population, the weightage of the others shall depend upon their degree of backwardness and that is now you are left with a certain common margin. Roughly speaking, for others, we have said 50 per cent weightage. But if some community or some group is more backward compared to the others relatively

speaking, then it should have a higher weightage namely, some 50 per cent and some 60 per cent or even 90 per cent weightage for the population. Therefore, some formula has to be evolved which should universally apply and it should then be laid down by Parliament in the form of an amendment to the so that it is followed by every State whenever there is a demand for raising the limit.

Madam, my final point is this. There were a lot of legal squabble going on. I am sure that the Minister is aware of them. According to the newspapers, there was a battle royal between the Ministry of Law and the Ministry of Welfare about the legality of this Amendment. I would like the hon. Minister to tell us about the legal dimensions. The present situation is that the Tamil Nadu Bill stands challenged. I recall in mind, without detracting from my support to the Tamil Nadu Bill, the situation about the Cauvery dispute. A case was pending before the Supreme Court and the State Legislature legislated on it and the Supreme Court said you cannot do it behind our back. You cannot do it when the matter is *sub judice*. I wish that the Government had taken these circumstances into account. I would not like that this House passes a Bill in all seriousness, in all gravity. This being a very important matter, if you amend the Constitution today and then tomorrow the Supreme court says "you cannot do it in this *mala fide* manner; you cannot do it behind our back, therefore, it is struck down". I, therefore, feel that the Government is acting without due seriousness of purpose and without due thoughts. It is merely trying to placate some people. It is only trying to meet a political situation. This is not the behaviour pattern of a responsible Government. I would once again appeal to Shri Kesari that he must come to the House at the earliest possible with a comprehensive

[Shri Syed Shahabuddin]

Bill touching all the points that have been stated by Shri Ram Vilas Paswan and by Shri Nitish Kumar.

[Translation]

SHRI SOMJIBHAI DAMOR (Dohad): Mr. Chairman, I would like to urge upon the hon. Minister that there are 25-26 States in our country and if every State asks for amending the constitution then how many times you will bring amendment in the constitution?

I would like to state that you leave aside the provision of reservation for the Other Backward Classes and provide 10 or 5 per cent reservation for all other castes like Brahmins, Banias etc. Therefore, my proposal is that you better withdraw this amendment bill.

SHRI DATTATRAYA BANDARU (Secunderabad): Madam Chairman, on behalf of Bhartiya Janta Party we welcome the Bill introduced in the House regarding reservation quota passed by Tamil Nadu Legislative Assembly. The Union Government has introduced this Bill in the wake of the bandh observed in the State by the AIDMK party thus pressuring the Central Government though it was passed by the Tamil Nadu Government in November. The hon. members have complained that the Backward classes are not being provided 27 per cent reservation quota in UPSC examinations and they are getting only 12 per cent instead. Would Shri Kesri.....this injustice.....(Interruptions)

[English]

DR. G.L. KANAUIA (Kheri): Not a single person has been taken. I have

approached the hon. Minister I have approached the Prime Minister. That was done for open competition.

[Translation]

SHRI DATTARAYA BANDARU: Today the bill has been sent by Tamil Nadu. Tomorrow such a Bill may come from Andhra Pradesh or Karnataka etc and thus all the States will give vent to their feeling of resentment. Therefore, indentification and the census of Backward Classes should be made at the earliest and consensus should be reached with all the political parties, the centre should formulate laws promptly in this regard. Moreover, the hon. Minister has done nothing so far on the issue of providing promotional and reservation as per the report of the Mandal Commission. He has not made any amendment in this regard. I would like to request the hon. Union Minister of Welfare Shri Sitaram Kesri to amend the Constitution regarding reservation in promotional posts immediately so that the Scheduled Castes and the Scheduled Tribes are not subjected to any injustice.

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa): I will speak for only one minute. My party has decided to extent support to this Constitution (Amendment) Bill for 69 per cent reservation in Tamil Nadu despite the Supreme Court judgement that the reservations should not exceed 50 per cent. We have taken this decision to support this Bill because in Tamil Nadu more than 50 per cent reservation was in practice much before the Supreme Court judgement. That is why we are supporting it. We do not want a feeling to be there in the minds of the poor, backward, Scheduled Castes and Scheduled Tribes people of Tamil Nadu

that the rights given to them hitherto have been snatched. If there is any other State where more than 50 per cent reservation was in practice before the Supreme Court judgement, we will extent our support to them also. Thank you, Madam.

SHRI BUTA SINGH (Jalore): I never really wanted to participate in the discussion because I wholeheartedly support the Bill. But, there are certain issues which warrant our immediate attention. As we are going to pass a historic Bill into an Act, namely, the Constitution (Eighty-Fifth Amendment) Bill, I endorse the various points raised by Shri Ram Vilas Paswan so far as the Supreme Court judgement is concerned. It was uncalled for; it was out of context; it was not in the terms of reference; it was before the Bench of the Supreme Court, but they have dwelt upon the policy of reservations with regard to Scheduled Castes and Scheduled Tribes. To that extent, I should say the judgement itself is unconstitutional and we must do something to rectify. We have given a detailed memorandum signed by all Members belonging to all political parties, Scheduled Castes and Scheduled Tribes to the Government. So far no action has been taken.

Second point raised by Shri Shahabuddin also warrants a very serious consideration at this stage because by this Act we are going to do something which is against the earlier decision of the Supreme Court. I am sure the Government must have given full thought before this Bill is passed into an Act and we may not have one day, the Bill coming back to the House with all kinds of strictures.

One thing Madam, I will just say within a minute and that is, all those

issues which have come up from the Constitution Bench of the Supreme Court relating to the Schedule Castes and Scheduled Tribes must be removed. They are not warranted. They are not called for. They were not before the Bench. You take, for example, the issues like reservation in promotion, issues like application of creamy layer and issues like carry-forward quota. Now two or three things have come to light and that is the privatisation of various public sector undertakings and other undertakings by the Government of India which are partially financed by the Government. Then, in general, due to privatisation of the services in the Government Departments, namely, the Departments like the Railways, the P&T and very big Departments involving millions of labourers, they are being thrown open to the *tekedars* and private other institutions. They are depriving us of the element of reservation. Therefore, in the last meeting of the SC&ST Forum, there was a general and unanimous demand that we should go in for asking for reservation in the private sector also.

Madam, we had also asked for appropriately advancing the reservation in services according to the latest Census, namely, 1991 Census.

These are the issues which the hon. Minister must address to this House. It is because, this is only a one time legislation. I am sure, the other hon. Members will not come forward with such a proposal. Let this House not face a situation that each and every time, a State brings in a legislation for reservation and we come before the House with similar legislation. This reservation policy, so far as the Scheduled Castes and Scheduled Tribes are concerned, must be backed by law. There must be a Bill before the House which the hon. Minister

[Shri Buta Singh]

had admitted. All these issues are very pertinent and they are very, very relevant I should say. At this moment of our passing this Bill, there is no opposition to this Bill. Let us not be in a hurry. This Bill can be passed without any discussion. But these are basic issues which the hon. Minister must address, which the House must pay attention to. Otherwise, you will be doing something which is not fair and which is unjust with the weaker sections, specially, the Scheduled Castes and the Scheduled Tribes.

SHRI INDRAJIT C. UPTA (Midnapore): Madam, on behalf of my party, I wish to make it categorically clear that as far as this Bill goes, we are wholeheartedly supporting it. There is no need for me to go into the whole history of the reservation policy as far as the State of Tamil Nadu is concerned. From way back in 1921, stage-by-stage, they have arrived at the present position namely, 69 per cent.

Obviously, something which has got such a long historical background has to be seen in a different light in the sense that it cannot be suddenly dismantled now or reversed which would be palpably a gross injustice done to all those deserving people who were enjoying the benefits of this reservation so long. This is different from the position of State which may think that in future it should extend reservation beyond a certain limit. I do not agree with the proposal that every State should have the right. At least today I do not agree with it. I think what the consequences may be that every State should have the right to fix the percentage of reservation according to its own needs and desires. I think if that is pursued to its logical end, there will be no one left. Anyway at the moment,

as far as the case of Tamil Nadu is concerned, it has to be supported fully.

The only one point, Madam, on which I would like to have some clarification is this. The stand that the Government of India has taken on this Bill obviously means that the Government does not consider the Supreme Court's decision of November, 1992 which was by the way a decision of the full Bench of nine Judges of the Supreme Court as mandatory.

The Government does not consider that decision to be mandatory; it considers it to be perhaps recommendatory; I do not know. If they had considered it to be mandatory and binding, they could not have advised the President to give his assent to this Bill. Therefore, the Government has already gone one step ahead; and by their action, they have shown that they do not consider this Supreme Court's decision to be mandatory and binding.

Therefore, now, I want to know only one thing. When we are seeking to give protection to this Bill under the Ninth Schedule, is that protection really watertight? Does it prevent the Supreme Court from judicial intervention altogether? Can they not intervene even now or subsequently even after we legislate that this Bill is being put under the Ninth Schedule? Is it the 100 per cent protection? Is there not any possibility of judicial intervention hereafter, because the Supreme Court says, "No, you have violated our decision?" Therefore, they can pass some strictures; they can propose some restrictions or amendments, and we may be put in a difficult position at that time.

Therefore, I want to be assured by the Government on this. They must have

considered all these aspects before they advised the President to give his assent. We should know the exact position. It is no use going away thinking that now it is in the Ninth Schedule there is no further uncertainty or danger or risk or anything like that. I think that would be an illusion, as far as I understand. The Supreme Court can interfere if it wants to; if it feels affronted, if it feels affronted that the Parliament has sought to do something which goes against it.

Well, the basic structure is another argument which they may use against the Supreme Court's decision. So, we should know what exactly we are legislating now. As far as the reservation part of it goes in Tamil Nadu, we fully support that.

15.56 hrs.

[SHRI P.C. CHACKO *in the Chair*]

As far as protection under Ninth Schedule goes, we would like to be assured by the government whether there is any possibility of judicial intervention or it is being completely shut out. We should know that.

15.57 hrs.

[MR. SPEAKER *in the Chair*]

SHRI ABDUL GHAFOOR (Gopalganj): It is a very important question. If any doubt is raised either in this House or in the State Legislatures about the legality of the Act, I think. It is necessary that the Advocate-General should be called here. Otherwise, we will make ourselves a laughing stock.

[*Translation*]

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, we support in principle the amendment introduced for providing 69 per cent reservation in Tamil Nadu. Mr. Speaker, Sir, I would like to clarify the situation prevalent in my area and State.

MR. SPEAKER: Please do not talk about the situation in your area. This is not proper. Every issue cannot be raised on every occasion.

SHRI SURAJ MANDAL: While discussing the reservation issue in Tamil Nadu why the same issue cannot be discussed in context of Bihar?

MR. SPEAKER: It is not like this. You cannot raise any issue on any occasion. Please take your seat.

SHRI SURAJ MANDAL: Mr. Speaker, Sir, Backward Classes have been given 27 per cent reservation in jobs but there are many districts in my state where the benefits of reservation have not reached so far.

MR. SPEAKER: The discussion is not being held about your State at present. The discussion here is on the Tamil Nadu issue.

