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12.06 hrs.

CONSTITUTION (NINETY-SEVENTH AMENDMENT) BILL
(Amendment of articles 75, 164, insertion of new article 361B
and amendment of the Tenth Schedule)

Title: Discussion on the constitution (Ninety-Seventh Amendment) Bill, 2003 (Amendment of articles 75, 164, insertion of new article 361B and amendment of the Tenth Schedule) (Discussion concluded and Bill passed).

MR. SPEAKER: Let me make it clear to the House that we are going to discuss and dispose of the Constitution (Ninety-seventh Amendment) Bill today itself. The time for this Bill is given upto 2 o'clock. As this is a Constitution Amendment Bill, voting for this Bill will take place at 1.45 p.m., if all the names of Members who want to speak are exhausted. Thereafter, there will be a lunch break after 2 o'clock.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Sir, I beg to move:

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

Sir, this amendment to the Constitution has two important components to it. The first one seeks to amend the Constitution where changes are brought about by way of the Constitution (Fifty-second) Act on 1st March, 1985. If we recollect, in 1985, the Tenth Schedule was added to the Constitution by way of Anti-Defection Law and at the time when that law was enacted by this Parliament, there was harmonisation of two thoughts which were made in this particular law.

The first one was crossing a political party and defecting from a political party had certain penal consequences in terms of disqualification which were attached to a Member. This was an amendment which was approved by this Parliament and this is operated for the last 18 years. The second one was an exception to the rule of defection which was made. There were two possible exceptions which were carved out. One was in relation to the split and the other was in relation to the merger. Today, 18 years after, there is an opportunity for this Parliament to again review the functioning of that particular law. From the discussions that we have had with various members of political parties as also the suggestions which have been made by the Standing Committee in this regard, most people have seen that the effects of this law for the last 18 years, in so far as it relates to mergers, have not created any serious problem. Therefore, the consensus is, that provision relating to merger of political parties may continue to exist. However, as far as split provision is concerned, the provision of the law, as it was originally enacted, is that if there is a split in the original political party as a result of which one-third members of a Legislature Party form a separate bloc, that split party should be recognised as a separate political party. Even though this Bill was passed with the best of intentions in 1985 which was brought in with regard to the functioning as far as splits are concerned, there are several reactions which Members and political parties have expressed. There is also an opinion across the political spectrum with regard to the functioning of the split provision. Most splits which have taken place since 1985 have not been on the basis of any principle or any ideological ground but have mostly been in relation to smaller political parties which have been easier to split and subsequently be subsumed into larger political parties. And most persons who have been parties to that split have eventually gone and become Ministers in alternative Governments which were formed and, therefore, the split provision has not functioned in a manner at which it was envisaged in 1985 that it would function.

Therefore, the first part of the amendment seeks to delete clause 3 of the Tenth Schedule which so far permitted splits as far as political parties are concerned. This question has been gone into by several Expert Groups which have been appointed over the last ten or twelve years. In 1990, we had the Dinesh Goswami Committee on electoral reforms which went into this question and which also recommended the deletion of the split provision. The Law Commission, in its 170th Report in 1999, gave a recommendation which also sought to delete this clause 3.

More recently, in 2002, the Commission appointed by the Government to review the functioning of India's Constitution also suggested deletion as far as this provision is concerned. This Bill was introduced in the Parliament on the 5th of May, 2003 and was referred to the Standing Committee. I must acknowledge with a deep sense of appreciation that the Standing Committee has consulted various people and in a short period of seven months, on the 5th of December, tabled the Report.

The Standing Committee had recommended deletion of this split provision. They have further recommended that if

a person is disqualified to be a Member, then obviously he cannot even continue to be a Minister. There is a second component to this amendment, which the Standing Committee has somewhat improved upon over and above the Bill which was proposed by the Government. There has been a suggestion which has been made that in some cases, both in the Central Government as also in the State Governments, the size of the Government has become very large and the Cabinet has become unwieldy. Therefore, the Government had proposed in the original Bill that the size of the Cabinet should be restricted to ten per cent of the legislative strength.

We wanted to make a difference in relation to Unicameral House and Bicameral House. But the Standing Committee, after considering all these, had recommended that in relation to either category of legislative bodies, whether it is Unicameral or Bicameral, the strength should be confined to 15 per cent of the strength of the Lower House or the House of People, in the case of the Centre and in the case of the State Assemblies. This suggestion has been accepted by the Government. Accordingly I have proposed an amendment.

We had recommended a size of seven to be the minimum size in the context of several State Assemblies which have either sixty or ninety Members. But the Standing Committee, keeping particularly the position of North-Eastern States in mind, had recommended that the minimum size should be twelve. Therefore, this fifteen per cent will be subject to this condition of twelve which will be applicable to those Assemblies which have smaller Houses. Particularly the States in the North-East will be carved out as an exception as far as this provision is concerned.

There was one issue on which the original Bill as also the Standing Committee was silent about was as to when does this become applicable, particularly in relation to those legislative bodies where the existing size of Council of Ministers is more than fifteen per cent. Some time would have to be given to those State Governments or the Central Government, as the case may be, to fall in line with this. Therefore, I have proposed an amendment to the effect that within six months, from the date of notification of this Constitution Amendment, all legislative bodies, the State Governments as also the Central Government will have to bring the size of the Council of Ministers in consonance with the constitutional requirement which is proposed in this particular Bill.

Since most of these were suggestions which have been uniformly accepted by the Standing Committee also, we are proposing before this august House that this Bill be taken into consideration and be approved by this hon. House.

MR. SPEAKER: Motion moved:

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

SHRI PRIYA RANJAN DAS MUNSI (RAIGANJ): Notification should not be delayed. It is in your hands.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, I am very happy that this Bill has been moved for consideration in this House. This Bill was referred to the Standing Committee and the Standing Committee had made certain recommendations. I am happy that all the recommendations made by the Standing Committee have also been accepted by the Government.

As was stated by the hon. Minister, this Bill intends to achieve two objectives. One objective is that of limiting the size of the Council of Ministers and the other is to deal with the provisions relating to the split in the law of anti-defection contained in the Tenth Schedule of the Constitution. It has also been accepted by the Government that the minimum number of Ministers should be twelve. Now, what is coming out of this? The Standing Committee has the respite to apply its mind to the provisions of the Bill in a dispassionate manner and come to a conclusion which is of a very balanced nature. It is, sometimes, not possible in this House. I am very happy to say that these suggestions have been made by the Standing Committee and have been accepted by the Government.

As far as the amendment to the Anti-Defection Law is concerned, I would like to say that this Bill is proposing to delete the provision relating to the split. This is also a very salutary provision and we should accept it. When the Bill was originally discussed in this House in the 1980s, we were the Members of this House and we had an occasion to discuss many of the provisions of the Bill at that time. Originally, this Bill did not have the provision relating to the split. It provided that one-third or any number of Members defecting from one party to the other party would lose the membership of the House. That was the original provision. But then, some experts spoke and wrote about this provision. One of the persons who spoke and wrote about it was Shri Madhu Limaye and the other person who spoke and wrote about it was Shri Nani Palkhiwala. There were other Members also who were objecting to this provision.

What was their objection? Their objection was that if an ordinary voter has a right to vote as he likes, should an elected Member not have the same kind of a right when he comes to this House? Should he be directed by the Party to vote in one manner or the other? If this is allowed by law or if this is compelled by law, then the right to vote

in any manner the Member likes is curtailed and this is undemocratic. That was the main ground on which this provision was objected. Then, it was also said that the Party Presidents would compel their Members to vote and sometimes against the manifesto issued by them in the elections. In that case, should the Member be bound by the direction given by the party? So, this issue was discussed threadbare. Many proposals were made to overcome this difficulty. The first proposal was that if a large number of Members of a party are not in consonance with the direction given by the party leadership, then they would not be bound by it. So, they should be allowed to vote in any manner they like; they should not be held responsible for this and they should not be thrown out of the House. The question was: What number of members should be allowed? Initially, it was suggested that two-third number of Members should be allowed to do that. Then, they said that, that was too big a number. Then, it was reduced to one-half. Then also, they said that that was too big a number. Finally, it was ultimately reduced to one-third. This provision of one-third became part of the Bill and later on part of the law. Later on, all started saying that the wholesale defection is allowed but the retail defection is not allowed. The intention was to protect the right of the Member to vote in a manner in which he would like to vote in the House. So, this is how this provision came into existence.

This provision was used and abused. It was more abused than used. It was more abused in the smaller Legislatures than in the bigger Legislatures because in smaller Legislatures, it was not difficult to get one-third number of Members to defect from one party to the other. I am happy that this amendment has been suggested and the amendment has been accepted. But I hold a view that it should have been done in a little different manner. The Standing Committee also discussed this view. The Standing Committee discussed whether the direction given by the party should be binding on the Member in all the cases or in cases in which the Government would be destabilised.

It was not in all cases. This issue was discussed by the Standing Committee also. The Standing Committee has also come to the conclusion that it is better to retain the provision contained in the Bill as was presented to the House and not to amend it. I would like to differ a little bit from the stand of the Standing Committee also very respectfully.

What is a law? The law is an instrument to balance the interest in the society. There is an interest to see that the elected Members do not defect from one party to the other party and destabilise the government for selfish reasons. But, at the same time, it is also necessary to see that the Members, who have genuine differences of opinion, are allowed to express their views in the House not only by saying what they want to say but also by voting in cases which do not affect the stability of the Government. Why should it not be done? I fail to understand this. Why should it not be done? If it is not done now, maybe, later on, people will apply their mind to this aspect and they will come to the conclusion that it should be done. On this point, I am not going to insist. Probably, my party is not going to insist on this point.

The Standing Committee has given the report. The Government has accepted the report. The Bill is in the form in which the Standing Committee has made the recommendations. I am not going to object to it. We are not going to move an amendment or insist on it. But, at the time of making the law, this point has to be kept in mind.

The law is something which exists for years to come. It applies to the entire country. It cannot be easily amended. That is why, the law should not be made in such a fashion that it would create complications and would affect the basic principles also. In this case, the basic principle of democracy is that a Member of the House should have that kind of a right as the outside voter has the right to express his views and vote. Now, we are deviating from this principle. On two principles, we have deviated. One principle is the secrecy of ballot. In the Council elections, the voters are not allowed to say that, I have a right to secretly vote for a candidate I want to vote. But he has to openly vote. The secrecy is done away with now. In this case, the right to vote is also curtailed. These are the two principles which have to be borne in mind. Probably, we are reacting to the situations which have arisen. In doing so, we are making certain provisions in the law which are likely to affect the basic principles of democracy. If we are voting openly, then the Members are likely to be influenced by some people outside also. If you are not allowing the Members to express their views in the House and vote also, they may hold, genuinely, certain views and yet not be able to stick to the views. This is one of the things over which, I think, we should ponder. It would have been better if the law had made that kind of balancing in these two requirements, in these two interests. It would have been a better law if that kind of a provision had been included in it.

The second provision is about the Presiding Officers. I am very sorry to say that this is one of the most important aspects relating to the Anti-Defection Law. Those who are Presiding and those who are given the responsibility to decide these cases have onerous responsibility to discharge. Their main job is to see that the House functions. Their main job is to see that the laws are enacted; the Budget is passed and the discussions take place in the House in a proper manner. They are given the responsibility to act as the Judicial Officers also to decide these cases in which the fate of the elected Member of the House has to be decided.

Sometimes it is not one Member, sometimes 10 Members, 20 Members or 50 Members who are elected by the people have to be disallowed from coming to this House. Their membership has to be terminated by them. This is a very onerous responsibility.

Now, when this Bill came up for discussion in the 1980s, initially the suggestion made was that let the Party president decide as to who is the Member of the House and who is not the Member of the House. To this proposal, objections were raised and very rightly so. A Party president may be a Member of the House or may not be a Member of the House. It was said that if he is not a Member of the House, then you are giving him the responsibility to disqualify a person who has been elected to the House. They said that allowing this is not correct and that is why that idea was given up. Then, it was suggested that let these cases be decided by the Supreme Court and the High Courts. Probably that was the right thing to do, but then it was suggested at that time that if the matter goes to the High Courts or the Supreme Court, it takes years to get the decision. If it takes years to get the decision and if the term of the concerned Member is over before the decision is given, then the intention of having this law will be frustrated and that is why this idea was also given up. Afterwards, it was suggested that the Election Commission should be given this responsibility, but the Members of the House were not willing to give this responsibility to the Election Commission. So, ultimately it was decided that the Speaker of the Lower House and the Chairman of the Upper House should have the responsibility to decide the cases on the matters coming before them in the shape of petitions filed by the Member and not *suo motu*.

Sir, here I may be allowed to take the side of the Presiding Officers a little more because I had the ecstasy and agony of sitting in that Chair and also deciding some cases. What is actually happening is, when the matters go before the Presiding Officer, all the arguments that are advanced before him are of political nature. But the decision has to be legal and constitutional. Now, it is also provided, not originally, that the decision given by the Presiding Officer shall be appealed against and the appeal can be taken to the High Courts or the Supreme Court. Originally it was provided that the decision given by the Presiding Officers should have the finality and it will not be appealed against. But this matter was taken to the Supreme Court and the Supreme Court then decided that this provision which says that these matters shall not be appealable to the High Courts or the Supreme Court is *ultra vires* of the Constitution and it was struck down. It was struck down on the basis that this provision affects the jurisdiction of the Judiciary. They said that it should have been ratified by half the number of State Legislatures and as it was not done, the Supreme Court said that it is null and void and it was struck down. Now, every matter is going to the Supreme Court.

Sir, I am very sorry that sometimes the decisions given by the Presiding Officers are interpreted in a political manner. If those decisions are interpreted in a political manner, then the authority and the prestige which are available to the Presiding Officers are also diluted. Sometimes, the decisions have been interpreted very wrongly.

I would like to say that a decision was given by Shri Rabi Ray, who was the Speaker of this House earlier and the decision given by him was that the split has to be an one-time affair, it cannot take place in bits and pieces and in phases. Now, if a number of persons are going away from a party, it has to be one group of one-third number of Members of that party. If a few Members go away at one time, if a few Members go away at another time and if a few Members go away at third time, it is not allowed. This was a right decision given by the then Speaker of this House. I did subscribe to that decision and everybody had subscribed to that decision. The Supreme Court and the High Courts also had subscribed to that decision.

Later on, I had the misfortune or fortune of deciding one of the cases. This will sound a little personal, but please allow me to say a few words on that because there is a lot of misunderstanding on the decision which I had given and that decision has been misinterpreted not only by the politicians, but also by the media friends. When I explained to them that that is not the case and that is not decision given by me, nobody bothered to read the decision and they kept on saying what they did. Later on, I gave a decision. That was a decision relating to nearly 15 or 17 Members – I do not remember – in which I disqualified four Members and rest of the Members continued to be there. What was the decision given by me? My decision was not that the split could not be one-time affair. They have been saying that, in my decision, I said that the split need not be a one-time affair. It is not correct. That is a matter of record. It was published in the Gazette. Anybody can come and read that there is no reference to the matter relating to the split in the decision given by me. Not a word was written about the split. I did not say that Shri Rabi Ray's ruling was wrong. I had no occasion to say that Shri Rabi Ray's ruling was correct. I have not referred to the matter relating to the split.

What had actually happened? A political party had expelled a few Members from its fold in order to reduce the number from one-third to less than one-third. I said that this was a colourable exercise of law. A political party can expel the Member from its parliamentary wing only if it is provided in the Constitution or provided in the law or the rules. I asked: "What was the provision under which you could expel? Was there a provision in the Constitution?" They said: "No." What was the provision in the law? They said, "No." Were there any rules? They said: "No." Then, they said: "It was according to the constitution of our Party that we had expelled them." The consequence of

allowing a party to expel the Members according to their constitution, which was not passed by the legislature and which was not registered also, was of enormous dimensions. If it were allowed, then the private persons would be binding the decisions of the Presiding Officers by making the amendments in the constitution of a party. There were nearly 24 parties in the House and the Speaker could not have been bound by the constitutions of 24 parties. That is why I said: "Show me the provisions in the Constitution or the Representation of the People Act or in the rules or any other law for that matter relating to the elections or any other law that you can expel the Members in order to reduce them from one-third to less than one-third, then I will allow." Now that was the gravamen of the decision given by me. Unfortunately, even the most reputed newspapers not only wrote in their news reports but also in the editorials. When I told them that this was not correct and that amounted to a breach of privilege and they should not have done that, they said, "Yes, yes; we will not do it later on." But they continued doing that. This was done on the electronic media and this was done in the print media also. I am saying this. I have never ventilated my views anywhere for the last so many years. But this is an occasion. I am saying this because this should be corrected and because I would like to say that the decisions given by the Presiding Officers have been correct. Maybe one or two decisions are wrong. Many times, they have been corrected. They have gone to the High Courts and the Supreme Court. The Supreme Court and the High Courts have upheld their decision and yet people, for political reasons, have been criticising the Presiding Officers which reduces the prestige of the Presiding Officer. So, I had written in my judgement: "Do not give this right to the Presiding Officer. Have some other mechanism to decide it so that the Presiding Officer can retain his prestige and dignity to conduct business of the House in a proper manner. Otherwise, do not criticise the Presiding Officer, at least wrongly." But that has been happening. I am sorry to say that there are newspapers. I am not mentioning the names of those newspapers. The people who are hearing me would know who had written that. I have been reading those newspapers from my student days. Yet those newspapers had the temerity. They felt that they were well within their rights to write in the editorial also quoting the judgement wrongly. The judgement is a matter of record. It does not relate to any split. It relates to something different. Either they have misunderstood it or they intentionally wrote about it.

I know that it is a breach of privilege yet we did not do anything because we do not want to attach any importance to them. I am making a mention of this fact only at this point of time to show as to how onerous is the responsibility of the Presiding Officers when they are required to deal with these matters.

Fortunately, for the Presiding Officers having henceforth this split provision, which was really the cause of creating a lot of misunderstanding, is done away with. It is deleted and this kind of responsibility will not be there. But the fact remains that we shall have to decide as to how to deal with these matters. If you give the responsibility to the Presiding Officers, you argue the case before them in a legal manner and not in a political manner. Whatever the decision given by them you stick to it. Now, if the decision is changed by the House as a whole, that is a different issue. But you stick to it.

The breach of privilege cases do not go to the court. They go to the Committee and they take years to decide the breach of privilege cases and yet we do not object to that. But this case, you know, which has to be decided by the Presiding Officer, has to be decided by applying the principles of natural justice.

The Supreme Court and the High Courts have said that if an opportunity is not given to the other side to explain, it would be treated as not having followed the principles of natural justice and they would have done that. This was the only point, which I wanted to make with respect to the Presiding Officers. What the Government is doing is good, but it could have been done in a better manner. Maybe the time will teach us on that it has to be done differently and maybe we will do it.

We, from our side, would like to support this Bill wholeheartedly and see that it is passed.

डॉ. विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष महोदय, कोई टाइम फिक्स कर दें वोटिंग के लिए।

अध्यक्ष महोदय : मैंने बताया था। That includes the time of the reply from the hon. Minister also. We have to finish the debate, under any circumstances, before 1.45 p.m. We are going to take lunch after 2 o'clock. By 2 o'clock, the voting will be over because on this Constitution (Amendment) Bill the voting has to take place. Therefore, the Members are requested not to take more than the time allotted to their respective Parties.

श्री गिरधारी लाल भार्गव (जयपुर) : मान्यवर अध्यक्ष महोदय, मैं आपकी आज्ञा का पालन करते हुए इतना ही निवेदन करूँगा कि माननीय मंत्री जी बहुत अच्छा बिल इस समय लाए हैं। एक पोलिटिकल पार्टी का आदमी यदि चुनाव लड़ता है तो वह जिस राजनैतिक दल की विचारधारा के आधार पर, उसके घोषणापत्र के आधार पर चुनाव लड़ता है, उस व्यक्ति के चुने जाने के पश्चात उसे अपनी पार्टी को छोड़ने का अधिकार नहीं देना चाहिए, यह बात बिल में बिल्कुल साफ कही गई है। यह बात साफ है कि यदि वह व्यक्ति इतना बलशाली है और अपने वोटर्स पर बहुत नियंत्रण रखता है और बाहर चला जाए तो अलग बात है, लेकिन मैं समझता हूँ कि यदि वह व्यक्ति अपनी पोलिटिकल पार्टी छोड़ता है तो उसका किसी प्रकार से उस राजनीतिक दल में रहने का अधिकार नहीं बनता है। इसलिए माननीय मंत्री जी जो बिल लाए हैं, मैं इसका पुरजोर शब्दों में समर्थन कर रहा हूँ। जो बात देश में आज हो रही है, विधान सभा के सारे सदस्यों को कोई भी पार्टी जिसका नेता पैसे ले लेता है, लाखों रुपये ले लेता है, वह उन् एम.एल.एज़ को खरीद लेता है और खरीदकर अपने दल में शामिल करके मंत्री बना देता है। इससे उसको डबल लाभ हो जाता है। पैसे के पैसे मिल गए और मंत्री भी बन गया। **â€**(व्यवधान)

अध्यक्ष महोदय : मंत्री पद देते हैं तो फिर पैसा नहीं देते हैं।

श्री श्याम बिहारी मिश्र (बिल्हौर) : कहीं-कहीं दोनों होते हैं कि पैसा भी मिलता है और मंत्री भी बनते हैं।

अध्यक्ष महोदय : ऐसा मैंने सुना है, मुझे मालूम नहीं है।

...(व्यवधान)

श्री गिरधारी लाल भार्गव : मेरा आपसे विनम्र निवेदन है कि चुना हुआ सदस्य जो अपनी पार्टी के घोषणापत्र पर चुनाव लड़ता है, उसको कहीं भी दल बदलने का अधिकार नहीं होना चाहिए। दूसरी बात यह है कि यह कानून बहुत पहले आ गया था कि जिस आदमी ने दल बदल लिया, उसकी सदस्यता निरस्त हो जाएगी। वॉ पहले स्वर्गीय राजीव गांधी के वक्त में कानून आया था। तब से बात चलती चली गई लेकिन आज तक इसका पालन नहीं हुआ। आज माननीय मंत्री जी जो बिल लाए हैं, मैं समझता हूँ कि यह उसके पालन करने का ठीक प्रकार से अवसर है।