SHRI SURAJ MANDAL: Mr. Speaker, Sir, I want to submit that the Government should introduce a uniform bill for all States and it should be put under the 9th schedule so that all the States are benefited equally. Today this Bill has been introduced under the pressure of Tamil Nadu Government. On the other hand a situation is being created in Bihar so that an agitation may start there. What will the Government do if Bihar also insists on its demands for

[Shri Suraj Mandal]

providing 80 per cent reservation and then the State Bandh is observed and coal supply, train services etc are disrupted? Such a situation should not be created in the country.

I, therefore, demand that all the States of the country should adopt a uniform policy to provide reservation to Backward classes and such a bill should be introduced here. With these words I and my party support this Bill.

[English]

16.00 hrs.

SHRI R. ANBARASU (Madras Central): It is an important landmark in the history of Parliament to bring such an amendment to remove the historical inequalities and to remove the historical injustices perpetrated on the Scheduled Castes, Tribes and the Backward Class people in this country. I congratulate the Prime Minister and also the Minister of Welfare.

At the same time, I would like to caution that it is only a piecemeal arrangement to meet a political exigency. If at all there could be a permanent solution to this problem, it is only proportional reservation as suggested by Shri Ram Vilas Paswan and Shri Nitish Kumar. In fact, in 1921 itself during the British Raj, there was proportional reservation according to the population of one particular community under a very compartmental system. So, that only will solve the problem.

I would like to point out that recently a Bench of the Supreme Court gave a verdict that a Harijan who moves from

Tamil Nadu to Delhi would lose his status and that he would not be called a Harijan! I appeal to all Harijans, wherever they are, that they should rise and wake up. They should not forget this. This is an injustice being perpetrated. It is an onslaught by the Supreme Court against these forgotten Scheduled Castes, Tribes and the backward class people. This should be negated. It may even affect the backward class people also. Therefore, what I feel is that a census of the population on caste basis should be taken and we should find out what quantum of reservation should be given to each community. That only will solve the problem.

As rightly pointed out, it should be left to each State to decide the percentage of population, on caste basis, in that particular State, because that State only will be able to find out the exact number.

Therefore, I request the hon. Minister of Welfare also to be very cautious. I have my own reservations about this Amendment that it may be questioned by the Supreme Court after it is passed here. This may not stand before the Supreme Court.

[Translation]

SHRI RATILAL VARMA (Dhanduka): Mr. Speaker, Sir, reservation issue in Tamil Nadu is being discussed here. I want to submit that the SC/ST's backlog which is in thousands has not been cleared so far. Moreover, while the Mandal commission issue was sub-judice in Supreme Court, the Scheduled Castes and Scheduled Tribes were included for providing quota in promotional posts. We have requested the hon. Minister to bring an amendment in this regard at the earliest. There are so many persons in

India who have not been promoted because reservation in promotional posts has not been enforced as yet. In the recommendation number 432 of the second annual report it has been stated that reservation should be decided on the basis of the population of class III and IV employees in the district. But the second report has not been granted recognition till date....(Interruptions)

MR. SPEAKER: It was proposed to put it under the Ninth Schedule. If you talk about the district council or village panchayat how can it work?

SHRI RATILAL VARMA: (interruptions) This work has not been done in a proper manner. The Scheduled Castes and Scheduled Tribes should be provided reservation in a proper manner. With these words I conclude.

[English]

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Speaker, Sir, on behalf of my party, the Indian National League, I rise to support this Bill for granting 69 per cent to backward classes in Tamil Nadu. I fully, completely, wholeheartedly and undilutedly support this Bill. We all know that for the last so many centuries the backward classes have suffered in this country and justice has to be done to these people.

I am sure this Bill will come as a blessing to all the backward sections of the population of the State of Tamil Nadu. It is also in the fairness of things that this Bill is being given judicial immunity by bringing it under the Ninth Schedule. I wish and hope that this will not be challenged by anybody in the Supreme Court.

Here I would like to point out one thing. I would completely agree with my colleague Shri Ram Vilas Paswan when he said that all sections of the population which are backward should be given reservation according to the population. In this connection I would like to point out that as far as Muslims are concerned, they are backward in this country socially and educationally. Because of this the Nettur Commission in Kerala has recommended that all Muslims in Kerala are enjoying this 12 per cent reservation. The Muslims in Kerala are enjoying this 12 per cent reservation. In the same manner the Gopal Singh panel has suggested that Muslims are backward educationally and socially and, therefore, on this basis the Muslims all over the country should get reservation on the basis of population. It is said that some sections of Muslims get reservation under backward quota. But it is not enough. It is not satisfactory. Because the Muslims are backward educationally and socially, they should get reservation on the basis of population on all-India level. I suggest that the quota should be fixed within the framework and both inside and outside the backward quota. That will satisfy the Muslims. That will mean that justice is being done to them.

Justice is being done to all backward sections of the population. So also justice has to be done to the Muslim community in the same manner. This community is backward educationally and socially.

I hope the Government will seriously consider this matter to satisfy this section of the population of the country.

SHRI SRIKANTA JENA (Cuttack): Sir, I support the Bill and I really congratulate the Tamil Nadu people and the political parties there and its Chief

[Shri Srikanta Jena]

Minister and the Government for passing such Bill. Now we will be putting it in the Ninth Schedule. While going through the Statement of Objects and Reasons I got a doubt. I would like to be enlightened by the hon. Minister about the correct position which has not been stated in the Statement of Objects and Reasons regarding the Supreme Court judgement in the Indira Sawhney and others Versus Union of India and others. In it they have said that the total reservation under Article 16(4) should not exceed 50 per cent and they put a full stop. But in the judgement there is no full stop. There is another sentence added in the judgement which says: it can exceed in special regions. That has not been mentioned here. The judgement of the Supreme Court has not been fully reflected in the Statement of Objects and Reasons. Thus a misunderstanding is being created by the Union Government by this Statement of Objects and Reasons.

My hon. colleague Shri Shahabuddin said that the Supreme Court said: it shall not exceed 50 per cent. It has not been said by the Supreme Court that it shall not exceed 50 per cent. They said: it should not exceed 50 per cent. It is suggestive in nature and the Union Government has taken a different position. Once the Tamil Nadu Government went to the Supreme Court in a Special Leave Petition they said: yes, we concede it is 'shall not'. But the Supreme Court has not taken this position.

They have defined Articles 15(4) and 16(4). Article 16(4) is very clear that nothing in this Constitution states that if they consider the socially and educationally backward people who are not properly represented in the States

services and in the education, the States can go upto any extent reserving in educational institutions and in the Government service. Therefore, the position taken by the Union Government is really conflicting. What exactly is the position? The Law Minister says it is mandatory. The Welfare Minister says it is not mandatory. Why is this conflict? Let the Law Minister clarify this position as to what exactly is the position of the Government of India because this has not been stated properly in the Statement of Objects and Reasons itself.

MR. SPEAKER: Please, let us understand that what the legal position is will not be decided on the floor of the House. You can have a law of the kind you interpret here.

SHRI SRIKANTA JENA: Sir, I fully agree with you. The interpretation of the Constitution of the Supreme Court is final. But I would like to know whether the judgement in the Indira Sawhney and others Versus Union of India and others case is binding on the State. Is it the opinion of the Government? I think it is not binding.

MR. SPEAKER: About whose opinion are you asking?

SHRI SRIKANTA JENA: The Government is saying it is binding.

MR. SPEAKER: Government cannot say so.

SHRI SRIKANTA JENA: The Government should have got it clarified from the Bench of the Supreme Court.

MR. SPEAKER: Please, let us understand. This is a law passed by the

Tamil Nadu Legislative Assembly and today you are putting that law in the Ninth Schedule of the Constitution. It is as simple as that.

SHRI SRIKANTA JENA: Sir, let me clarify. The point is, suppose it is binding because the Supreme Court's decision is 'shall' and not 'should', then you have to amend the Articles 15(4) and 16(4) of the Constitution and merely putting this Bill under the Ninth Schedule will not serve the purpose. Otherwise, where from the Tamil Nadu Assembly derives the power to legislate this law when the Supreme Court's interpretation is 'shall'?

MR. SPEAKER: In fact, in your learned statement you yourself have made it clear as to what is the difference between 'should' and 'shall'. You yourself have made it clear.

SHRI SRIKANTA JENA: The point is let this august House not proceed in a manner as stated by Shri Indrajit. Why am I putting this question? This issue has been debated at full length in the Constituent Assembly. Sir, I draw your attention to Article 164 of the Constitution.

- "(i) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:

Provided that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare

of the Scheduled Castes and backward classes or any other work."

Why this provision has been kept for only three States. This provision in the Constitution has been made applicable only for three States. I would like to draw your attention to the debates in the Constituent Assembly and the Committee headed by Shri A.V. Thakkar. There was a Committee in the Constituent Assembly under the Chairmanship of Shri A.V. Thakkar. They went around the entire country and this issue came up for discussion. They said that the tribals should get special status in these three States and that the Backward Classes and the Scheduled Castes should remain on par. That is why, this special provision was inserted in Article 164 of the Constitution. It means if at all any special status has to be given, it has to be given.

MR. SPEAKER: This provision is for having a Minister.

SHRI SRIKANTA JENA: That is my point. The point is this provision was not there in respect of other States. Why is this provision meant for only these three States?

MR. SPEAKER: That is because the Scheduled Castes and Scheduled Tribes...

SHRI SRIKANTA JENA: Sir, this is not your opinion in my opinion; this was the opinion of the Constituent Assembly. Sir, I will draw your attention to Shri A.V. Thakkar Committee's recommendation in the Constituent Assembly. This was debated in the Constituent Assembly. That is why, the Supreme Court said. (Interruptions)

[Translation]

PROF. PREM DHUMAL (Hamirpur): Mr. Speaker, Sir, I am on a point of order. It has been mentioned clearly in today's list of business that the debate was scheduled to commence at 4.00 p.m. under Rule 193 and the present issue was scheduled to be passed without any discussion. Had it been allowed, we would have also participated in it.

[English]

MR. SPEAKER: I uphold your point of order and I extend the time for the discussion.

SHRI SRIKANTA JENA: The point is, while making my position very clear about the intention of the Bill which was passed by the Tamil Nadu Assembly, I want a total protection to this Bill. Let it not go in such a manner that tomorrow it will be nowhere; then, we will be a laughing stock.

Sir, I had given my amendment. I do not know, why it was not admitted. According to my amendment:

"Any such Act providing 50 per cent reservations for OBCs in State Government jobs and educational institutions exclusive of the statutory reservations for the Scheduled Castes and the Scheduled Tribes, where OBC population exceeds 50 per cent and in the opinion of the State Legislature, they remain socially and educationally backward, is passed in future.

That means, tomorrow, there will be no restriction as far as Bihar, Orissa

and Madhya Pradesh Assemblies are concerned.

MR. SPEAKER: Will that be included in the Ninth Schedule? What do you want?

SHRI SRIKANTA JENA: Sir, I just wanted to know from the Minister, from the Union Government as to what is their position on this issue.

I would like to be clarified on this issue why the hon. Minister has put the judgement of the Supreme Court in the case of Mandal in the Statement of Objects and Reasons in a haphazard way and not the full text of the judgement. The Supreme Court has said that reservations should not exceed 50 per cent and it can also exceed 50 per cent in special cases.