अध्यक्ष महोदय, किसी भी व्यक्ति को दल बदलने का अधिकार नहीं होना चाहिए। इस संबंध में संसद की स्थाई समिति ने भी सिफारिश कर दी है और माननीय शि वराज जी. पाटील ने भी इसका समर्थन कर दिया है, तो फिर कोई झगड़ा ही शो नहीं है। इसलिए मैं समझता हूँ कि सर्वसम्मति से इसे पारित कर देना चाहिए। जो व्यक्ति अपनी पार्टी छोड़कर किसी अन्य दल में चला जाता है, उसे सदस्य रहने का अधिकार नहीं होना चाहिए। यदि एक तिहाई सदस्य भी पार्टी छोड़कर चले जाते हैं और नई पार्टी बना लेते हैं, तो यह प्रावधान भी ठीक नहीं है। पहले यह प्रावधान था, इसे भी समाप्त करने का प्रयास माननीय मंत्री जी ने किया है। मैं उनकी भावनाओं का आदर करता हूँ क्योंकि वे ठीक प्रकार की बात को लेकर आए हैं।

महोदय, दिनेश गोस्वामी समिति और आयोग, दोनों ने सिफारिश की है कि मंत्रिमंडल की सदस्य संख्या कुल सदस्य संख्या के 10 या अधिक से अधिक 15 प्रतिशत से अधिक नहीं होनी चाहिए। मंत्रिमंडल का छोटा होना आवश्यक है। मंत्री महोदय ने छः महीने का समय लिया है कि जहां मंत्रिमंडल बड़े हैं, वहां की राज्य सरकारें इसे छोटा करने पर विचार कर लें और छः महीने के अंदर छोटा कर लें। मैं तो मंत्री महोदय से निवेदन करूंगा कि यह छः महीने का समय भी ज्यादा है। इसे घटाकर तीन, दो या फिर एक महीना किया जाना चाहिए।

12.41 hrs. (Shrimati Margaret Alva in the Chair)

महोदय, मेरा निवेदन है कि जितना समय कम हो, उतना अच्छा है। निश्चित रूप से मैं इस बिल का समर्थन करता हूँ। इस प्रकार नंबर एक जो व्यक्ति अपने दल को छोड़कर जाता है, चाहे फिर उनकी संख्या पार्टी की संख्या की एक-तिहाई ही क्यों न हो, उनकी सदस्यता भी समाप्त होनी चाहिए। नंबर दो दिनेश गोस्वामी समिति के प्रतिवेदन के अनुसार मंत्रिमंडल का आकार निचले सदन के सदस्यों की कुल संख्या के 15 प्रतिशत से अधिक न हो, यह होना चाहिए और जिन प्रदेशों में बड़े मंत्रिमंडल हैं, उन्हें अपना मंत्रिमंडल छोटा करने हेतु एक माह का समय दिया जाए, ये प्रावधान अच्छे हैं। मैं आपका ज्यादा समय न लेते हुए, माननीय मंत्री जी जो बिल लाए हैं, उसका मैं बहुत अच्छे शब्दों में, पुरजोर शब्दों में समर्थन कर रहा हूँ और चूंकि माननीय शिवराज जी. पाटील जी ने जो बात कही है, जब उनका विरोध नहीं है, तो इसे सर्वसम्मति से पास होना चाहिए, यह मेरी भावना है। आपने मुझे समय दिया, इसके लिए मैं आपका धन्यवाद करता हूँ।

SHRI RUPCHAND PAL (HOOGLY): While supporting this piecemeal measure of cosmetic nature, I would like to point out that this is not going to remove the hypocrisy involved in the matter of defection, as per some of the existing provisions. Firstly, we have witnessed how in the North-East, a whole lot of elected legislators switched over their allegiance except one person – one person was left. I am not mentioning about other areas where very recently wholesale defection has taken place.

Individual defection is continuing still now. We have the experience of one very important Member. He is still now a very important Member of a particular Legislature. While belonging to one party, publicly outside, he is delivering lectures, participating in elections and inside he is coming and saying that he is abided by the whip. It is a classic case and he is a very well-known politician of the country and he is still now holding a very important office.

In our House also it has been happening and it is happening till now. On the basis of the symbol, policy and programme of a particular political party, someone is elected. He is still publicly disowning that party, publicly speaking against that party and publicly participating in the election along with the parties which are opposed to the policy and programme of that particular party on which he is elected.

SHRI RASHID ALVI (AMROHA): He is a Member of CPI (M).

SHRI RUPCHAND PAL : That you know better. It is because in a party system you are being elected...*(Interruptions)*

SHRI PRAKASH PARANJPE (THANE): Please tell us his name.

SHRI RUPCHAND PAL : Do not provoke me. ...*(Interruptions)*

SHRI PRAKASH PARANJPE : I am not provoking you. We would like to know his name. ...*(Interruptions)*

SHRI RUPCHAND PAL : Madam Chairman, I shall let him know it outside because I am not supposed to comment by name here. ...*(Interruptions)*

MADAM CHAIRMAN : Shri Rupchand Pal, there is a very limited time. Your Party has only seven minutes.

...*(Interruptions)*

MADAM CHAIRMAN: Please do not disturb him. We have a very limited time.

SHRI PRAKASH PARANJPE : We have to lean something from him.

...*(Interruptions)*

MADAM CHAIRMAN: You ask him outside and learn.

SHRI RUPCHAND PAL : Now, I come to improvement in paragraph three. It was the recommendation of Dinesh Goswami Committee. There are reports of the Law Commission, the National Commission to review the working of the Constitution and the Standing Committee. They have recommended that the Member should not, after defection, hold any office of profit. The common demand throughout, cutting across the political parties, is that immediately after defecting, leaving the Party on whose symbol he or she has been elected, on whose programme and policy he or she has been elected, he should resign. This is the recommendation of the National Commission to review the Constitution. Yes, he should be disqualified. But how can the hypocrisy be allowed? He is abiding by the Party inside and outside disowning that Party. We find that this is a piecemeal legislation and it is of a cosmetic nature. Then, who is to decide? Almost all the reports suggest that it should not be left to the Presiding Officer of the Legislature and it should be given to the judiciary or to the Election Commission. Still, the Government is not doing anything. We have to do something on this because that is the consensus.

Now, I come to the size of the Government. The Report says that there was a jumbo Government very recently because of coalition and all these things. They have acquired such a proportion that it has become sometimes a sheer wastage of Government money. Now, in the Bill, it was 10 per cent of the combined strength of Parliament or the bicameral Legislature, and now the improvement is 15 per cent. How does it affect this Government? I was calculating it. That is very much in the Report also. Ten per cent of the combined strength comes to 79. Fifteen per cent of the Lower House comes to 81. This is the biggest Government, jumbo size Union Government. They have to accommodate many Parties. Now, the irony is that in the name of bringing down the size of the Government, the Standing Committee has actually recommended increase in the number of Ministers in their case. I am not criticising the functioning of the Standing Committee but for all practical purposes it comes to that. If it is the combined strength, then it comes to 79. Fifteen per cent of the Lower House comes to 82. They should have some self introspection as to how they propose to apply it in their own case. ...*(Interruptions)*

DR. M.V.V.S. MURTHI (VISAKHAPATNAM): Six months *â€**(Interruptions)*

SHRI RUPCHAND PAL : In six months, they are not affected because they are already touching that number, that is 15 per cent of the Lower House.

Now, there is a State which has 90 Ministers. One Minister will look after horses, another Minister will look after asses, and in such a way, sometimes some Ministers are there who do not have any portfolio. They have one car, one office, one private secretary, and this arrangement continues.

This arrangement continues happily and merrily. They have no responsibility and they are enjoying the office.

श्री सुरेश रामराव जाधव (परमनी) : कौन है?

श्री रूपचन्द पाल : कौन है, आप पूछ लीजिए। Why should I name? Madam, they are trying to take away my time. I am going to conclude now.

I think there should be immediate expulsion or disqualification. If any Member elected on the basis of a particular party programme, policy and symbol defects, should be disqualified immediately. Until he or she is re-elected, every disqualification standards should be applied. It should not be like abiding by the whip and doing something else outside. If the Government wants to cleanse the system, this should be done because criminalisation of politics is a phenomenon. Today, the politicians are held in a very poor light. The people do not honour or respect them. It is not that every politician is bad. It is not that every politician is involved in some crime or anything like that. But, still there is a general feeling among the people. So, there should be a move to cleanse the system as per the recommendations made by important committees like the Dinesh Goswami Committee.

Then again, the Indrajit Committee also made certain very valid recommendations with regard to the financing of the elections and all these things. I support, but I still believe that it is a piecemeal measure. It is of a cosmetic nature. If the Government is serious, they should seriously think of taking up not one recommendation but most of the recommendations of the Dinesh Goswami Committee. ...*(Interruptions)* This should be added.

Lastly, we continue to think of this and that we have made it public also. The public demand is that the right to recall of the electorate should be there as it is there in some other countries. The people, who have the right to elect, should also have the right to recall. I support the Bill with all my reservations that it is not going to improve the situation, be it in the case of defection of the individuals who are indulging in hypocrisy or be it in the case of the size of the Government because the present size of the Government is the largest one in the history of free India.

DR. M.V.V.S. MURTHI (VISAKHAPATNAM): Madam Chairperson, the Constitution (Ninety-seventh Amendment) Bill is a welcome sign though it is delayed. We have seen the experience, particularly of how the casualties of the smaller parties are taking place. Whichever party is in power, it is likely to lure the smaller parties, divide them and gain the support to have the majority. This is not in accordance with the people's mandate. It is against the people's mandate. It is not that there is no support of the people for this law. But, as some respected Member has stated, it

will have an impact on the views of the voters. Certainly, those Members who are defecting, have never sought the views of their voters. If they want to really seek the views of their voters, they can very well resign, go and contest. If there is so popular mandate for them, they will come back.

This is not like that. This is only for other benefits. Now, with this amendment, certainly there is a penal action also. Those who are joining the bigger parties as a whole also should not get any ministerial berths or any office of profit. Then only there will be a real individuality for those who have been really elected.

It is not very clear that when a small party joins a bigger party, whether the members of that party would get ministerial berths and other benefits. That should not be there. There should be individuality of each party. If this is taken care of, we can avoid most of the maladies that we have experienced in the past.

I must congratulate the NDA Government and particularly Shri Atal Bihari Vajpayee. If he had compromised on this, he could have been the Prime Minister for the full term of the Twelfth Lok Sabha and we would not have had an early formation of the Thirteenth Lok Sabha.

In our own case, we have seen that the Telugu Desam Party was split in the Tenth Lok Sabha but we could not do anything. So, these things have to be avoided and all the individual parties should maintain their own identities. They can support the Government but joining the Government should be avoided.

As far as the provision for restricting the size of the cabinet to 15 per cent of the membership of the Lok Sabha, it is a very welcome sign. We have to accommodate various shades of opinion and we also have to intensively cover the various areas of this vast country but it should be limited to fifteen per cent of the strength of the lower House.

We are now moving towards having a better *raj* and a better system. In the existing system, there is a lot of chaos. From chaos, we are moving to a better system. So, I wholeheartedly support the Constitution (Ninety-seventh) Amendment Bill.