In Orissa, the population of SC and ST is 40 per cent and OBC is 54 per cent. That means there is a total population of 94 per cent SC and ST and OBC in Orissa. What is the reservation today? If 40 per cent goes to the SC and ST, only 10 per cent is left to the OBCs. Tomorrow, if their population is 42 per cent, then it will be reduced to 8 per cent. Ninety four per cent of the total population of Orissa belongs to SC and ST and OBCs. It is the same case with the State from where respected Shri Arjun Singh comes, that is Madhya Pradesh, where the reservation for OBCs is 12 per cent but the population is more than 54 per cent.

That is why, a comprehensive Bill has to be there. Otherwise, this will end in a chaos.

SHRI CHANDRA JEET YADAV (Azamgarh): Sir, I wholeheartedly support

the Constitution (Eighty-fifth Amendment) Bill which makes a provision for 60 per cent reservation in Tamil Nadu to be included in the Ninth Schedule. Mr. Speaker, Sir, I think that you know much better than we know that many South Indian States, specially Tamil Nadu, Kerala and even your State, Maharashtra, were the pioneering States in the social reform struggle, in social justice struggle and also in championing the cause of the weaker sections of our society and the reservation really is the result of that struggle. The weaker sections of the society were not represented in the Government machinery and, therefore, they were subjected to many injustices. It is not after Independence but much before we got our freedom that as a result of the struggle of the people of South India that reservation was accepted as one of the State policies. In Karnataka, reservation was given in the 19th century by the Maharashtra of Mysore. Then the great leader, the social reform leader, Shri Ramaswami Periyar led the struggle in Tamil Nadu and ultimately the people of Tamil Nadu got the reservation before Independence, in 1921.

Now we are talking of Supreme Court. It is unfortunate that the Supreme Court while interpreting reservation, struck down reservation in 1950 and they said that reservation is against the principle of equality and the principle of equal opportunity. Under Article 14 of the constitution, they said that reservation is not valid and they struck down.

Then this Parliament asserted the right of the people and then Prime Minister Pandit Jawaharlal Nehru himself moved the amendment. The first amendment of the Indian Constitution was on the issue of reservation and was moved by Pandit Jawaharlal Nehru. It was drafted by Dr. Bhimrao Ambedkar

but Panditji said "You are the Law Minister. You come from the weaker section. Let me move this amendment so that the country may know that this is our national policy." Pandit Jawaharlal Nehru moved the first amendment to the Indian Constitution and Articles 15 and 16 were amended and Article 16(4) was added. Therefore, this is the result of a great struggle and because of that, this reservation policy has been accepted.

Now the question is that there are problems. Shri Arjun Singhji is here. He has been a great champion for the reservation of backward classes and weaker sections.

I would like to congratulate, first, the people of Tamil Nadu who have really fought throughout for the reservation issue. This struggle was led by Periyar, then by Shri Annadurai, and then led by Shri MGR, by Shri Karunanidhi and is now led by Shri K. Veeramani D.K. Reader also. The Tamil Nadu Assembly deserves congratulations. All Parties in the Tamil Nadu Assembly unanimously passed a Resolution. They unanimously passed an Act. Then, the present Chief Minister Ms. Jayalalitha led an All-Party delegation to Government of India and met the Prime Minister and the President of India. Ultimately, all the Parties here also supported it. Because of the support of all the Parties, the President of India was able to give his assent. In view of that, now this Constitution (Amendment) Bill has been brought forward to put the reservation in Ninth Schedule of Constitution.

Sir, Shri Indrajit Gupta raised two points. First, he wanted to know whether the Government of India is sure that this provision would not be struck down.

MR. SPEAKER: That is really the germane point.

SHRI CHANDRA JEET YADAV: That is the main point. That is a very major point. I was also present in a meeting where the Law Minister held a different view. He said that the judgement of the Supreme Court in connection with the 50 per cent reservation is mandatory. He also said that the Supreme Court would go into this question and judge, scrutinise the desirability of this amendment to include the provision in the Ninth Schedule at a time when the main issue is again pending before the Supreme Court. The Supreme Court, in its interim judgement, has said that it cannot go beyond 50 per cent. Now, you are bringing this Amendment forward to put it in the Ninth Schedule. We are a supporting it. It is because we thought that the people of Tamil Nadu who enjoyed the 69 per cent reservation benefit for many years even before the judgement of the Supreme Court, should not be denied that right. Therefore, we are supporting it. But the question is: Why did you not think along with that to bring a comprehensive Constitutional Amendment to amend Articles 14, 15 and 16? Why did you not bring that? That was the most important thing. If you are sincere that the reservation should be beyond 50 per cent, as we are doing it now, if you have amended that, then that will not be stopped. It will create a precedent. The other States will be justified in giving this benefit. It is not that Shri Indrajit Gupta is supporting or CPM is supporting it because the people enjoyed 69 per cent reservation and therefore that right should not be taken away. The question is that what is position of 85 per cent population what is the position in respect of reservation today? The Backward Classes, the Scheduled Caste, the Scheduled Tribe and the minorities

contribute 85% of our population. Certain minorities are also going to be benefited by this reservation based on the recommendations of the Mandal Commission, that is, those who are treated as Muslims backwards. But what is the position today? In respect of the Scheduled Castes, the Scheduled Tribes, the reservation is to the extent of 22.5 per cent. Even after 43 years of Constitution in force, only 10 per cent of that benefit has been given. They have not enjoyed the total reservation benefit. The population of the backward classes is 52 per cent and they get only four per cent. Even today, only four per cent of them are there in Government services. The population of Muslims is to the extent of 11-12 per cent whereas their share in the administration is only one per cent. Therefore, 85 per cent people have got only 15 per cent share in the Government service. I would like to make it very clear. It is not a question of only jobs. It is a question of sharing power. In a democracy, if the people do not share power, if they do not have the share in the governance of their country, in the Bodies which make laws, policies, programmes, which implement those policies and programmes, then democracy will become only a farce.

Therefore, this is a major principle that sharing power in a democracy is a fundamental right of the people of this country. This reservation is a fundamental right of the weaker sections of the society. I will request Shri Sitaram Kesri about this matter. Today, we will pass it. I do not want to create any hurdle.

Mr. Speaker, You have rightly mentioned that we are a legislative body. We only pass the acts and laws. The interpretation is with the Supreme Court. It is important because it is a case of

justice. Therefore, we should pass it today. But the Government should come forward again with a comprehensive constitutional amendment on the issue of reservation in the next session. Otherwise, courts are going to create problems. Those who never accepted reservation as a matter of principle are trying to find out excuses, and opportunities to oppose it.

Shri Atal Bihari mentioned today that in Uttarkhand, the population of backward classes is two or three or four per cent. And because of 27 per cent reservation, the problem has now been created. We said, we cannot have reservation on a district or a *taluka* basis. There has to be a policy which has to be normally accepted.

I want to remind Shri Sitaram Kesriji that this Government has also accepted in principle that the economically poor from the upper caste people, who are not getting jobs, should also get some reservation. There was a provision of ten per cent reservation. There was a provision of ten per cent reservation. The Supreme Court struck it down. Why did it happen? Every time you say that there should be economic criterion. The Supreme Court said, "No, in the present Constitution, there is no provision." The backwardness will be decided only on the basis of social and educational backwardness and not on the basis of economic backwardness. They used these words in the judgment:

"A cluster of castes in this country becomes a class."

That is the exact phraseology used in a Supreme Court judgment. If you want to give some reservation, I support that poor people among the upper castes

should also get some reservation. You have to bring an amendment. You have to amend the Constitution. Otherwise, in the light of the judgment of the Supreme Court, you cannot give reservation to them. Therefore, I am saying that there is a need to bring a comprehensive constitutional amendment.

The question of Scheduled Castes and Scheduled Tribes has been raised. The Supreme Court has said that after five years, there will be no reservation in promotions for SC ST. You made a statement. Now you have issued a circular. Why did you not go to appeal in the Supreme Court? Why did you not go for revision that this was not the issue before the Supreme Court. And the Supreme Court should not have expressed its opinion on SC ST promotion issue. You should have gone for revision. You did not go because you did not want that the judgment should be reviewed and the Scheduled Caste and the Scheduled Tribe people should get benefit of promotion. Therefore, I am saying that because of the weaknesses or because of the wrong thinking or confused thinking or maybe a deliberate thinking, you want to do something. You want to do only lip-service. You want to do something only on the paper. But you do not want to sincerely implement it and give the real benefit to the people. Government is wrong approach and confusion create a lot of problems ultimately resulting in a movement. My request is let us include it in the Ninth Schedule. But in the winter session, you would have a detailed consultation and bring forward a comprehensive constitutional amendment bill so that those people, to whom reservations have been given, should get the real and full benefits.

SHRI P.G. NARAYANAN
(Gobichettipalayam): Mr. Speaker Sir,

[Shri P.G. Narayanan]

this historic Constitution (Amendment) Bill is brought here with the good intention of protecting the reservation policy which is being implemented in the State of Tamil Nadu for the past several years. First of all, in order to maintain the status quo and in order to avoid judicial challenge, this Bill is a must. Moreover, this is a matter of great social concern. In Tamil Nadu, 88 per cent of the population belongs to the backward classes and the Scheduled Castes. So, to ensure social justice and upliftment of the downtrodden people of our society, the continuance of 69 per cent of reservation is absolutely necessary.

We know fully well that even if this Reservation Act were included in the Ninth Schedule, it is still open to attack or challenge. But we can get some relief through this measure. Full safety in this regard can be obtained only when the Constitution Amendment Bill under Article 15 and 16 is effected to confer powers on the States to determine the quantum of reservation according to population and other related local factors. I may mention here that for that purpose, I am going to introduce a Private Members' Bill tomorrow to amend Articles 15 and 16.

Sir, this Bill has already been passed in the Rajya Sabha. It is agreed to among all the political parties that this Bill should be passed without any discussion. So, let us not enter into any controversy. I appeal to all the political parties to support this Bill unanimously.

MR SPEAKER: I wonder whether this amounts to passing the Bill 'without any discussion'!

SHRI P.G. NARAYANAN: I thank all the political parties. And I also thank the Government and the Prime Minister of India for bringing forward this Bill.

MR. SPEAKER: Let us understand one thing very clearly. A bill has been passed by the Tamil Nadu Legislative Assembly. And this Government is trying to put it in the Ninth Schedule. This is the relevant issue. You cannot cover the entire issue of reservations. If you are to cover the issue of reservations in Government service, private service, in trade, in industry and so on, it becomes unlimited.

SHRI SITARAM KESRI: How long shall we continue with this?

MR. SPEAKER: I don't know. The Members should realise what I am saying.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker Sir, on behalf of the Telugu Desam Party, I rise to lend my wholehearted support to this Constitution (Amendment) Bill which intends to protect the interests of the Scheduled Castes, Scheduled Tribes and other Backward Classes in Tamil Nadu by giving effect to 69 per cent of reservation in the State of Tamil Nadu as passed by the Legislative Assembly. I do not wish to repeat what my friends have already said. I fully agree with the views expressed by Shri Ram Vilas Paswan, Shri Indrajit Gupta and other hon. Members who spoke prior to me. I only request the hon. Minister to come forward with a comprehensive Constitution (Amendment) Bill in the coming Session, giving scope to protect reservations which are in vogue in different States with varying percentages because of the variation of population with regard to their educational and social backwardness.

So, the Government of India should take these things into cognizance and come forward with a comprehensive legislation.

[English]

I would like to mention just one more point. There is a strong feeling presently among the people of this country that economically poor people belonging to the so called advanced sections of the society must also be given the benefit of reservation. To achieve that end, the Government should request the Supreme Court to reconsider the Full Bench judgment if necessary, so that justice is done to the weaker sections of the society.

I once again congratulate the Government of Tamil Nadu for initiating this step to protect the interests of the Scheduled Castes, Scheduled Tribes and other Backward Classes of Tamil Nadu. I also congratulate this Government for giving assent to this Bill.

[Translation]

SHRI ANADI CHARAN DAS (Jaipur): Mr. Speaker Sir, I support the Constitution Amendment Bill. The Hon. Minister deserves congratulations for it. You are going to implement it in Tamil Nadu. Arrangements should be made in other States also. The Welfare Ministry should give direction in this regard and it should be included in the Ninth Schedule.

The lacunae in the reservation policy should be removed. The Railways have a separate policy in regard to reservation. There is no reservation in the Science and Technology Department. A comprehensive Bill regarding reservation should be brought after removing all the lacunae.

SHRI P.C. THOMAS (Muvattupuzha): Sir, on behalf of my party, Kerala Congress, I support this Bill. I would like to applaud the wisdom of the Constitution makers for making a provision in the Ninth Schedule for giving protection to such welfare measures. I am sure, even though, it is put in the Ninth Schedule, it is open to challenge. Articles 15 and 16 have been challenged because of the present move of the Government and the legislature. I am sure, the arms of Parliament are strong and long enough to frame further laws and can bring about further changes in Articles 15 and 16.

My intention is not to make a long speech, but I would like to make one point. There are other classes of people also in the society who are urgently in need of reservation, protection and other welfare measures. There are persons who have changed their faith. For example, when persons professing Christianity change their faith or religion from Hinduism are denied the rights of Scheduled Caste. This is just because he has a different faith. I think, this cannot be allowed in a secular State like India where every person has a right to profess any faith. By changing faith alone, their status as Harijans does not change. This is also an aspect, which I would like to put at this stage before this House for consideration.

I, once again, support this move. I congratulate the people of Tamil Nadu, the Chief Minister of Tamil Nadu, all the Political parties of Tamil Nadu and also the Government, the Prime Minister and all concerned for bringing forward this historic Bill. Thank you.

DR. KARTIKESWAR PATRA (Balasore): I congratulate the Central Government for bringing this Amendment Bill. The intention of the Government in passing this Bill is very clear. We intend to protect the Bill as passed by Tamil Nadu Government, which was challenged in the Supreme Court.

Sir, dating back to 1921, in history we find that Tamil Nadu had its own reservation for Scheduled Castes, Scheduled Tribes and backward people for. We are passing this Amendment Bill—amendment to the Ninth Schedule—only to protect the Tamil Nadu Bill. One thing which is very clear is that the Tamil Nadu Government and its Legislative Assembly unanimously resolved to call upon the Central Government to protect this Bill. Therefore, it is our prime duty to protect this Bill. This august House, which is the supreme legislative body, should come forward for the rescue of the Tamil Nadu Government. I earnestly appeal to the Members of Parliament to give their full support to this Bill.

PROF. P.J. KURIEN (Mavelikara): Sir, we were told that there will be no discussion on it and immediately after the Zero Hour there will be voting on it. I did not even go for lunch thinking that at any time voting may be there. And now we find that this discussion is going on in the House. I wonder what all is going on. I have no objection for a discussion but I did not even go for lunch thinking that there may be voting at any time. Let us put it to vote. All are supporting.

MR. SPEAKER: Please do not show that your lunch is more important than this Bill.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Speaker, Sir, our party welcomes the law regarding reservation enacted by the Tamil Nadu Legislative Assembly for inclusion in the Ninth Schedule of the Constitution and we welcome the reservation also. All of us want that social justice should be there and each section of the society should have its share in the Government.

We would like to congratulate the Legislative Assembly of Tamil Nadu and all of us also deserve congratulations. But through you I would like to warn the Government about a danger. The alluring slogans of social justice which are being raised to create vote banks are poisoning the society in the name of casteism. These are adversely affecting harmony in the entire society and spoiling its entire fabric of unity. These are creating differences among the forwards and backwards which are more dangerous for the nation than the communalism. This will disintegrate the entire society and will create a feeling of hatred among the people. While supporting the reservation and the social justice, we should also remember the countless sacrifices of our freedom fighters which were not made merely for the construction of a society based on casteism. Casteism in several cases is now becoming an obstacle in the way of democracy.

Therefore, my submission, through you to the Government is that while on one hand reservation should be for our welfare and it should provide social justice to all the sections of the society on the other hand it should not take the shape of Bhasmasur and create a ditch in the society in future.

[English]

SHRI PRATAP SINGH (Banka): I rise to support this Bill. During the course of discussion today very many good points have been made by a number of my colleagues. Some of them were definite points. Both Shri Ram Vilas Paswan and Nitish Kumarji made a couple of suggestions. One was that perhaps it may not be a bad idea to uniformly give quota of reservation on the basis of actual population figure of different communities of this country. It is a fair thing to do.

Apart from that, Nitish Kumarji made another very valuable suggestion, that is there should be a caste-wise census made in this country as soon as possible. This is absolutely necessary. I feel this is not such an impossible task. You will recall that a few years ago in Turkey census was conducted throughout the length and breadth of the country and it was concluded within one day.

MR. SPEAKER: Let us confine ourselves to India alone.

SHRI PRATAP SINGH: They imposed curfew throughout the country in Turkey and by 4.00 p.m. the entire picture of the population was made available. So, I feel these two suggestions are extremely valid and could be emulated here as well.

While I rise in full support of this Bill and I would like to see it as an Act, I would nevertheless feel that for the future it will be worthwhile to consider having a caste-wise census. Although it appears to be a retrograde step, it is actually not going to be so. There are some suggestions which came up during the course of the discussion. A demand

was made that the minority communities should also get a reservation of 11 per cent. In my opinion, Sir, this will create further problems because if we are going to start giving it on the basis of religion it becomes a separate issue altogether. If it is going to be on the basis of caste let it be so. But, if it is going to be on the basis of minority representation in this country, then why should we forget about the Buddhist community, the Jain community and other such communities which exist in this country? This will raise complications of many sorts. Perhaps the suggestion has come forth from the other side of the House and it may not be a bad one that while it may be too difficult to find a solution to this side of the problem. It may be easier if you just decide out of the entire cake what percentage do you really wish to give to the forward community. Decide the format. It may be 5 per cent, may be less or may be more. Settle that account first. The balance of the cake is with you and then you decide how it should be done. I feel, Sir, that that would be a fair method of doing it.

[Translation]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Speaker Sir, while supporting this Bill, I would like to say only one thing. Those who are against reservation, raise the bogey of casteism when the question of Harijans, the Scheduled Tribes and the Backward Classes comes up and they say that it encourages casteism. Our Constitution talks of only class and not caste. Here the questions are raised about the class, about Backward Classes or about Scheduled Castes and the Scheduled Tribes. Such people raise the question of casteism only to derail the issue so that the reservation may not be

[Shri Vijoy Kumar Yadav]

implemented, but they are supporting it due to political compulsions. Such things are going on.

SHRI SHARAD YADAV (Madhepura): Mr. Speaker Sir, even in the meeting of all the opposition parties, when this issue was raised, I had said this much. I would not like to go into the details of the discussion held in the House. My submission is that it appears from the whole discussion that perhaps we are more confused about the social policy than any other policy. You have rightly asserted that it is concerned about the Bill which has come from Tamil Nadu, but it is also a fact of the History that the Constitution Amendment was made in the part due to Tamil Nadu only. The amendment which has been brought due to Tamil Nadu movement is being kept limited to a State only. When the discussion was held with the Government, Vajpayeeji was also present there. I had repeatedly said that a comprehensive Bill should be brought after holding a detailed discussion on it and other States should also be taken into consideration since it will not be fair if it is confined to a single State only. May be that you receive complaint tomorrow. I would like to say that our ancestors of 1952 were more wise. We people some how want to save our skin immediately from the crisis then you should do so.

I welcome this Bill and support it but I would like to warn that whatever we are doing now will make our future complicated. With these words, I conclude and support this Bill.

SHRI SITARAM KESRI: Sir, I would like to begin with the last word of Sharad Yadavji. He has said that the zeal of the people has gone down as compared to

1952 and all the parties are sailing in the same boat in this regard. The second question has been raised that whether the Amendment Bill brought about Tamil Nadu will be implemented in other States or not then it is clear that it is for a State and if the other State brings it then it will be pondered over and that will be implemented there also. Thirdly, Shri Chandra Jeet Yadav has pointed out that Atalji has said that where there are 2 per cent Backwards, how 27 per cent can be given..... (Interruptions)

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, the things which I have not said are being raised here.

SHRI SITARAM KESRI: Then I am to say nothing.

SHRI ATAL BIHARI VAJPAYEE: Yadavji, has said that I had said so and now you are saying that I had said so... (Interruptions).

SHRI SITARAM KESRI: No, I am not saying. I have said that Yadavji has mentioned that Atalji has raised the issue of 2 per cent (Interruptions)....

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I have been keeping mum throughout the discussion but my name is being mentioned time and again, so, it is an act of inciting me. Mr. Speaker, Sir, I agree to the fact that reservation in different districts can not be different. Therefore, we are insisting that if a new policy is to be formulated regarding reservation in Uttaranchal then it should be made a separate State and that policy should be determined at that stage. So long as Uttaranchal is a part of Uttar Pradesh, the problem will remain as such but a solution has been found

that unless a separate State is formed it should be post-poned for sometime and a solution should be found out of the circumstances prevailing presently.

SHRI SITARAM KESRI: Sir, my submission is that if such type of movements are not launched at present and are not encouraged, then it will reduce the social clash. The way society is heading towards social clashes, the issue of reservation is not related to a particular person or caste but it is the question of 3,700 castes and this hunger is growing among them also and you will find the differences there also.

Politics of encroachment is going on and these people wish to grab the share of reservation given to 3700 castes. All these issues are before us. Therefore, at this juncture we cannot say anything specific on it. The question raised by Shri Ram Vilas Paswan is not related to it. The question was that Supreme Court has given its judgement that reservation in promotion being given to SC/ST will be discontinued after five years. I have given assurances to the house so many times and have promised that it will be amended by consensus of the Members *(Interruptions)*

SHRI RAM VILAS PASWAN (Posera): By when it will be done? *(Interruptions)*

SHRI SITARAM KESRI: It will be done when you will be in your seats.

SHRI RAM VILAS PASWAN: I am there all the time *(Interruptions)*

SHRI SITARAM KESRI: It will be done when you all will take your seats. I would like to say that as Shri Paswan

has said the issue of reservation would cause tension and conflict. I doubt it, because people who are in favour of reservation and who fight for social justice are fighting with each other to the extent that I doubt that this fight for social justice can continue for long. I am a straight forward person and believe in social justice not from today but since 1930 when I joined politics. I still remember that Resolution for fundamental Rights was adopted in 1931 under the chairmanship of Sardar Patel. The issue of reservation was raised in 1932 during the period of Mahatma Gandhi. I would like to say that the issue of reservation is not new but it requires consensus. Chandrajeet Yadav has rightly said that it is a question of Missionary sentiments. Sharad Yadav ji also has rightly said that lack of enthusiasm for it since 1952 is responsible for it. It is therefore; not justified to put blame on us. Instead of raising the issue in Lok Sabha, try to get the consensus. It is not being done. I would like to say that your voice is low and raising it here is not useful. It is not being raised at appropriate place.