श्री चन्द्रकांत खैरे (औरंगाबाद, महाराष्ट्र) : सभापति महोदय, आपने मुझे बोलने का समय दिया, उसके लिए आपका बहुत-बहुत धन्यवाद। मंत्री जी द्वारा संविधान में और संशोधन करने वाले विधेयक, क्रमांक 32 हेतु जो 97 वां अमेंडमेंट बिल लाया गया है, उसका शिवसेना की तरफ से मैं समर्थन करने के लिए खड़ा हुआ हूँ। यह संशोधन करना बहुत जरूरी है क्योंकि जिस व्यक्ति को जनता ने चुनकर भेजा है, वही उसे धोखा देता है। उसके साथ-साथ जिस पार्टी ने उसे टिकट दी है, उसे भी वह धोखा देता है। वह जन-प्रतिनिधि मंत्री पद पाने के लिए या कभी-कभार पैसे के लालच में आकर दूसरे बड़े दलों के साथ मिल जाता है। ऐसे लोगों के लिए मंत्री महोदय बिल लेकर आये हैं।

आया राम, गया राम वालों के लिए 1985 में पहला संविधान संशोधन हुआ था। उसके बाद आज दूसरा संशोधन हो रहा है। मैं यही कहूंगा कि एनडीए सरकार ने दल बदल वालों के लिए बहुत अच्छा कदम उठाया है। हमारे महाराष्ट्र विधान सभा में सदस्यों की संख्या 288 है। अगर आप 15 परसेंट मंत्रिमंडल की संख्या चाहते हैं तो उनके कई मंत्रियों को घर भेजना पड़ेगा। छः महीने के अंदर उनको मंत्री पद से हटना पड़ेगा। कई राज्यों में ऐसी ही स्थिति है। मंत्री जी ने विधान सभा और लोक सभा में 15 परसेंट मंत्रियों की संख्या निश्चित की है। यह ठीक है कि मंत्रियों की संख्या सीमित होनी चाहिए लेकिन कई राज्यों में मंत्रिपरिषद ऐसी होगी जहां मंत्रिमंडल में मंत्री तो ज्यादा नहीं होंगे लेकिन बाहर कार्पोरेशन या महामंडल, निगम आदि के जो चेयरमैन बनाये जायेंगे, उनको कैबिनेट रैंक या राज्य मंत्री का दर्जा दे दिया जाता है।

13.00 hrs.

वे मंत्री नहीं होते लेकिन कार्पोरेशन के चेयरमैन के नाते मंत्री पद जैसे दर्जे का इस्तेमाल करते हैं, उनकी सारी सुविधाएं मंत्री जैसे होती हैं। दलबदल करने वाले लोगों के लिए भी संविधान में संशोधन होना चाहिए। ऐसी व्यवस्था होनी चाहिए कि दल से बाहर निकलने के बाद पोलिटिकल ऐडजस्टमेंट के लिए किसी सदस्य को चेयरमैन न बनाया जाए। मैं कहना चाहूंगा कि अध्यक्ष जी जब महाराष्ट्र के मुख्य मंत्री थे, तब ठाकरे जी ने कहा था कि 10 प्रतिशत से ज्यादा संख्या नहीं होनी चाहिए, लेकिन विधान सभा और विधान परिषद दोनों में 42 मंत्री थे। आज उसमें बढ़ोत्तरी हो रही है और अपनी पार्टी और ग्रुप को बढ़ावा देने के लिए उसका उपयोग हो रहा है। इस बिल के पास होने के छः महीने के अंदर सब राज्यों में इस कानून का पालन होना चाहिए, नहीं तो महामहिम राज्यपाल के माध्यम से इसका पालन होगा। आज हम लोक सभा और विधान सभा के लिए 15 प्रतिशत की बात कर रहे हैं। मैं मंत्री जी से कहना चाहूंगा कि राज्य सभा और विधान परिषद की क्या जरूरत है।

हमारे महाराष्ट्र में श्री निहाल अहमद नाम के एक विधायक हैं। वह हमेशा इस प्रकार का मोशन मूव करते हैं कि विधान परिषद बरखास्त होनी चाहिए। कई राज्यों में विधान परिषद है, कई राज्यों में नहीं हैं। मैं मंत्री जी को सुझाव देना चाहूंगा कि विधान परिषद बर्खास्त नहीं होनी चाहिए। लोक सभा और विधान सभा में पब्लिक का मत होना चाहिए, पोलिटिकल ऐडजस्टमेंट नहीं होनी चाहिए।

श्री प्रणव मुखर्जी ने स्टैंडिंग कमेटी की रिपोर्ट बहुत अच्छी दी है और उसी के आधार पर यह होने जा रहा है। इस कानून में संशोधन के बाद पारदर्शिता आएगी। (व्यवधान)

सभापति महोदय : अब आप समाप्त कीजिए।

श्री चन्द्रकांत खैरे : मैं आखिरी प्वाइंट बता रहा हूँ।

संविधान के 73वें और 74वें अमेंडमेंट के जरिए महानगर पालिका, नगरपालिका और स्थानीय संस्थाओं में दलबदल कानून पर जो प्रतिबंध है, उनमें भी इस माध्यम से कंट्रोल होना चाहिए। आज अगर कोई व्यक्ति पार्टी छोड़कर जाता है तो कोई बात नहीं लेकिन अगर वह ग्रुपबाजी करके किसी बड़े दल में जाना चाहता है, इसमें कहा गया है कि जब तक वह दुबारा चुनकर नहीं आएगा, तब तक उसको मंत्री पद नहीं मिलेगा, इसके लिए मैं सरकार का अभिनन्दन करता हूँ।

मंत्री जी इस बिल के माध्यम से जो पारदर्शिता लाए हैं, इसके लिए मैं शिवसेना की ओर से उनका समर्थन करता हूँ।

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Madam, I will be brief because I know the constraint of time.

First of all, I would like to pay my tribute to my late lamented leader, Shri Rajiv Gandhi who really dreamt the cleanliness of the public life in order to bring the first step. On that day I had the privilege to be present in the House. I quote for the benefit of the present hon. Minister of Law what late Shri Rajiv Gandhi said, on that day, while the Bill was passed:

"There are lots of areas in this Bill which are grey. We are covering new ground which, maybe, is not covered anywhere else in the world. And we have to see how best we can tread along this path. It is better for us to tread cautiously than to make serious errors and repent for them later. So, there will be shortcomings, in this Bill. But as we see and identify those shortcomings, we will try to overcome them. "

I am glad that the hon. Prime Minister felt on that day that by the process and experience we have to overcome the shortcomings and at least in that barrier, large parts of the shortcomings have been covered by this Bill.

At the outset, I would like to pay my tribute to a great leader of this Parliament, a great parliamentarian, a lady Member of the CPI, Shrimati Geeta Mukherjee. On that day, Shrimati Geeta Mukherjee, while taking part in the debate said :

"I would also like to say a few words about the size of the Ministry. Although – as I have been told – it does not fall within the purview of this Constitution amendment, yet I feel that everywhere the size of the Council of Ministers being made is very big. That gives an alibi for luring other people to defect. "

Shrimati Geeta Mukherjee is not here today. But she really made a very significant contribution on that day. As an honour to pay my respect to the soul of Shrimati Geeta Mukherjee, on 8th April, 2003 I introduced a Private Members' Bill in this very House pertaining to the size of the Ministry. Of course, in that Bill I requested the Government that for the size of the Council of Ministers, a Member of Parliament who is not a Minister, may be appointed or nominated as Chairman of the statutory corporations under the control of the Union and may be accorded the status of a Minister as per article 74 of the Constitution but he shall not be entitled to any emoluments or perks by virtue of holding the office of Chairman.. By my Bill, I added article 74(A) to be incorporated. But I did say that the size of the Council of Ministers should be reduced to 10 per cent including that of the Legislative Councils in the States, wherever it may be.

After this Bill was introduced, I finally felt that the Government was coming out with a comprehensive Bill in this regard. I must tell you that I was very happy with such response. Though I support the Bill fully, still I repeat what my late leader Shri Rajiv Gandhi said on that day that the shortcomings are still there which we have to fill up one day.

Will the Government consider to bring a comprehensive legislation for the entire electoral reform instead of piecemeal things, about the entire functioning of our parliamentary system regarding elections and everything? It was the dream of late Shri Dinesh Goswami, our dearest colleague, part of which has been accepted and the rest of which has not yet been implemented.

In this Parliament I defined defection in two categories – one is defection *per se* as per the statute and the other is deception. This legislation will give a wider scope that if a leader of a Party resigns from that Party, joins another Party, it is also defection and if he does not get elected by the people's mandate, he will not be considered as a minister. Simply contesting election will not wash his whole sin or crime or whatever it is. I agree. It is good. You are giving the total emphasis on the mandate of the people. If the mandate of the people is the single criterion to honour the Constitution, then my submission to the hon. Minister of Law and Justice is – with due respect to the Upper House here and the Council in the States – that the percentage of the legislators to be inducted in the Ministry, 15 per cent, or tomorrow you can further make it to 12 per cent if there is a shortcoming, it should be done on the basis of the people elected by the people and not combining both the Houses. Combining both the Houses negates the very concept where you state that a Member who resigns and joins other Party cannot be considered as a member of the Council of Ministers and sworn in at the Rashtrapati Bhavan or the Governor's House, unless he is elected. So, 'elected by the people' should be the basic criterion and if that is so, in that case, combining both the Houses and deciding the strength to determine the size of the Council of Ministers is not a correct approach.

Tomorrow or day after, one has to think seriously over it. It does not help. The second point which I would like to say is that the defection is not new here. Defection started in England, the mother of democracy. In 1931, Mr. Ramsay MacDonald in order to become the Prime Minister defected. He took three Members of Parliament with him and then became the Prime Minister. Such a legislation was not there in those days. In political defection, even no less a person than Mr. Churchill left the Liberal Party and stood as a Conservative Party member.

I am talking of defection and deception. Take the example of Congress. If the Congress Party believes in the policy of Mahatma Gandhi and declaration of Mahatma Gandhi or principles of Congress – secularism, democracy, etc. - and tomorrow, by hook or by crook, the Congress Party decides that we have no faith in secularism, it is not only defection, it is a deception also. There is no clause in our system about how to grow healthy political culture of political parties. Take the instance of BJP. You have a direct commitment to the people throughout, since the day the Party was formed, that you stand by abolition of article 370, you stand by creation of a different kind of *Raj* - Hindu *Raj*, Ram *Raj* or whatever it is. ...(*Interruptions*)

श्री रघुनाथ झा (गोपालगंज) : एन.डी.ए. में नहीं कहा था।

श्री प्रियरंजन दासमुंशी : आप सुनिए। आप अच्छी बहस में भी टोकते हैं। मैंने आपके बारे में नहीं कहा। If the Congress, in order to form a coalition Government, accommodates a party to suppress the agenda of secularism or if you, accommodating a coalition, suppress your own political commitment or ideological commitment for the time being, how do you classify it – defection or deception? So, deception is also equally very bad because our object is not to run the Government, but to carry with people our conviction to the extent we can and to carry a conviction to the people and the workers, and compromising it, in order to form a Government, is also a very dangerous thing. If a party has commitment for *dalits* that they would see that justice is ensured to *dalits* and that group, to accommodate their party in the Government, suppresses the agenda, I call this kind of a compromise 'deception'. I think, defection in political strength and deception both should be taken care of.

Now, I come to the Election Commission. We declare at the time of registration of a political party its constitution, its statute, its ideology and everything. What is sickening in India today is the feeling among the young electorate for which my late prime Minister, Rajiv Gandhi did three great things. First, he brought the Anti-Defection Bill with a positive commitment. Shri Arun Jaitley has rightly said that still, this Bill has grey areas and shortcomings are there. At that time also, the late Prime Minister himself admitted in the House in response to Shri Madhu Dandvate and other leaders that there were shortcomings. It has been covered by you and tomorrow, something more can be done.

Equally, he brought an amendment to the Constitution saying that in 21st century, there will not figure the names of freedom fighters in voters' list; 21st century's founding pillars of the democracy would be the young electorate. So, let us give franchise to the young people above the age of 18, irrespective of the consequences, whether we are out of power or we remain in power. I am not holding a brief for my party only. That young electorate, cutting across every line, are feeling very bad about the whole political system of the country, seeing that 'X' party had promised something which they forgot on getting accommodated in the Government and that 'Y' party does that. What is this politics? If this young electorate gets derailed, the future of democracy would be at stake. Therefore, I feel that in the near future, if the ideological commitment and declaration of the party is compromised in order to retain a Government, that is also a negation to the public declaration and declaration to the people.

Under article 74, the Council of Ministers is collectively accountable to the House. I will only give two instances. Whatever the Council of Ministers does, led by any party, is a commitment to the House and nobody can deny that. Now, I have been watching for the last six months this Council of Ministers, headed by Shri Atal Bihari Vajpayee, hon. Leader of the House. He brought out publicly and in Parliament – I thank him that he is not hiding it – that 'I believe disinvestment should be done; I believe that POTA should be amended'.

Now, there are two components in the whole coalition who are equally and collectively answerable. One is the DMK and the other is Shiv Sena. A Minister of DMK in the Government -- while issuing an Ordinance collectively by the Government -- said that POTA should be reviewed. But the constituent political party says that POTA should be repealed.

A Minister of Shiv Sena in the Government says that disinvestment should be done, and the party outside says that we are opposed to it. This kind of deception also lacks the spirit of collective accountability to the House under article 74. So, we should have a repugnant Clause in the statute so that in the future the collective responsibility of a Minister, in a coalition, is in place. If he is committed to a legislation of a Government and if his party challenges him, then either he has to resign or he should be dismissed. If that is not done, then this kind of unholy compromise of deception will anger the young electorate in the future. You should kindly take that into account. This is the only submission that I want to make.

SHRI BIKRAM KESHARI DEO (KALAHANDI): I rise to support the Constitution (Ninety-seventh Amendment) Bill, 2003. Madam, I am supporting this Bill because it envisages probity in public life. Today, we are Members of

Parliament, and MLAs get elected to Assemblies with a mandate from the people by projecting their party's ideologies and the services that they would do for the society. But later on defections take place and the existing Anti-Defection Law -- which was enacted in 1985 -- is not sufficient to protect defections, to protect engineering of defections in the country.

There was a recent occurrence in Chhattisgarh, where 12 legislators of BJP party defected. It was engineered by the then Chief Minister there. Those MLAs who defected were made Ministers in Chhattisgarh. So, their commitment to the people, their commitment to the voters -- for which they got the mandate -- has completely been betrayed.

श्री रघुनाथ झा : कोई भी पार्टी इससे बची नहीं है।

श्री बिक्रम केशरी देव : बीजेपी पार्टी में तो अभी तक नहीं हुआ है। Therefore, Madam Chairperson, this Bill basically says that a Member who defects -- whether he defects alone or whether he defects because his original party had split -- will be technically disqualified, and if he is a Minister, then he will lose his position. He will not hold any office of profit from the Government till he seeks re-election and gets elected.

Therefore, Madam, it is a very welcome measure to strengthen the Anti-Defection Law of 1985, which was enacted in 1985. It amended the articles 101, 102, 190 of the Constitution and a new 10th Schedule Clause was added. Therefore, it resulted in further strengthening and making it more defection proof.

This Bill makes it more stronger by making it defection proof. It is because we are all answerable to the people, to the voters, for whom we are sitting in this House or in the Assembly or at any level, even in the *Panchayat* level also. But, this is not applicable there. We hope that in future for *Zila Parishads* and District Administrations also the States would enact such type of law. It should start from the grassroots.

Regarding the Council of Ministers, previously it was seen that in the unicameral system 10 per cent was reserved for the Council of Ministers or for unicameral system and bicameral system 10 per cent was reserved.

The Standing Committees, in their Reports, have suggested that in respect of the Lower House, 15 per cent will be considered for the Council of Ministers. Therefore, this is, basically, a Bill to strengthen our democracy.

MADAM CHAIRMAN : You can say that you support the Bill and conclude your speech.

SHRI BIKRAM KESHARI DEO : I thank you for giving me the time to speak. I support this Bill.

श्री राशिद अलवी (अमरोहा) : सभापति महोदया, 'देर आयद, दुरुस्त आयद' - इस लोक सभा कार्यकाल जब खत्म होने वाला है, तब यह सरकार इस बिल को लेकर आ रही है। हमारे गांव में एक कहावत है - 'नौ-सौ चूहे खाकर बिल्ली हज को चली।' भारतीय जनता पार्टी की सरकार द्वारा अब यह बिल लाया जा रहा है, मैं अपनी पार्टी की ओर से इस विधेयक को सपोर्ट जरूर करता हूँ, लेकिन मैं दो बातें कहना चाहता हूँ। इस विधेयक में 10 प्रतिशत मंत्रियों की संख्या के बारे में कहा गया है। इसके बारे में मेरा कहना यह है कि दस प्रतिशत लोक सभा और पांच प्रतिशत राज्य सभा से होने चाहिए। **श्री (व्यवधान)** आपको जब अपनी बात कहनी हो, तब बोलिएगा। कुछ देर बाद आप इधर आने वाले हैं, तब आपकी दूसरी जुबान होगी। तादाद कम होनी चाहिए, लेकिन इसके साथ-साथ मैं यह भी कहना चाहता हूँ कि अभी तक एन्टी-डिफैक्शन कानून का मिसयूज हुआ है और गलत तरीके से इन्ट्रप्रेट करने का काम किया गया है। श्री अरुण जेटली जी सीनियर वकील हैं। न सिर्फ पार्लियामेंट के अन्दर, बल्कि एसेम्बलीज के अन्दर जो प्रीसाइडिंग आफिसर होते हैं, जानबूझकर ईमानदारी के साथ गलत तरीके से इन्ट्रप्रेट करते हैं, तो समझ में आता है, लेकिन हिन्दुस्तान की कितनी एसेम्बलीज के अन्दर प्रीसाइडिंग आफिसर जानबूझकर सरकार के इशारे पर मिस-इन्ट्रप्रेट करने का काम करते रहे हैं। मैं किसी प्रीसाइडिंग आफिसर का नाम नहीं ले रहा हूँ, लेकिन हमारी पार्टी में सात साल पहले जो एन्टी-डिफैक्शन हुआ था, उस बारे में सुप्रीम कोर्ट में आजतक कान्स्टीचूशनल बेंच नहीं बनी है। बेंच कब बनेगी और कब सुनवाई होगी तथा कब उसका फैसला होगा, इस बारे में कुछ नहीं कहा जा सकता है। इसलिए मैं कहना चाहता हूँ, इन्ट्रप्रेटेशन के लिए यह तय करना चाहिए कि हाउस के अन्दर जो बहस होती है, हाउस की जो इन्ट्रैशन है, कानून बनाने से पहले, फैसला करने से पहले चाहे जो प्रीसाइडिंग आफिसर हों या चाहे जजेज हों, उनको इसको देखना चाहिए। दुनिया में ऐसी कोई भी जुबान नहीं है, जिसको अलहदा तरीके से इन्ट्रप्रेट न किया जा सकता हो। अंग्रेजी भाषा में तो एक कोमा से अर्थ बदल जाता है। उर्दू में एक मुहावरा है - 'तौबा-तौबा, शराब से तौबा।' इसका अर्थ समझ में आता है कि शराब से तौबा कर रहे हैं। लेकिन इसी मुहावरे को दूसरे तरीके से बोल दिया, तो उसका अर्थ बदल जाता है। श्री विनोद खन्ना जी शराब का नाम सुनते ही खुश नजर आ रहे हैं।

विदेश मंत्रालय में राज्य मंत्री (श्री विनोद खन्ना) : मुझे पता चल गया कि आप क्या कहने वाले हैं।

श्री राशिद अलवी : इसको अगर दूसरे तरीके से बोल दिया जाए - 'तौबा-तौबा, शराब से तौबा!', तो इसका अर्थ बदल जाता है। किस हाउस का स्पीकर क्या फैसला करे, कुछ नहीं कहा जा सकता है। इसलिए मैं चाहूंगा कि एन्टी-डिफैक्शन के मामले में अकेले प्रीसाइडिंग आफिसर के हाथ में फैसला नहीं होना चाहिए। मेरा सुझाव है कि इस बारे में एक कमेटी बनानी चाहिए। लीडर-ऑफ-अपोजीशन कैसा भी हो, लेकिन मामला अकेले स्पीकर के हाथ में नहीं छोड़ना चाहिए। मैं किसी स्टेट का नाम नहीं ले रहा हूँ। स्पीकर बनाने की क्वालिफिकेशन है कि यह स्पीकर हमारे हिसाब से फैसला करेगा, इसलिए इसको स्पीकर बनाया जाए। उत्तर प्रदेश का मामला आपके सामने है। इसलिए इस मामले में सरकार को सोचना चाहिए और इस कानून को ज्यादा बेहतर तरीके से बनाना चाहिए। जो कानून बन रहा है, यदि उसका मकसद ठीक नहीं होगा तो उसे बनाने का कोई फायदा नहीं होगा। एक खतरा जरूर इस बात से पैदा हो जाता है कि आप जो कानून ला रहे हैं उससे पार्टी की इंट्रनल डेमोक्रेसी कमजोर हो सकती है। ऐसे राजनीतिक दल जो तेजी से डिक्टेटराना दिशा की तरफ जा रहे हैं उससे देश की राजनीति और लोकतंत्र को भारी खतरा हो सकता है। विश्व हिन्दू परिद के वाइस प्रेजीडेंट, जिन का मैं नाम नहीं लेना चाहता हूँ, उनका अभी स्टेटमेंट आया। उन्होंने कहा कि ऐसे तमाम लोग जो

हिन्दू राष्ट्र में यकीन नहीं रखते हों, सैकुलरिज्म की बात करते हों, उन्हें संसद में इलैक्ट न किया जाए। मैं अफसोस के साथ कहना चाहता हूँ कि भारतीय जनता पार्टी के किसी आदमी ने उसे कंडेम करने का काम नहीं किया। इस तरह का बयान देना असंवैधानिक है, क्राइम है, संविधान के साथ खिलवाड़ करना है। इस कानून को ज्यादा बेहतर तरीके से बनाया जाए तो ज्यादा बेहतर होगा लेकिन जो भी कानून सरकार ला रही है, मैं उसका अपनी पार्टी की तरफ से सपोर्ट करता हूँ लेकिन यह केवल इसलिए लाया जा रहा है कि संसद के चुनाव होने वाले हैं। यकीनन भारतीय जनता पार्टी की सरकार नहीं बनेगी और कहीं बीजेपी टूट न जाए लेकिन बहरहाल जो भी मकसद हो, मैं इसका अपनी पार्टी की तरफ से सपोर्ट करता हूँ।

श्री अरुण कुमार (जहानाबाद) : सभापति महोदय, 97वां संविधान संशोधन विधेयक के जरिए सरकार ने लोकतंत्र में एक सक्षम व्यवस्था बनाने का काम किया है जो एक अच्छा प्रयास है। सरकार ने दिनेश गोस्वामी की रिपोर्ट, लॉ कमिशन की रिपोर्ट और स्टैडिंग कमेटी की रिपोर्ट के आधार पर काफी सोच समझ कर और विस्तृत तरीके से चर्चा करके इसे लाने का काम किया है। स्वर्गीय राजीव गांधी जी ने इस दिशा में एक कदम उठाया था। उसमें त्रुटि थी लेकिन एक अच्छा प्रयास था। यह सरकार भी इस दिशा में एक प्रयास कर रही है। मैं समझता हूँ कि इससे कुछ सकारात्मक माहौल बनना लाजमी है। लोकतंत्र का आधार लोक लज्जा है। कानून के सहारे सिर्फ लोकतंत्र की गाड़ी नहीं चल सकती है।