Thirdly I am happy that members of all the political Parties have decided to pass this Bill, without any debate and Members from Rajya Sabha have done so. I congratulate the members of the Parliament in Lok Sabha who expressed their views on it. The people of the country should not be kept in dark about any decision taken by their representatives. I thank you all for discussing this issue and raising some points about it. I request you all to pass this Bill.

[English]

MR. SPEAKER: Before I put the motion for consideration to the vote c

[Mr. Speaker]

The question is:

the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration".

17.00 hrs.

Let the lobbies be cleared—

Now, the Lobbies have been cleared.

The Lok Sabha divided:

17.05 hrs.]

[Division No. 1

AYES

Abdul Ghafoor, Shri

Baitha, Shri Mahendra

Acharia, Shri Basudeb

Balayogi, Shri G.M.C.

Adaikalaraj, Shri L.

Bansal, Shri Pawan. Kumar

Advani, Shri Lal K.

Barman, Shri Palas

Agnihotri, Shri Rajendra

Barman, Shri Uddhab

Ahmed, Shri Kamaluddin

Basu, Shri Chitra

Aiyar, Shri Mani Shankar

Bhagat, Shri Vishweshwar

Ajit Singh, Shri

Bhakta, Shri Manoranjan

Arıbarasu Era, Shri

Bhandari, Shrimati Dil Kumari

Anjalose, Shri Thayil John

Bhardwaj, Shri Paras Ram

Ansari, Shri Mumtaz

Bhatia, Shri Raghunandan Lal

Antulay, Shri A.R.

Bhattacharya, Shrimati Malini

Arunachalam, Shri M.

Bhoi, Dr Krupasindhu

Asokaraj, Shri A.

Bhonsle, Shri Prataprao B.

Athithan, Shri R. Dhanuskodi

Bhuria, Shri Dileep Singh

Ayub Khan, Shri

Birbal, Shri

Brar, Shri Jagmeet Singh

Das, Shri Dwaraka Nath

Buta Singh, Shri

Das, Shri Jitendra Nath

Chakraborty, Prof. Susanta

Das, Shri Ram Sunder

Chaliha, Shri Kirip

Deka, Shri Probin

Chandrakar, Shri Chandulal

Delkar, Shri Mohan S.

Chandrasekhar, Shrimati
Maragatham

Dennis, Shri N.

Charles, Shri A.

Deshmukh, Shri Anantrao

Chatterjee, Shri Nirmal Kanti

Deshmukh, Shri Chandubhai

Chatterjee, Shri Somnath

Dey, Shri Sontosh Mohan

Chaudhary, Sqn. Ldr. Kamal

Devarajan, Shri B.

Chaudhri, Shri Narain Singh

Dhumal, Prof. Prem

Chaure, Shri Babu Hari

Dighe, Shri Sharad

Chavan, Shri Prithviraj D.

Diwan, Shri Pawan

Chavda, Shri Ishwarbhai Khodabhai

Dome, Dr. Ram Chandra

Chennithala, Shri Ramesh

Drona, Shri Jagat Vir Singh

Chinta Mohan, Dr.

Dubey, Shrimati Saroj

Choudhary, Shri Ram Tahal

Farook, Shri M.O.H.

Choudhury, Shri Lokanath

Fatmi, Shri Mohammad Ali Ashraf

Choudhury, Shri Saifuddin

Fundkar, Shri Pandurang Pundlik

Choudhary, Shrimati Santosh

Gajapathi, Shri Gopi Nath

Dadahoor, Shri Gurcharan Singh

Galib, Shri Gurcharan Singh

Dalbir Singh, Shri

Gamit, Shri Chhitubhai

Damor, Shri Somjibhai

Gangwar, Dr. P.R.

Das, Shri Anadi Charan

Gangwar, Shri Santosh Kumar

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| Gautam, Shrimati Sheela | Jayamohan, Shri A. |
| Gavit, Shri Manikrao Hodlya | Jena, Shri Srikanta |
| Gehlot, Shri Ashok | Jha, Shri Bhogendra |
| Ghatowar, Shri Paban Singh | Jhikram, Shri Mohanlal |
| Girija Devi, Shrimati | Joshi, Shri Dau Dayal |
| Gogoi, Shri Tarun | Kahandole, Shri Z.M. |
| Gomango, Shri Giridhar | Kale, Shri Shankarrao D. |
| Gopalan, Shrimati Suseela | Kuliaperumal, Shri P.P. |
| Gudadinni, Shri B.K. | Kalka Das, Shri |
| Gundewar, Shri Vilasrao Nagrathrao | Kamal, Shri Shyam Lal |
| Gupta, Shri Indrajit | Kamal Nath, Shri |
| Handique, Shri Bijoy Krishna | Kamat, Shri Gurudas |
| Harchand Singh, Shri | Kamble, Shri Arvind Tulshiram |
| Hooda, Shri Bhupinder Singh | Kamson, Prof. M. |
| Hossain, Shri Syed Masudal | Kanaujia, Dr. G.L. |
| Imchalemba, Shri | Kanithi, Dr. Viswanatham |
| Inder Jit, Shri | Karreddula, Shrimati Kamala Kumari |
| Islam, Shri Nurul | Kashwan, Shri Ram Singh |
| Jakhar, Shri Balram | Kasu, Shri Venkata Krishna Reddy |
| Janarthanam, Shri M.R. Kadambur | Katheria, Shri Prabhu Dayal |
| Janghir Singh, Shri | Kesri Lal, Shri |
| Jangde, Shri Khelan Nam | Kewal Singh, Shri |
| Jatiya, Shri Satynarayan | Khan, Shri Aslam Sher |
| Jawali, Dr. B.G. | Khan, Shri Sukhendu |

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| Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra | Mallikarjunaiah, Shri S. |
| Khanna, Shri Rajesh | Mallu, Dr. R. |
| Khanoria, Major D.D. | Mandal, Shri Brahmanand |
| Khursheed, Shri Salman | Mandal, Shri Sanat Kumar |
| Konathala, Shri Rama Krishna | Mandal, Shri Suraj |
| Kori, Shri Gaya Prasad | Manjay Lal, Shri |
| Krishna Kumar, Shri S. | Manphool Singh, Shri |
| Krishnaswamy, Shri M. | Marbaniang, Shri Peter G. |
| Kuli, Shri Balin | Mathew, Shri Pala K.M. |
| Kumar, Shri Nitish | Mathur, Shri Shiv Charan |
| Kumar, Shri V. Dhananjaya | Meena, Shri Bheru Lal |
| Kumarsamy, Shri P. | Mirdha, Shri Nathu Ram |
| Kumaramangalam, Shri Rangarajan | Mishra, Shri Ram Nagina |
| Kuppuswamy, Shri C.K. | Mishra, Shri Satyagopal |
| Kurien, Prof. P.J. | Misra, Shri Shyam Bihari |
| Lakshmanan, Prof. Savithri | Mollah, Shri Hannan |
| Laljan Basha, Shri S.M. | Mukherjee, Shri Pramathes |
| Madhukar, Shri Kamla Mishra | Mukherjee, Shri Subrata |
| Mahajan, Shrimati Sumitra | Munda, Shri Govinda Chandra |
| Mahato, Shri Bir Singh | Muniyappa, Shri K.H. |
| Malik, Shri Dharampal Singh | Muralee Dharan, Shri K. |
| Malik, Shri Puma Chandra | Murmu, Shri Rup Chand |
| Mallikarjun, Shri | Murthy, Shri M.V. Chandrashekhara |
| | Murugesan, Dr. N |

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| Muttemwar, Shri Vilas | Patel, Shri Uttambhai Harjibhai |
| Nailkar, Shri D.K. | Pathak, Shri Surendra Pal |
| Nandi, Shri Yellaiah | Patidar, Shri Rameshwar |
| Narayanan, Shri P.G. | Patil, Shrimati Pratibha Devisingh |
| Nayak, Shri Mrutyunjaya | Patil, Shrimati Surya Kanta |
| Nayak, Shri Subash Chandra | Patil, Shri Uttamrao Deorao |
| Netam, Shri Arvind | Patil, Shri Vijay Naval |
| Nikam, Shri Govindrao | Patra, Dr. Kartikeswar |
| Oraon, Shri Lalit | Pattanayak, Shri Sarat |
| Padma, Dr. (Shrimati) | Pawar, Dr. Vasant Niwruiti |
| Pal, Dr. Debi Prasad | Peruman, Dr. P. Vallal |
| Pal, Shri Rupchand | Pilot, Shri Rajesh |
| Palacholla, Shri V.R. Naidu | Potdukhe, Shri Shantaram |
| Pandeya, Dr. Laxminarayan | Prabhu, Shri R. |
| Pandian, Shri D. | Prabhu Zantye, Shri Harish Narayan |
| Panigrahi, Shri Sriballav | Pradhani, Shri K. |
| Panwar, Shri Harpal | Pramanik, Prof. R.R. |
| Paswan, Shri Chhedi | Prasad, Shri V. Sreenivasa |
| Paswan, Shri Ram Vilas | Purkayastha, Shri Kabintra |
| Paswan, Shri Sukdeo | Rahi, Shri Ram Lal |
| Patel, Shri Harilal Nanji | Rai, Shri Kalp Nath |
| Patel, Shri Ram Pujan | Rai, Shri Lall Babu |
| Patel, Shri Shriavan Kumar | Rai, Shri M. Ramanna |
| Patel, Shri Somabhai | Rai, Shri Nawal Kishore |

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| Rai, Shri Ram Nihor | Reddy, Shri G. Ganga |
| Raj Narain, Shri | Reddy, Shri M. Baga |
| Rajaravivarma, Shri B. | Reddy, Shri M.G. |
| Rajendra Kumar, Shri S.S.R. | Reddy, Shri R. Surender |
| Rajesh Kumar, Shri | Roshan Lal, Shri |
| Rajeshwaran, Dr. V. | Roy, Shri Haradhan |
| Rajeswari, Shrimati Basava | Roypradhan, Shri Amar |
| Rajulu, Dr. R.K.G. | Sadul, Shri Dharmanna Mondayya |
| Ram, Shri Prem Chand | Sahi, Shrimati Krishna |
| Ram Babu, Shri A.G.S. | Saikia, Shri Muhi Ram |
| Ram Badan, Shri | Sait, Shri Ebrahim Sulaiman |
| Ram Singh, Shri | Sajjan Kumar, Shri |
| Ramasamy, Shri R. Naidu | Saleem, Shri Mohammad Yunus |
| Ramchandran, Shri Mullappally | Sangma, Shri Purno A. |
| Rana, Shri Kashiram | Sanipalli, Shri Gangadhara |
| Rao, Shri J. Chokka | Sarode, Dr. Guntant Rambhau |
| Rao, Ram Singh, Col. | Sawant, Shri Sudhir |
| Rathva, Shri N.J. | Sayeed, Shri P.M. |
| Rawat, Shri Bhagwan Shankar | Sethi, Shri Arjun Charan |
| Rawat, Shri Prabhu Lal | Shakya, Dr. Mahadeepak Singh |
| Rawat, Prof. Rasa Singh | Shankaranand, Shri B. |
| Ray, Shri Rabi | Sharma, Shri Chiranji Lal |
| Reddy, Shri A. Venkata | Shastri, Shri Rajnath Sonkar |
| Reddy, Shri B.N. | Shastri, Shri Vishwanath |

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| Shelke, Shri Maruti Deoram | Sukh Ram, Shri |
| Shingda, Shri D.B. | Sukhbuns Kaur, Shrimati |
| Shukla, Shri Vidyacharan | Sultanpuri, Shri Krishan Dutt |
| Siddhartha, Shrimati D.K. Tharadevi | Sundararaj, Shri N. |
| Sidnal, Shri S.B. | Sur, Shri Manoranjan |
| Silvera, Dr. C. | Suresh, Shri Kodikkunnil |
| Singh, Shri Abhay Pratap | Swamy, Shri G. Venkat |
| Singh, Shri Arjun | Syed Shahabuddin, Shri |
| Singh, Shri Khelsai | Tara Singh, Shri |
| Singh, Shri Motilal | Thakur, Shri Mahendra Kumar Singh |
| Singh, Shri Pratap | Thangkabal, Shri K.V. |
| Singh, Kumari Pushpa Devi | Thomas, Prof. K.V. |
| Singh, Shri Ram Prasad | Thomas, Shri P.C. |
| Singh, Shri Ramashray Prasad | Thorat, Shri Sandipan Bhagwan |
| Singh, Shri Rampal | Thungon, Shri P.K. |
| Singh, Shri S.B. | Tindivanam, Shri K. Ramamurthee |
| Singh, Shri Satya Deo | Tiriya, Kumari Sushila |
| Singh, Shri Surya Narayan | Tomar, Dr. Ramesh Chand |
| Singh Deo, Shri K.P. | Tripathi, Shri Lakshmi Narain Mani |
| Singla, Shri Sant Ram | Trivedi, Shri Arvind |
| Sodi, Shri Manku Ram | Tytler, Shri Jagdish |
| Solanki, Shri Surajbhanu | Umbrey, Shri Laeta |
| Sreenivaasan, Shri C. | Umrao Singh, Shri |
| Sridharan, Dr. Rajagopalan | Urs. Shrimati Chandra Prabha |

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|-----------------------------|------------------------------|
| Vajpayee, Shri Atal Bihari | Yadav, Shri Ram Kripal |
| Vandayar, Shri K. T. | Yadav, Shri Ram Lakhan Singh |
| Varma, Shri Ratilal | Yadav, Dr. S.P. |
| Veerappa, Shri Ramchandra | Yadav, Shri Satya Pal Singh |
| Verma, Shri Shiv Sharan | Yadav, Shri Sharad |
| Vijayaraghavan, Shri V.S. | Yadav, Shri Surya Narayan |
| Virendra Singh, Shri | Yadav, Shri Vijoy Kumar |
| Wasnik, Shri Mukul | Yumnam, Shri Yaima Singh |
| Yadav, Shri Chandra Jeet | Zainul Abedin, Shri |
| Yadav, Shri Devendra Prasad | |

NOES

* Shri A. Indrakaran Reddy

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

Ayes : 338

Noes : 001

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

The motion was adopted.

MR. SPEAKER: I think the Lobbies have already been cleared. I shall put the clause to the vote of the House.

(Interruptions)

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

Let the Lobbies be cleared—

(Interruptions)

MR. SPEAKER: Now the Lobbies have been cleared.

The question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided:

* Wrongly voted for NOES.

** The following Members also recorded their 'votes for Ayes'. Sarvashri B.M. Mujahid, R. Jeevarathnam, A. Indrakaran Reddy, P.C. Chacko, Swarup Upadhyay, B. Akber Pasha, Ram Saran Yadav, Shobhanadreeswara Rao Vadde, Dharamabhiksham, Mohan Singh (Deoria), N.K. Ballyan, Dr. Falguni Azam, Dileep Bhai Sanghani, Yoganand Saraswati and Kumari Frida Topno.

17.07 hrs.]

[Division No. 2

AYES

| | |
|------------------------------|-------------------------------|
| Abdul Ghafoor, Shri | Barman, Shri Palas |
| Acharia, Shri Basudeb | Barman, Shri Uddhab |
| Adaikalaraj, Shri L. | Basu, Shri Chitta |
| Advani, Shri Lal K. | Bhagat, Shri Vishweshwar |
| Agnihotri, Shri Rajendra | Bhakta, Shri Manoranjan |
| Ahmed, Shri Kamaluddin | Bhandari, Shrimati Dil Kumari |
| Aiyar, Shri Mani Shankar | Bhardwaj, Shri Paras Ram |
| Ajit Singh, Shri | Bhatia, Shri Raghunandan Lal |
| Akber Pasha, Shri B. | Bhattacharya, Shrimati Malini |
| Amar Pal Singh, Shri | Bhoi, Dr. Krupasindhu |
| Anbarasu R., Shri | Bhonsle, Shri Prataprao B. |
| Anjalose, Shri Thayil John | Bhuria, Shri Dileep Singh |
| Ansari, Shri Mumtaz | Birbal, Shri |
| Autulay, Shri A.R. | Brar, Shri Jagmeet Singh |
| Arunachalam, Shri M. | Buta Singh, Shri |
| Asokaraj, Shri A. | Chacko, Shri P.C. |
| Athithan, Shri R. Dhanuskodi | Chakrabarty, Prof. Susanta |
| Ayub Khan, Shri | Chaliha, Shri Kirip |
| Baitha, Shri Mahendra | Chandrakar, Shri Chandulal |
| Balayogi, Shri G.M.C. | Chandrasekhar, Shrimati. |
| Baliyan, Shri N.K. | Maragatham |
| Bansal, Shri Pawan Kumar | Charles, Shri A. |

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| Chatterjee, Shri Nirmal Kanti | Deshmukh, Shri Chandubhai |
| Chatterjee, Shri Somnath | Dev, Shri Sontosh Mohan |
| Chaudhary, Sqn. Ldr. Kamal | Devarajan, Shri B. |
| Chaudhri, Shri Narain Singh | Dharmabhiksham, Shri |
| Chaure, Shri Babu Hari | Dhumal, Prof. Prem |
| Chavan, Shri Prithviraj D. | Dighe, Shri Sharad |
| Chavda, Shri Ishwarbhai Khodabhai | Diwan, Shri Pawan |
| Chennithala, Shri Ramesh | Dome, Dr. Ram Chandra |
| Chinta Mohan, Dr. | Drone, Shri Jagat Vir Singh |
| Choudhary, Shri Ram Tahal | Dubey, Shrimati Saroj |
| Choudhury, Shri Lokanath | Faleiro, Shri Eduardo |
| Choudhury, Shri Saifuddin | Farook, Shri M.O.H. |
| Chowdhary, Shrimati Santosh | Fatmi, Shri Mohammad Ali Ashraf |
| Dadahoor, Shri Gurcharan Singh | Fundkar, Shri Pandurang Pundlik |
| Dalbir Singh, Shri | Gajapathi, Shri Gopi Nath |
| Damor, Shri Somjibhai | Galib, Shri Gurcharan Singh |
| Das, Shri Anadi Charan | Gamit, Shri Chhitubhai |
| Das, Shri Dwaraka Nath | Gangwar, Dr. P.R. |
| Das, Shri Jitendra Nath | Gangwar, Shri Santosh Kumar |
| Das, Shri Ram Sunder | Gautam, Shrimati Sheela |
| Deka, Shri Probin | Gavit, Shri Manikrao Hodlya |
| Delkar, Shri Mohan S. | Gehlot, Shri Ashok |
| Dennis, Shri N. | Ghatowar, Shri Paban Singh |
| Deshmukh, Shri Anantrao | Girija Devi, Shrimati |

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| Gogoi, Shri Tarun | Jhikram, Shri Mohanlal |
| Gomango, Shri Giridhar | Joshi, Shri Dau Dayal |
| Gopalan, Shrimati Suseela | Kahandole, Shri Z.M. |
| Gudadinni, Shri B.K. | Kale, Shri Shankarrao D. |
| Gundewar, Shri Vilasrao Nagnathrao | Kaliaperumal, Shri P.P. |
| Gupta, Shri Indrajit | Kalka Das, Shri |
| Handique, Shri Bijoy Krishna | Kamal, Shri Shyam Lal |
| Harchand Singh, Shri | Kamal Nath, Shri |
| Hooda, Shri Bhupinder Singh | Kamat, Shri Gurudas |
| Hossain, Shri Syed Masudal | Kamble, Shri Arvind Tulshiram |
| Imchalemba, Shri | Kamson, Prof. M. |
| Inder Jit, Shri | Kanithi, Dr. Viswanatham |
| Islam, Shri Nurul | Karreddula, Shrimati Kamala Kumari |
| Jaffer Sharief, Shri C.K. | Kashwan, Shri Ram Singh |
| Jakhar, Shri Balram | Kasu, Shri Venkata Krishna Reddy |
| Janarthanan, Shri M.R. Kadambur | Katheria, Shri Prabhu Dayal |
| Jangbir Singh, Shri | Kaul, Shrimati Sheila |
| Jangde, Shri Khelan Ram | Kesri Lal, Shri |
| Jatiya, Shri Satynarayan | Kewal Singh, Shri |
| Jawali, Dr. B.C. | Khan, Shri Aslam Sher |
| Jayamohan, Shri A. | Khan, Shri Sukhendu |
| Jeevarathinam, Shri R. | Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra |
| Jena, Shri Srikanta | Khanna, Shri Rajesh |
| Jha, Shri Bhogendra | Khanoria, Major D.D. |

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| Khursheed, Shri Salman | Mandal, Shri Suraj |
| Konathala, Shri Rama Krishna | Manjay Lal, Shri |
| Kori, Shri Gaya Prasad | Manphool Singh, Shri |
| Krishna Kumar, Shri S. | Marandi, Shri Krishna |
| Krishnaswamy, Shri M. | Marandi, Shri Simon |
| Kuli, Shri Balin | Marbaniang, Shri Peter G. |
| Kumar, Shri Nitish | Mathew, Shri Pala K.M. |
| Kumar, Shri V. Dhananjaya | Mathur, Shri Shiv Charan |
| Kumarasamy, Shri P. | Meena, Shri Bheru Lal |
| Kumaramangalam, Shri Rangarajan | Mirdha, Shri Nathu Ram |
| Kuppuswamy, Shri C.K. | Mirdha, Shri Ram Nagina |
| Kurien, Prof. P.J. | Misra, Shri Satyagopal |
| Lakshmanan, Prof. Savithri | Mishra, Shri Shyam Bihari |
| Laljan Basha, Shri S.M. | Mollah, Shri Hannan |
| Madhukar, Shri Kamla Mishra | Mukherjee, Shri Pramotes |
| Mahajan, Shrimati Sumitra | Mukherjee, Shri Subrata |
| Mahato, Shri Bir Singh | Munda, Shri Govinda Chandra |
| Malik, Shri Dharampal Singh | Muniyappa, Shri K.H. |
| Malik, Shri Purna Chandra | Muralee Dharan, Shri K. |
| Mallikarjun, Shri | Murmu, Shri Rup Chand |
| Mallikarjunaiah, Shri S. | Murthy, Shri M.V. Chandrashekhara |
| Mallu, Dr. R. | Murugesan, Dr. N. |
| Mandal, Shri Brahmanand | Muttemwar, Shri Vilas |
| Mandal, Shri Sanat Kumar | Naikar, Shri D.K. |

Nandi, Shri Yellaiah

Patidar, Shri Rameshwar

Narayanan, Shri P.G.