अभी माननीय अलवी साहब कह रहे थे कि स्पीकर के हाथ में अधिकार नहीं मिलना चाहिए। मेरा मानना है कि हमारे संविधान निर्माताओं ने जिस संविधान का गठन किया और जिन संस्थाओं का निर्माण किया, आज तक निश्चित तौर से हम इसे व्यक्ति से जोड़ कर न देखें। जहां कहीं त्रुटि हुई है उसमें निश्चित तौर पर सुधार होना चाहिए लेकिन संस्थाओं पर उंगली उठाने से उसका अच्छा फल नहीं मिलेगा। इसके दो रूप हैं - एक साइज ऑफ दी गवर्नमेंट और दूसरा डिफैक्शन। किन परिस्थितियों में डिफैक्शन होता है, मैं उस पर विस्तार से चर्चा नहीं करना चाहता लेकिन साइज ऑफ दी गवर्नमेंट कम हो जाए तो हम समझते हैं कि डिफैक्शन का परपज बहुत हद तक सर्व होगा।

लेकिन जो 10 प्रतिशत से 15 प्रतिशत रखा गया है, हम समझते हैं इसे और कम किया जाना चाहिए। 15 प्रतिशत से इनकी संख्या काफी हो जाती है।

13.31 hrs. (Mr. Speaker in the chair)

अभी माननीय सदस्य श्री प्रियरंजन दासमुंशी डिफैक्शन, डिसेप्शन और अनहोली एलायंस के बारे में बोल रहे थे। यह किसी एक पार्टी तक सीमित नहीं है, वह जिस मोराल की बात कर रहे थे, उन्हें यह सोचना चाहिए कि अभी बिहार में जो उनकी सरकार चल रही है, जब वह जनता के बीच में गये थे तो राष्ट्रीय जनता दल की अराजक स्थिति के खिलाफ जनता ने उन्हें मैनडेट दिया था। लेकिन उस अराजक स्थिति को दोने में आज वह सहयोगी बने हुए हैं। यह होली एलायंस है या अनहोली एलायंस ? चूंकि जनता ने इनकी भूमिका को पहले ही भांप लिया था और इस कारण कम लोग जीत कर आये थे। लेकिन जब कम लोग जीत कर आये तो इन्होंने राष्ट्रीय जनता दल के साथ होली एलायंस कर लिया। जनता ने अराजक स्थिति के खिलाफ इन्हें अपना मैनडेट दिया था और इनके जितने लोग जीत कर आये, वे सबके सब मंत्री बन गये, यह इनका होली एलायंस है।

MR. SPEAKER: Hon. Member, I have to finish the debate by 1.45 pm. So, please conclude now.

श्री अरुण कुमार : हम कहना चाहते हैं कि लोकतंत्र कानून से नहीं चल सकता, लोकतंत्र के लिए डिफैक्शन और डिसेप्शन समझाने से नहीं होगा, बल्कि हर एक राजनीतिक व्यक्ति को इस बात पर चिंता व्यक्त करनी चाहिए कि जिस दिशा में हम आगे बढ़ रहे हैं, उसमें हर आदमी को अपने आपमें चिंतन करना चाहिए। मोराल के आधार पर किसी राजनीतिक पार्टी से बंधा हुआ होना कोई बात नहीं है, यह सवाल सार्वजनिक हो गया है और हम लोग जनता के कठघरे में खड़े हो जाते हैं। इसलिए जब होली एलायंस हो तो वह एक सिस्टम पर निर्भर करता है। लोकतंत्र में लोक-लाज और लोक मर्यादा को जितना बल देंगे, हम सार्वजनिक चीजों पर जितना मजबूती से अमल करेंगे, यह व्यवस्था उतनी मजबूत होगी।

MR. SPEAKER: Now, Dr. V. Saroja.

मैं अगले वक्ताओं को केवल दो-दो मिनट दे सकता हूँ।

DR. V. SAROJA (RASIPURAM): Hon. Speaker, Sir, I rise here to support this Bill on behalf of my party All India Anna DMK and on behalf of my leader hon. Dr. Puratchi Thalaivi Amma.

The Constitution (Ninety-Seventh Amendment) Bill, in its Statement of Objects and Reasons, says:

"Demands have been made from time to time in certain quarters for strengthening and amending the Anti-defection Law as contained in the Tenth Schedule to the Constitution of India, on the ground that these provisions have not been able to achieve the desired goal of checking defections. "

Sir, there are some lacunae and deficiencies in this Bill. I would draw the attention of this august House and I would urge upon the hon. Minister to the fact that there are amendments suggested by the Presiding Officers Review Committee regarding anti-defection, the recommendations made by the Law Commission of India and the recommendations made by the National Commission to Review the Working of the Constitution of India. I have my own doubts whether these recommendations submitted to the Government of India were critically evaluated. The Bill, which is before us, has not addressed the issues properly. Thereby, we are not sending a proper message to our nation and to the future of our India.

Sir, in this context, I would again draw the attention of the Government to paragraph 2 of the Statement of Objects and Reasons wherein all the three Committees are admittedly headed by persons other than politician. Hence, the Government should realise that the forums of non-politicians are trying to discipline the politicians.

I would like to draw the attention of all the hon. Members of this august House to this aspect. I repeat what I said earlier:

"All the above three Committees are admittedly headed by persons other than politicians. Hence the Government should realise that the fora of non-politicians are trying to discipline the politicians. The Heads of these Committees are either Executives or retired Judicial Officers."

So, we, the elected representatives of this House, the politicians, confer more powers to them to control politicians. On this, we have to take a view; we have to reach a consensus; and we have to prove supremacy of legislature over the other two wings.

By merely increasing the number of Ministers from 10 per cent to 15 per cent or even more, you are not going to have any effect in having good control over administration.

On defections, action must be taken from the date of disqualification.

MR. SPEAKER: Dr. Saroja, please sit down now. I am sorry; but the debate has to be concluded by 2 o'clock. I can give only one or two minutes to each Member who wants to speak. That is all, and nothing more than that. Please sit down. Now, Shri Bhartruhari Mahtab.

SHRI BHARTRUHARI MAHTAB (CUTTACK): I thank you very much for allowing me to speak on the Constitution Amendment Bill.

There are two things. The Tenth Schedule has been criticised on the ground that it allows bulk defection while declaring individual defections as illegal. The provision for exemption from disqualification in case of splits as provided in para 3 of the Tenth Schedule to the Constitution came under severe criticism, as we all know, on account of its stabilising effect on the Government.

We have Dinesh Goswami Committee report which was submitted to this House in 1990; we have the Law Commission report which was submitted to this House in 1999. We also have the report, in 2002, of the National Commission to Review the Working of the Constitution. These reports have recommended omission of the said para 3 of the Tenth Schedule pertaining to exemption from disqualification in case of splits.

The National Commission to Review the Working of the Constitution is of the view that a defector should be penalised. Accordingly therefore, the provisions provided in the Bill to debar a defector in assuming office until elected by popular mandate is a good step.

Secondly, to provide or restrict the size of the Council of Ministers to 15 per cent of the House of People and 15 per cent of the total number of Members of the Legislative Assembly of that State is a laudable step.

So, I, on behalf of my party, extend full support to the Constitution Amendment Bill.

At the same time, I would like to draw the attention of this House to one aspect. The Leader of the Party outside has a role to play; the Leader of the Legislature or the Legislative Party inside the House has a role to play. Many a times, the same person does not hold both these Offices. When difference of opinion arises, the trouble starts. That problem should be sorted out in this Tenth Schedule.

श्री रामजीलाल सुमन (फिरोजाबाद) : अध्यक्ष महोदय, समाजवादी पार्टी को पहले समय दे दें।

अध्यक्ष महोदय : मैं आपकी पार्टी को भी समय दूँगा। एक-दो मिनट ही मिलेंगे, ज्यादा समय नहीं दे सकता हूँ।

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : अध्यक्ष महोदय, यह संविधान संशोधन यहां लाने के लिए झटपट में दोनों पार्टियां मिल गई हैं। यहां हम इसको पास कर लें लेकिन इसकी रेलेवेन्ट बातों पर तनिक विचार करना भी बहुत ज़रूरी है।

18 वां पहले संविधान संशोधन हुआ था। दल बदल पर रोक वाला 92वां संशोधन संविधान के टैन्थ शैड्यूल में जोड़ा गया। उससे पहले स्वर्गीय मधु लिमये के समय में सन् 1977 में इस पर विचार हुआ था।

महोदय, लेकिन उस समय यह विचार व्यक्त किया गया कि लोकतांत्रिक तत्व इससे मजबूत नहीं होंगे, आजादी रहनी चाहिए, इसलिए वह बिल पास नहीं हुआ, परन्तु स्वर्गीय राजीव गांधी जी के समय में यह बिल पास हुआ। 18 वाँ में इस संबंध में जितना कुछ बुरा अनुभव हुआ, उस पर इस बिल को लाते समय विचार नहीं किया गया। यह बिल सुविचारित नहीं है। जो बिल संविधान में संशोधन हेतु सदन में प्रस्तुत किया गया है यह खुदगर्जी वाला विधेयक लगता है। विगत 18 वाँ में जो लोकतांत्रिक सूत्र कमजोर हुए, उन पर इस बिल को लाते समय बिलकुल विचार नहीं किया गया।

महोदय, पैरा 3 को हटा रहे हैं। यानी एक-तिहाई से अधिक यदि दल बदल करते हैं, तो उन्हें छूट है। एक-तिहाई बहुमत से अधिक हों, तो उन्हें छूट है यानी स्प्लिट वाले पर रोक लगा रहे हैं, यदि ऐसा है, तो फिर मर्जर वाले का क्या होगा ? मैं इसका उदाहरण देना चाहता हूँ। पार्टी की क्या डेफिनिशन होगी, सदन के अंदर कोई पार्टी है, सदन के बाहर कोई पार्टी है, यानी जो सदन के अंदर है वही बाहर भी है, यह आवश्यक नहीं है, तो इसकी परिभाषा क्या होगी ? अध्यक्ष महोदय को इसमें शामिल किया गया है कि वे अंतिम रूप से निर्णय करेंगे, फिर उस पर कोर्ट विचार करेगी। यह अध्यक्ष महोदय की गरिमा के खिलाफ है। यहां से कोई निश्चय हो जाए, पीठासीन अधिकारी, फिर चाहे वह लोक सभा हो या विधान सभा हो, अध्यक्ष फ़ैसला कर लें, उसके ऊपर कोर्ट-कचहरी नुक्ता-चीनी करे, यह ठीक नहीं है। इस बारे में कोई विचार नहीं किया गया है। फिर पार्टी से निलम्बन और पार्टी से निकासन, उसकी क्या स्थिति है, पार्टी से निलम्बित कर दिया या निकासित कर दिया, वह कौन

सी पार्टी में रहेगा, यह उस पर लागू होगा या नहीं, इस पर को विचार नहीं हुआ है ?

महोदय, जब इनको लगा कि हमारी पार्टी में हेरा-फेरी होने की संभावना है, तो ये इस बिल को आनन-फानन में ले आए हैं। यह तो उसी प्रकार का हुआ कि सिमटम देखकर दवाई दे दी। जैसे माथे में दर्द है, तो पेन किलर दे दिया, लेकिन कुछ समय के बाद फिर वही स्थिति हो जाती है। मैं इसका साक्षात् उदाहरण देना चाहता हूँ। अभी जार्ज फर्नान्डीज, समता पार्टी के अध्यक्ष हैं। समता पार्टी और जनता दल का मर्जर हुआ। जनता दल यू हो गया, मैं नहीं जानता हूँ कि सदन में उसकी क्या हैसियत है, लेकिन बिहार में जनता दल यू के अध्यक्ष शरद यादव नहीं हैं, उसके अध्यक्ष जार्ज फर्नान्डीज हो गए हैं। इसी प्रकार अलग-अलग पार्टीज बनी हुई हैं। श्री रघुनाथ झा, पुराने जनता दल में बने हुए हैं और श्री प्रभुनाथ सिंह उससे अलग हो गए हैं, यह मैं नहीं जानता हूँ, लेकिन श्री देवेन्द्र प्रसाद यादव पुराने जनता दल यू में हैं, पुराने दल का अध्यक्ष कौन है, आदि ऐसी अनेक बातें हैं, जिन पर स्पष्ट विवेचना होनी चाहिए और उसी के बाद यह विधेयक यहां पारित करने हेतु प्रस्तुत किया जाना चाहिए था, परन्तु ऐसा नहीं किया गया है और "आया राम गया राम" चलता रहेगा, "हौर्स ट्रेडिंग" होती रहेगी। इनसे यह सरकार न बचना चाहती है और न इस "आया राम गया राम" को रोकना चाहती है। इसका साक्षात्कार उदाहरण हमारी पार्टी के एक मੈम्बर को तोड़कर मंत्री बनाया जाना है। पुरूलिया कांड हो गया और कई कांड हो गए, अब "आया राम गया राम" को रोकना चाहते हैं। इसलिए यह बिल लाए हैं। **â€** (व्यवधान) मैं कहना चाहता हूँ कि पैराग्राफ 3 को समाप्त करने से काम नहीं चलेगा, उस पर विचार करना चाहिए था, लेकिन कोई विचार नहीं किया गया। मर्जर पर कोई विचार नहीं किया गया। कोई दल-बदल करके पार्टी को छोड़ता है और दूसरी पार्टी शामिल होता है, तो उसमें उसकी क्या स्थिति होगी, इस पर भी विचार नहीं किया गया है। **â€** (व्यवधान)

अध्यक्ष महोदय : अब समाप्त करिए।

डॉ. रघुवंश प्रसाद सिंह : अध्यक्ष महोदय, मैं अध्यक्ष को दी गई शक्तियों के विरुद्ध नहीं हूँ, लेकिन जब एक बार अध्यक्ष ने, पीठासीन अधिकारी ने निर्णय अंतिम रूप से दे दिया, निर्णायक की भूमिका निभाई, फिर उसकी विवेचना कोर्ट द्वारा नहीं होनी चाहिए, उसकी छानबीन कोर्ट-कचहरी द्वारा कराया जाना, अध्यक्ष की गरिमा के प्रतिकूल है। इस पर विचार करना चाहिए था, लेकिन विचार नहीं किया गया है। **â€** (व्यवधान)

MR. SPEAKER: Dr. Sarkar, you can start your speech. You have been given only two minutes and not more than that.

डॉ. रघुवंश प्रसाद सिंह : अध्यक्ष महोदय, एक कॉम्प्रीहेंसिव बिल आना चाहिए था, लेकिन वैसा नहीं किया गया है। जो बिल सदन में पारित करने हेतु प्रस्तुत किया गया है, वह सुविचारित नहीं है। सरकार की मंशा नहीं है कि दल-बदल रुके। इस बिल का कोई असर नहीं होगा। इसके पारित होने से जो लोकतांत्रिक प्रक्रिया है, वह खत्म हो जाएगी। इसलिए इन सभी बातों पर विचार करके निर्णय होना चाहिए, अन्यथा जो संविधान संशोधन आया है, वह झट-पट में आया विधेयक है, इसे जल्दी-जल्दी में पास करा लिया जाए। **â€** (व्यवधान) फिर दो-चार वा बाद दोबारा इसे लाना पड़े। **â€** (व्यवधान)

अध्यक्ष महोदय : केवल विक्रम सरकार जी का भाण ही रिकार्ड पर जाएगा।

DR. BIKRAM SARKAR (PANSKURA): Mr. Speaker, Sir, on behalf of my Party, All India Trinamool Congress, and on my own behalf, I rise to support the Constitution (Ninety-seventh Amendment) Bill, 2003. While doing so, I would seek your permission to make a few observations.

A beginning was made to take care of anti-defection 18 years ago and I presume that at that time the situation was not ripe enough to take all the decisions. As a result, naturally, there were a number of defects. As you could see from the experience of last 18 years, at the Centre as well as in the States, in particular, para 3 was made use of. Hair-splitting distinction was made between 'defection' and 'split'. After detailed discussion, the time has now come to take care of this by plugging the loopholes. This is a welcome step. It could also be said, at the same time, that this is not the end of it. The process is on and it will take some more time, with the kind of experience that we gather, to completely do it.

I have got one more observation to make. In the past we have seen that in spite of the anti-defection law passed in 1985, whenever the bigger parties were at convenience either at the Centre or in the States, they did try to split the smaller parties. It is more dangerous for the smaller parties. So, there should be a provision or an assurance that the bigger parties should be careful not to split the smaller parties. As I have mentioned, this is a welcome step and we support it.

श्री रवि प्रकाश वर्मा (खीरी) : अध्यक्ष महोदय, माननीय अरुण जेटली जी संविधान (97वां अमेंडमेंट) बिल, 2003, यानी दल-बदल विधेयक सदन में लाए हैं। इस विधेयक की जो भावना और उद्देश्य है, मैं उसका सम्मान करता हूँ और इस अवसर पर कहना चाहता हूँ कि लोकतंत्र के उद्भव ने हिन्दुस्तान के अंदर कितनी बड़ी उपलब्धि हासिल की है, इस चीज को महसूस करने का समय आ गया है। लोकतंत्र एक एप्रेटस के तौर पर हमने अख्तियार किया है और लोकतंत्र एक थीम के तौर पर हम साथ लेकर चलते रहे हैं। इसमें खास तौर पर यह परिलक्षित हो रहा है कि जिस तरह लोकतंत्र को एक एप्रेटस के तौर पर हम लोगों ने अख्तियार किया है, उसने हिन्दुस्तान को एक बहुत बड़ा मोकाम दिया है, लेकिन डेमोक्रेसी का जो थीम है उसे इस बात से बहुत बड़ा धक्का पहुंचा है। जब से 1976 के बाद दल-बदल की परिस्थितियां बदलीं या जो प्रवृत्ति प्रकाश में आई थी, 1985 में 52वें संविधान संशोधन के माध्यम से सरकार द्वारा एक महत्वपूर्ण प्रयास यह किया गया था कि जो भी चुने हुए व्यक्ति दल-बदल कर रहे थे या हाउस का फ्लोर क्रास कर रहे थे, उन पर प्रतिबंध लगा दिया गया था, लेकिन उसमें कुछ कमियां रह गई थीं, जिन्हें दूर किया जाना था और उसी उद्देश्य से यह विधेयक लाया गया है।

महोदय, मैं आदरणीय दासमुंशी जी की बात को तस्दीक करना चाहता हूँ। अभी कुछ दिन पहले कहीं एक प्रोग्राम हो रहा था। उसमें बार-बार यही बात कही जा रही थी कि नेताओं से इस देश का मोह भंग हुआ है। किन नेताओं से देश का मोह भंग हुआ है, ये बात समझने की जरूरत आ चुकी है। यह सच है कि जब कभी दल-बदल होता है तो उसका लाभ उन लोगों को मिलता है जो वाकई में फ्यूडिलिस्टिक टैंडेंसी के हैं, जनता से जुड़े हुए लोग नहीं हैं या कहीं न कहीं उनका वेस्टेड इंटरस्ट रहता है। यह भी सच है कि जिन राज्यों में भी दल-बदल हुआ है, उसके अनुपात में वहां की गवर्नेस प्रभावित हुई है और उसी अनुपात में वहां की आर्थिक और सामाजिक विकास की स्थिति प्रभावित हुई है। वह भी प्रभावित हुआ है। आज इस संशोधन विधेयक के माध्यम से यह कहा जा रहा है कि जो स्प्लिट और मर्जर है, जिसकी अनुमति पहले दी गई थी, आज उसे भी समाप्त किया जा रहा है, यह वाकई में स्वागतयोग्य कदम है। स्टैंडिंग कमेटी ने भी इसके लिए अपना सुझाव दिया था, निर्वाचन सुधार सम्बन्धी समिति ने भी अपना सुझाव दिया है और राष्ट्रीय संविधान रिव्यू समिति ने भी अपना सुझाव दिया है। मैं समझता हूँ कि पूरे हिन्दुस्तान में व्यापक रूप से आज इस संविधान संशोधन का स्वागत हो रहा है।

जहां तक मंत्रिमंडल छोटा करने की बात सामने आ रही है, यह भी एक अच्छा कदम है और मैं पूरे तौर पर इसका अनुमोदन करता हूँ। मंत्रिमंडल के बड़ा होने की स्थिति में उससे भी गवर्नेस प्रभावित हुई है और जहां-कहीं बड़े मंत्रिमंडल बनाये गये हैं, वहां पर डिफेक्शन करने वाले लोगों को एक तरह से इंसेंटिव मिला है कि

अगर दलबदल करने के बाद मंत्री पद मिल रहा है तो शायद उसने पार्टियों को तोड़ने में एक महत्वपूर्ण भूमिका अदा की है।

अध्यक्ष महोदय : आपका समय समाप्त हो गया, कृपया बैठिये।

श्री रवि प्रकाश वर्मा : मैं इस अवसर पर समाजवादी पार्टी की तरफ से इस बिल का जो उद्देश्य है, जो भावना है, उसका स्वागत करता हूँ।

श्री रामजीवन सिंह (बलिया, बिहार) : माननीय अध्यक्ष जी, आजादी मिलने के बाद भारत के संविधान निर्माताओं ने सोचा भी नहीं था कि एक दल से निर्वाचित होने वाला व्यक्ति दूसरे दल में चला जायेगा और इसीलिए संविधान में दलबदल रोकने के लिए कोई प्रावधान नहीं किया गया। कालान्तर में आया राम, गया राम भारतीय राजनीति का एक प्रमुख अंग बन गया और व्यक्ति क्या, सरकारें भी दलबदल करने लग गईं। इसलिए मोरारजी देसाई जी के वक्त में दलबदल विरोधी कानून आया था, लेकिन ठीक ही कहा गया कि उस समय मधु लिमये जी ने अपनी बौद्धिकता और चरित्र की ऊंचाई के आधार पर उस पर कुछ संशोधन दिये थे, लेकिन वह बिल पास नहीं हो सका। मैं राजीव गांधी जी को धन्यवाद दूंगा कि उनकी सरकार ने दलबदल विरोधी कानून तो लाया, उससे कुछ लाभ भी मिला, लेकिन उसके बाद से गंगा का पानी बहुत बह गया है और इतना बहा कि वह पानी गदला हो गया। वह न तो पीने के लायक रहा और न वह वैतरणी पार उतरने के लायक रहा। सिर्फ एक तिहाई संख्या की नाव बना दी गई, सदनों के अध्यक्षों को नाविक बना दिया गया और उस पर चढ़कर लोग पार करने लग गये। परिणाम यह निकला कि सरकारें अस्थिर होने लगीं, दलों की प्रतिबद्धता समाप्त हो गई, दलीय अनुशासन खत्म हो गया, राजनैतिक विश्वसनीयता पर प्रश्नचिह्न लग गया और लोकतंत्र खतरे में पड़ गया।