Patil, Shrimati Pratibha Devisingh

Nayak, Shri Mrutyunjaya

Patil, Shrimati Surya Kanta

Nayak, Shri Subash Chandra

Patil, Shri Uttamrao Deorao

Netam, Shri Arvind

Patil, Shri Vijay Naval

Nikam, Shri Govindrao

Patra, Dr. Kartikeswar

Oraon, Shri Lalit

Pattanayak, Shri Sarat Chandra

Padma, Dr. (Shrimati)

Pawar, Dr. Vasant Niwruitti

Pal, Dr. Debi Prosad

Peruman, Dr. P. Vallal

Patel, Shri Rupchand

Pilot, Shri Rajesh

Palacholla, Shri V.R. Naidu

Potdukhe, Shri Shantaram

Pundeya, Dr. Laxminarayan

Prabhu, Shri R.

Pandian, Shri D.

Prabhu Zantye, Shri Harish Narayan

Panigrahi, Shri Sriballav

Pradhani, Shri K.

Panwar, Shri Harpal

Pramanik, Prof. R.R.

Paswan, Shri Chhedi

Prasad, Shri V. Sreenivasa

Paswan, Shri Ram Vilas

Purkayastha, Shri Kabindra

Paswan, Shri Sukdeo

Rahi, Shri Ram Lal

Patel, Shri Harilal Nanji

Rai, Shri Kalp Nath

Patel, Shri Ram Pujan

Rai, Shri Lall Babu

Patel, Shri Shravan Kumar

Rai, Shri M. Ramanna

Patel, Shri Somabhai

Rai, Shri Nawal Kishore

Patel, Shri Uttambhai Harjibhai

Rai, Shri Ram Nihor

Pathak, Shri Surendra Pal

Raj Narain, Shri

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| Rajaravivarma, Shri B, | Reddy, Shri R. Surender |
| Rajendra Kumar, Shri S.S.R. | Roy, Shri Haradhan |
| Rajesh Kumar, Shri | Roypradhan, Shri Amar |
| Rajeshwaran, Dr. V. | Sadul, Shri Dharmanna Mondayya |
| Rajeshwari, Shrimati Basava | Sahi, Shrimati Krishna |
| Rajulu, Dr. R.K.G. | Saikia, Shri Muhi Ram |
| Ram, Shri Prem Chand | Sait, Shri Ebrahmim Sulaiman |
| Ram Babu, Shri A.G.S. | Sajjan Kumar, Shri |
| Ram Badan, Shri | Saleem, Shri Mohammad Yunus |
| Ram Singh, Shri | Sangma, Shri Purno A. |
| Ramasamy, Shri R. Naidu | Sanipalli, Shri Gangadhara |
| Ramchandran, Shri Mullappally | Sarode, Dr. Guntant Rambhau |
| Rana, Shri Kashiram | Sawant, Shri Sudhir |
| Rao, Shri J. Chokka | Sayeed, Shri P.M. |
| Rao, Ram Singh Col. | Sethi, Shri Arjun Charan |
| Rathva, Shri N.J. | Shakya, Dr. Mahadeepak Singh |
| Rawat, Shri Bhagwan Shaikar | Shankaranand, Shri B. |
| Rawat, Shri Prabhu Lal | Sharma, Shri Chiranji Lal |
| Rawat, Prof. Rasa Singh | Shastri, Shri Rajnath Sonkar |
| Ray, Shri Rabi | Shastri, Shri Vishwanath |
| Reddy, Shri A. Indrakaran | Shingda, Shri D.B. |
| Reddy, Shri B.N. | Shukla, Shri Vidyacharan |
| Reddy, Shri G. Ganga | Sidnal, Shri S.B. |
| Reddy, Shri M.G. | Silvera, Dr. C. |

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| Singh, Shri Abhay Pratap | Suresh, Shri Kodikkunnil |
| Singh, Shri Arjun | Swamy, Shri G. Venkat |
| Singh, Shri Khelsai | Syed Shahabuddin, Shri |
| Singh, Shri Mohan | Tara Singh, Shri |
| Singh, Shri Motilal | Thakur, Shri Mahendra Kumar Singh |
| Singh, Shri Pratap | Thangka Balu, Shri K.V. |
| Singh, Kumari Pushpa Devi | Thomas, Prof. K.V. |
| Singh, Shri Ram Prasad | Thomas, Shri P.C. |
| Singh, Shri Ramashray Prasad | Thorat, Shri Sandipan Bhagwan |
| Singh, Shri Rampal | Thungon, Shri P.K. |
| Singh, Shri S.B. | Tindivnam, Shri K. Ramamurthee |
| Singh, Shri Satya Deo | Tiriya, Kumari Sushila |
| Singh, Shri Surya Narayan | Tirkey, Shri Pius |
| Singh Deo, Shri K.P. | Tomar, Dr. Ramesh Chand |
| Singla, Shri Sant Ram | Topno, Kumari Frida |
| Sodi, Shri Manku Ram | Trivedi, Shri Arvind |
| Solanki, Shri Surajbhanu | Tytler, Shri Jagdish |
| Sreenivaasan, Shri C. | Umbrey, Shri Laeta |
| Sridharan, Dr. Rajagopalan | Umrao Singh, Shri |
| Sukh Ram, Shri | Upadhyay, Shri Swarup |
| Sukhbuns Kaur, Shrimati | Urs, Shrimati Chandra Prabha |
| Sultanpuri, Shri Krishan Dutt | Vadde, Shri Sobhanadreeswara Rao |
| Sundararaj, Shri N. | |
| Sur, Shri Manoranjan | |

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|-----------------------------|------------------------------|
| Vajpayee, Shri. Atal Bihari | Yadav, Shri Ram Lakhan Singh |
| Vandayar, Shri K. Thulasiah | Yadav, Shri Ram Saran |
| Varma, Shri Ratilal | Yadav, Dr. S.P. |
| Veerappa, Shri Ramchandra | Yadav, Shri Satya Pal Singh |
| Verma, Shri Shiv Sharan | Yadav, Shri Sharad |
| Vijayaraghavan, Shri V.S. | Yadav, Shri Surya Narayan |
| Virendra Singh, Shri | Yadav, Shri Vijoy Kumar |
| Wasnik, Shri Mukul | Yumnam, Shri Yaima Singh |
| Yadav, Shri Chandra Jeet | Zainal Abedin, Shri |
| Yadav, Shri Devendra Prasad | |
| Yadav, Shri Ram Kripal | |

NOES

*Shri Lakshmi Narain Mani Tripathi

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

Ayes: 349

Noes: 001

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

The motion was adopted.

MR. SPEAKER: The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

MR. SPEAKER: The question is:

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

The motion was adopted.

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

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Sir, I beg to move:

"That the Bill be passed".

MR. SPEAKER: Since the lobbies have already been cleared, I think we can put this clause to the vote of the House.

The question is:

"That The Bill be passed".

The Lok Sabha divided:

* Wrongly voted for NOES

** The following members also recorded there not for Ayes:—

Sarvashri M. Baga Reddy, B.M. Mujahid, A. Venkata Reddy, Roshan Lal; G.L. Kanaujia, Dr. Faiyazul Azam, Sarvashri Janardan Misra. Lakshmi Narain Tripathi, Dileep Bhai Sanghani, Yoganand Saraswati and Shrimati D.K. Tharadevi Siddhartha.

AYES

| | |
|------------------------------|------------------------------------|
| Abdul Ghafoor, Shri | Barman, Shri Palas |
| Acharia, Shri Basudeb | Barman, Shri Uddhab |
| Adaikalaraj, Shri L. | Basu, Shri Chitta |
| Advani, Shri Lal K. | Bhagat, Shri Vishweshwar |
| Agnihotri, Shri Rajendra | Bhakta, Shri Manoranjan |
| Ahmed, Shri Kamaluddin | Bhandari, Shrimati Dil Kumari |
| Aiyar, Shri Mani Shankar | Bhardwaj, Shri Paras Ram |
| Ajit Singh, Shri | Bhatia, Shri Raghunandan Lal |
| Akber Pasha, Shri B. | Bhattacharya, Shrimati Malini |
| Anbarasu R., Shri | Bhoj, Dr. Krupasindhu |
| Anjalose, Shri Thayil John | Bhonsle, Shri Prataprao B. |
| Ansari, Shri Mumtaz | Bhuria, Shri Dileep Singh |
| Antulay, Shri A.R. | Birbal, Shri |
| Arunachalam, Shri M. | Brar, Shri Jagmeet Singh |
| Asokaraj, Shri A. | Buta Singh, Shri |
| Athithan, Shri R. Dhanuskodi | Chacko, Shri P.C. |
| Ayub Khan, Shri | Chakraborty, Prof. Susanta |
| Azam, Dr. Faiyazul | Chaliha, Shri Kirip |
| Baitha, Shri Mahendra | Chandrakar, Shri Chandulal |
| Balayogi, Shri G.M.C. | Chandrasekhar, Shrimati Maragatham |
| Baliyan, Shri N.K. | Charles, Shri A. |
| Bansal, Shri Pawan Kumar | |

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| Chatterjee, Shri Nirmal Kanti | Deshmukh, Shri Chandubhai |
| Chatterjee, Shri Somnath | Dev, Shri Sontosh Mohan, |
| Chaudhary, Sqn. Ldr. Kamal | Devarajan, Shri B. |
| Chaudhri, Shri Narain Singh | Dharmabhiksham, Shri |
| Chaure, Shri Bapu Hari | Dhumal, Prof. Prem |
| Chavan, Shri Prithviraj D. | Dighe, Shri Sharad |
| Chavda, Shri Ishwarbhai Khodabhai | Diwan, Shri Pawan |
| Chennithala, Shri Ramesh | Dome, Dr. Ram Chandra |
| Chinta Mohan, Dr. | Drona, Shri Jagat Vir Singh |
| Choudhary, Shri Ram Tahal | Dubey, Shrimati Saroj |
| Choudhury, Shri Lokanath | Faleiro, Shri Eduardo |
| Choudhury, Shri Saifuddin, | Farook, Shri M.O.H. |
| Chowdhary, Shrimati Santosh | Fatmi, Shri Mohammad Ali Ashraf |
| Dadahoor, Shri Gurcharan Singh | Fundkar, Shri Pandurang Pundlik |
| Dalbir Singh, Shri | Gajapathi, Shri Gopi Nath |
| Damor, Shri Somjibhai | Galib, Shri Gurcharan Singh |
| Das, Shri Anadi Charan | Gamit, Shri Chhitubhai |
| Das, Shri Dwaraka Nath | Gangwar, Dr. P.R. |
| Das, Shri Jitendra Nath | Gangwar, Shri Santosh Kumar |
| Das, Shri Ram Sunder | Gautam, Shrimati Sheela |
| Deka, Shri Probin | Gavit, Shri Manikrao Hodlya |
| Delkar, Shri Mohan S. | Gehlot, Shri Ashok |
| Dennis, Shri N. | Ghatowar, Shri Paban Singh |

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| Girija Devi, Shrimati | Jha, Shri Bhogendra |
| Gogoi, Shri Tarun | Jhikram, Shri Mohanlal |
| Gomango, Shri Giridhar | Joshi, Shri Dau Dayal |
| Gopalan, Shrimati Suseela | Kahandole, Shri Z.M. |
| Gudadinni, Shri B.K. | Kale, Shri Shankarrao D. |
| Gundewar, Shri Vilasrao Nagnathrao | Kaliaperumal, Shri P.P. |
| Gupta, Shri Indrajit | Kalka Das, Shri |
| Handique, Shri Bijoy Krishna | Kamal, Shri Shyam Lal |
| Harchand Singh, Shri | Kamal Nath, Shri |
| Hooda, Shri Bhupinder Singh | Kamat, Shri Gurudas |
| Hossain, Shri Syed Masudal | Kamble, Shri Arvind Tulshiram |
| Imchalemba, Shri | Kamson, Prof. M. |
| Inder Jit, Shri | Kanaujia, Dr. G.L. |
| Islam, Shri Nurul | Kanithi, Dr. Viswanatham |
| Jaffer Sharief, Shri C.K. | Karreddula, Shrimati Kamala Kumari |
| Jakhar, Shri Balram | Kashwan, Shri Ram Singh |
| Janarthanan, Shri M.R. Kadambur | Kasu, Shri Venkatta Krishna Reddy |
| Jangbir Singh, Shri | Katheria, Shri Prabhu Dayal |
| Jangde, Shri Khelan Ram | Kaul, Shrimati Sheila |
| Jatiya, Shri Satynarayan | Kesri Lal, Shri |
| Jawali, Dr. B.G. | Kewal Singh, Shri |
| Jayamohan, Shri A. | Khan, Shri Aslam Sher |
| Jeevarathinam, Shri R. | Khan, Shri Sukhendu |
| Jena, Shri Srikanta | Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra |

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| Khanna, Shri Rajesh | Mandal, Shri Sanat Kumar |
| Khanoria, Major D.D. | Mandal, Shri Suraj |
| Khursheed, Shri Salman | Manjay Lal, Shri |
| Konathala, Shri Rama Krishna | Manphool Singh, Shri |
| Kori, Shri Gaya Prasad | Marandi, Shri Simon |
| Krishna Kumar, Shri S. | Marbaniang, Shri Peter G. |
| Krishnaswamy, Shri M | Mathew, Shri Pala K.M. |
| Kuli, Shri Balin | Mathur, Shri Shiv Charan |
| Kumar, Shri Nitish | Mirdha, Shri Nathu Ram |
| Kumar, Shri V. Dhananjaya | Mishra, Shri Ram Nagina |
| Kumarasamy, Shri P. | Mishra, Shri Satyagopal |
| Kumaramangalam, Shri Rangarajan | Misra, Shri Shyam Bihari |
| Kuppuswamy, Shri C.K. | Mollah, Shri Hannan |
| Kurien, Prof. P.J. | Mujahid, Shri B.M. |
| Lakshmanan, Prof. Savithri | Mukherjee, Shri Pramothas |
| Laljan Basha, Shri S.M. | Mukherjee, Shri Subrata |
| Madhukar, Shri Kamla Mishra | Muniyappa, Shri K.H. |
| Mahajan, Shrimati Sumitra | Muralee Dharan, Shri K. |
| Mahato, Shri Bir Singh | Murmu, Shri Rup Chand |
| Malik, Shri Dharampal Singh | Murthy, Shri M.V. Chandrashekhara |
| Malik, Shri Purma Chandra | Murugesan, Dr. N. |
| Mallikarjun, Shri | Muttemwar, Shri Vilas |
| Mallikarjunaiah, Shri S. | Naikar, Shri D.K. |
| Mallu, Dr. R. | Nandi, Shri Yellaiah |
| Mandal, Shri Brahmanand | Narayanan, Shri P.G. |

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|-----------------------------------|------------------------------------|
| Nayak, Shri Subash Chandra | Patil, Shri Vijay Naval |
| Netam, Shri Arvind | Patra, Dr. Kartikeswar |
| Nikam, Shri Govindrao | Pattanayak, Shri Sarat |
| Oraon, Shri Lalit | Pawar, Dr. Vasant Niwruitti |
| Padma, Dr. (Shrimati) | Peruman, Dr. P. Vallal |
| Pal, Dr. Debi Prosad | Pilot, Shri Rajesh |
| Pal, Shri Rupchand | Potdukhe, Shri Shantaram |
| Pandeya, Dr. Laxminarayan | Prabhu, Shri R. |
| Pandian, Shri D. | Prabhu Zantye, Shri Harish Narayan |
| Panigrahi, Shri Sriballav | Pradhani, Shri K. |
| Panwar, Shri Harpal | Pramanik, Shri R.R. |
| Paswan, Shri Chhedi | Prasad, Shri V. Sreenivasa |
| Paswan, Shri Ram Vilas | Purkayastha, Shri Kabindra |
| Paswan, Shri Sukdeo | Rahi, Shri Ram Lal |
| Patel, Shri Harilal Nanji | Rai, Shri Kalp Nath |
| Patel, Shri Ram Pujan | Rai, Shri. Lall Babu |
| Patel, Shri Shravan Kumar | Rai, Shri M. Ramanna |
| Patel, Shri Somabhai | Rai, Shri Nawal Kishore |
| Patel, Shri Uttambhai Harjibhai | Rai, Shri Ram Nihor |
| Pathak, Shri Surendra Pal | Raj Narain, Shri |
| Patidar, Shri Rameshwar | Rajaravivarma, Shri B. |
| Patil Shrimati Pratibha Devisingh | Rajendra Kumar, Shri S.S.R. |
| Patil, Shrimati Surya Kanta | Rajesh Kumar, Shri |
| Patil, Shri Uttamrao Deorao | Rajeshwaran, Dr. V. |

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| Rajeswari, Shrimati Basava | Roy, Shri Haradhan |
| Rajulu, Dr. R.K.G. | Roypradhun, Shri Amar |
| Ram, Shri Prem Chand | Sadul, Shri Dharmanna Mondayya |
| Ram Babu, Shri A.G.S. | Sahi, Shrimati Krishna |
| Ram Badan, Shri | Saikia, Shri Muhi Ram |
| Ram Singh, Shri | Sait, Shri Ebrahim Sulaiman |
| Ramasamy, Shri R. Naidu | Sajjan Kumar, Shri |
| Ramachandran, Shri Mullappally | Saleem, Shri Mohammad Yunus |
| Rana, Shri Kashiram | Sanghani, Shri Dileep Bhai |
| Rao, Shri J. Chokka | Sangma, Shri Purno A. |
| Rao Ram Singh, Col. | Sanipalli, Shri Gangadhara |
| Rathva, Shri N.J. | Sarode, Dr. Guntant Rambhau |
| Rawat, Shri Bhagwan Shankar | Sawant, Shri Sudhir |
| Rawat, Shri Prabhu Lal | Sayeed, Shri P.M. |
| Rawat, Prof. Rasa Singh | Sethi, Shri Arjun Charan |
| Ray, Shri Rabi | Shakya, Dr. Mahadeepak Singh |
| Reddy, Shri A. Indrakaran | Shankaranand, Shri B. |
| Reddy, Shri A Venkata | Sharma, Shri Chiranji Lal |
| Reddy, Shri B.N. | Shastri, Shri Rajnath Sonkar |
| Reddy, Shri G.Ganga | Shastri, Shri Vishwanath |
| Reddy, Shri M. Baga | Shingda, Shri D.B. |
| Reddy, Shri M.G. | Shukla, Shri Vidyacharan |
| Reddy, Shri R. Surender | Siddhartha, Shrimati D.K. Tharadevi |
| Roshan Lal, Shri | Sidnal, Shri S.B. |

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| Silvera, Dr. C. | Sur, Shri Manoranjan |
| Singh, Shri Abhay Pratap | Suresh, Shri Kodikkunnil |
| Singh, Shri Arjun | Swamy, Shri G. Venkat |
| Singh, Shri Khelsai | Syed Shahabuddin, Shri |
| Singh, Shri Mohan | Tara Singh, Shri |
| Singh, Shri Motilal | Thakur, Shri Mahendra Kumar Singh |
| Singh, Shri Pratap | Thangka Ballu, Shri K.V. |
| Singh, Kumari Pushpa Devi | Thomas, Prof. K.V. |
| Singh, Shri Ram Prasad | Thomas, Shri P.C. |
| Singh, Shri Ramashray Prasad | Thorat, Shri Sandipan Bhagwan |
| Singh, Shri Rampal | Thungon, Shri P.K. |
| Singh, Shri S.B. | Tindivanam, Shri K. Ramamurthee |
| Singh, Shri Satya Deo | Tiriya, Kumari Sushila |
| Singh, Shri Surya Narayan | Tirkey, Shri Pius |
| Singh Deo, Shri K.P. | Tomar, Dr. Ramesh Chand |
| Singla, Shri Sant Ram | Topno, Kumari Frida |
| Sodi, Shri Manku Ram | Trivedi, Shri Arvind |
| Solanki, Shri Surajbhanu | Tytler, Shri Jagdish |
| Sreenivaasan, Shri C. | Umbrey, Shri Laeta |
| Sridharan, Dr. Rajagopalan | Umrao Singh, Shri |
| <i>Sukh Ram, Shri</i> | Upadhyay, Shri Swarup |
| Sukhbuns Kaur, Shrimati | Vadde, Shri Sobhanadreeswara |
| Sultanpuri, Shri Krishan Dutt. | Rao |
| Sundararaj, Shri N. | Vajpayee, Shri Atal Bihari |

Varma, Shri Ratilal

Yadav, Shri Ram Lakhn Singh

Veerappa, Shri Ramchandra

Yadav, Shri Ram Saran

Verma, Shri Shiv Sharan

Yadav, Dr. S.P.

Vijayaraghavan, Shri V.S.

Yadav, Shri Satya Pal Singh

Virendra Singh, Shri

Yadav, Shri Sharad

Wasnik, Shri Mukul Balkrishna

Yadav, Shri Surya Narayan

Yadav, Shri Chandra Jeet

Yadav, Shri Devendra Prasad

Yumnam, Shri Yaima Singh

Yadav, Shri Ram Kripal

Zainal Abedin, Shri

NOES

Nil

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

17.14 hrs.

Ayes: 348

DISCUSSION UNDER RULE 193

Noes: 000

Delay in import of Sugar resulting in steep rise in its prices

[Translation]

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

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, please allow discussion under the Rule 193. In today's agenda two issues have been listed for debate-one is on import of Sugar and second is regarding Jain Committee. I would like to know whether both the issues will be taken up today itself or discussion on Jain Committee will be taken up tomorrow.

The motion was adopted.

* The following Members also recorded their votes for Ayes:-

Shri V.R. Naidu Palacholla, Shri Mrutyunjaya Nayak, Shrimati Chandra Prabha Urs, Sarvashti Govinda Chandra Munda, Bherulal Meena, Vijay Kumar Yadav, Janardan Mishra, Lakshmi Narain Mani Tripathi and Yoganand Saraswati.