आज यह संशोधन आया है और निश्चित तौर पर इस संशोधन से एक बहुत बड़ा लाभ मिलेगा। राजनीति में आज इतनी ज्यादा अपवित्रता बढ़ गई है कि देश के मुख्य चुनाव आयुक्त को कहना पड़ता है कि राजनीति में जाने से अच्छा है कि मैं आत्महत्या कर लूं। आज राजनीति इस तरह की चीज बन गई है। इसलिए मैं सभी दल के लोगों से कहना चाहता हूँ कि यदि चाहते हैं कि राजनीति की पवित्रता कायम रहे तो मैं यह कहकर खत्म करना चाहता हूँ कि ठीक है, इस कानून का भी समर्थन करें, लेकिन यह भी आगे आने वाले दिनों में रखें कि अगर कोई एक बार दलबदल कर ले तो उसकी सदस्यता तो समाप्त हो ही, 6 वॉ तक उसे चुनाव लड़ने से भी वंचित किया जाये। अगर एक दल उसे टिकट न दे तो दूसरा दल भी उसे टिकट न दे। वह जिस आधार पर, जिस मोर्चे से जीतकर आते हैं, अगले पांच वा तक वहीं रहे।

अन्तिम बात, निर्दलियों के लिए भी कोई कानून बनना चाहिए, वे भी सरकार बनाने और बिगाड़ने में बहुत बड़ी भूमिका निभाते हैं। मैं इस बिल का समर्थन करता हूँ।

SHRI G.M. BANATWALLA (PONNANI): Mr. Speaker, Sir, I welcome and support the Bill. From day one, I and my Party have been demanding that this unjustified distinction between an individual defection and collective defection must be abolished. I have given a notice for Private Members' Bill also. I am constrained to remark that the present measures are half-hearted. There are various other aspects which must be considered. For example, there cannot be a whip on any and every subject that the Party may consider deem fit. It must be laid down that the whip must be restricted only to such matters the voting on which leads to the fall of the Government or to such policy matters as were mentioned in the manifesto. So, that restriction is also necessary.

It is also necessary to provide as to who is to decide on defection. At present, the Speaker decides. Without casting any reflection, I am sorry to say that we have had unfortunate instances specially with respect to certain States. It is also a point that the Speaker's decision about defection is subject to judicial review. His position and office must not be compromised. It must be provided that the decision on defection should be given by the President on the mandatory recommendation of the Election Commission.

There is also the question of a Member who is expelled or suspended from his party. You call them unattached Members. But what is their position? Their position should also be legally clarified. These are the various aspects which have not been considered. Therefore, I say that the measure is a half-hearted measure. The position that the defector cannot be appointed as a Minister or to a political office is a good measure. It is also good to limit the size of the Council of Ministers.

With these observations, I and my Party, Muslim League, support the Constitution (Amendment) Bill.

SHRI ABDUL RASHID SHAHEEN (BARAMULLA): Sir, I rise to support the Constitution (Ninety-seventh Amendment) Bill brought before the House for consideration and passing.

I am sure that the hon. Standing Committee has done a good deliberation for making their recommendations, as have been brought before the House. They have done serious deliberations and they have made it acceptable and purposeful.

I have seen this Law of Anti-Defection evolving to the present status before my eyes. We passed this Bill first of all in the Jammu and Kashmir Assembly under the leadership of Sheikh Mohammed Abdullah. But, next year, we found that it had loopholes and had made that law almost ineffective. However, it has evolved to the present status. I am happy that the Government has brought this Bill before the House. We support this Bill and this is helpful for enhancing the prestige of our democratic system by putting a limit to horse-trading and ignominious cross-flooding and other things which bring down the prestige of democracy. Our democracy is to be valued. The amendment of the Law Minister about the implementation of the provisions with regard to the size of the Council of Ministers, as per the recommendation of the Standing Committee within six months of the notification is a welcome step.

We and my Party support this law.

श्री राम विलास पासवान (हाजीपुर) : अध्यक्ष महोदय, संविधान संशोधन के दो अंश हैं। पहला, मंत्रिमंडल के साइज के बारे में है, जिसका मैं सपोर्ट करता हूँ। दूसरा एंटी डिफेक्शन के बारे में है। उस संबंध में मैं कुछ सुझाव देना चाहता हूँ। सदन को मालूम है कि पहले कोई भी आदमी दल बदल सकता था। उसके बाद यह हुआ कि नहीं, इसे कुल सदस्यों का एक तिहाई कर दो। अब यह कहा गया कि कोई भी व्यक्ति दल बदल नहीं कर सकता। सीधे कोई भी बदल सकता है और कोई भी नहीं बदल सकता। यानी अब यह दो धुरियों पर चला गया है।

मैं समझता हूँ कि हम यह मानकर चल रहे हैं कि जितने प्रतिनिधि हैं, वे सारे के सारे करप्ट हो गये हैं। जो लोग दल बदलते हैं, वे या तो पैसे के लिए दल बदलते हैं या पावर के लिए बदलते हैं। उसमें सिद्धांत का कहीं लेशमात्र भी कोई चारा नहीं रहा है। इसमें कहीं इस बात की चर्चा नहीं है कि कोई पोलिटिकल पार्टी अपने चुनाव घोणा पत्र के आधार पर जनता के बीच में जाती है और जनता के बीच में जिस आधार पर वोट मांगती है, उसकी पार्टी के लोग उसके ठीक विपरीत काम करना शुरू करें तो उनका क्या होने वाला है, क्या होगा, इसकी इसमें कहीं कोई चर्चा नहीं है।

14.00 hrs.

यह एक तरह से अपनी पार्टी के लोगों को बंधुआ मजदूर बनाने का भी काम है।

जब यहां डिसइन्वेस्टमेंट पर चर्चा हो रही थी तो हमारे साथी प्रभुनाथ सिंह जी ने बहुत ही गुस्से में कहा था कि यह बेचू सरकार है, यह सम्पत्ति को बेच रही है और अगर 15 दिन के अंदर सरकार ने इसे रिवर्स नहीं किया तो मैं 15वें दिन इस्तीफा दे दूंगा या एनडीए को छोड़ दूंगा। लेकिन ऐसा नहीं हुआ। सरकार बेचती रही लेकिन ये अकेले क्या करें। इसलिए मैंने कहा कि राइट ऑफ एक्सप्रेशन जो संविधान का मौलिक अधिकार है, यह उसके ऊपर लगाम है। हम हमेशा बोलते हैं कि भारत के अलावा दुनिया के और किसी देश में ऐसा नहीं है, हम ही हैं जो रोज कहते हैं कि असत्य मत बोलो, सदा सत्य बोलो मतलब जितना सत्य बोलने को कहते हैं उतना ही असत्य बोलने का काम करते हैं। इसलिए इस बारे में मेरा मतभेद है और कहीं न कहीं इसमें इस बात का जिक्र होना चाहिए कि जो पोलिटिकल पार्टी अपने चुनाव घोणा पत्र के आधार पर चुनाव जीतकर आती है, जनता के सामने वादा करती है और फिर उस वादे के खिलाफ जाती है, तो किसी भी मैम्बर को यह अधिकार रहना चाहिए क्योंकि उसका एक मैनीफेस्टो है, वही उसका पीरियड होता है।

दूसरा, आपने एमएलए का जिक्र किया है। राज्य सभा के लिए ओपन वोटिंग का प्रस्ताव पास हुआ लेकिन एमएलसी के लिए, मुझे नहीं मालूम है कि एमएलसीज़ के लिए ओपन वोटिंग का सिस्टम लागू हुआ है या नहीं। हर स्टेट में है। (व्यवधान) काउंसिल के लिए नहीं हो सका है। राज्य सभा का सदस्य भी एमएलएज़ द्वारा चुना जाता है और काउंसिल के भी अधिकांश सदस्य एमएलएज़ द्वारा चुने जाते हैं। वहां सीक्रेट बैलेट पेपर है लेकिन एक जगह आपने ओपन कर दिया है। मैं समझता हूँ कि वह भी ओपन होना चाहिए।

तीसरा, मैं इस बात से सहमत हूँ कि स्पीकर का निर्णय लेने के लिए आप लीडर ऑफ दी औपोजीशन को जोड़ दें, उधर से ट्रेज़री बैंक से जोड़ दें लेकिन स्विच बोर्ड एक जगह पर होना चाहिए, दो जगह पर नहीं होना चाहिए कि यहां आन हो और वहां ऑफ हो। स्पीकर को अधिकार दे दें या कोर्ट को अधिकार दे दें लेकिन कहीं विश्वास करके चलना पड़ेगा। यदि आपने स्पीकर को अधिकार दे दिए और फिर स्पीकर के निर्णय के खिलाफ लोग कोर्ट में जाएं और वहां छः महीने लगे, साल लगे। (व्यवधान)

अध्यक्ष महोदय : पासवान जी, आपका समय पूरा हो गया है।

श्री राम विलास पासवान : मैं समाप्त कर रहा हूँ।

इसलिए मैंने जो तीन सुझाव दिए हैं, इन तीनों सुझावों के ऊपर यदि सरकार अपने जवाब में कुछ बताए तो अच्छा होगा।

SHRI E. PONNUSWAMY (CHIDAMBARAM): Mr. Speaker, Sir, I, on behalf of my Party, the PMK, welcome this measure, that is the Constitution (Ninety-seventh Amendment) Bill. Constitution (Fifty-second) Amendment of the Constitution was flexible towards the defectors. I have only two points to mention, as all other points have been discussed by my colleagues in this August House.

As my leader, Dr. Ramdoss, has already written to the Government and to the Hon. Prime Minister, the defector should not be allowed to enter any other party and he must be made to resign. He should be deferred from contesting elections for six years. No election should be conducted and the parent party should be allowed to nominate an alternative Member in the place of the defector, without going for election as it has already got him elected.

Second point is that, as presiding officers of some States have proved that they have not detached themselves from loyalty to their the parent party and are acting partially, it should be left to the Governor in the State or to the President of the Union in the case of the Central Government to decide.

These are our proposals for the healthy functioning of the democracy and I support the measure.

SHRI PRABODH PANDA (MIDNAPORE): Mr. Speaker, Sir, thank you. On behalf of my Party, the Communist Party of India, I welcome and support the Constitution (Ninety-seventh) Amendment to the Constitution.

I have to make only two points. We have witnessed, our country has witnessed split, defection and so-called merger in different States, in North-East, in UP, and in many other States in our country. Now, the Bill has come. I think it is over delayed. It should have been brought before the House much earlier.

I want to seek a clarification on one point. I would like to know from the hon. Minister whether the provisions of this Act would be applied to the present defectors or not. How many defectors are there in this House? How many defectors are there in different Legislative Assemblies? I would also like to know whether this Act would be applied on them or not; whether they would step down from their posts or not; whether the Government would ask them to do so or whether the Election Commission or the respective Speaker will ask them to step down from their posts or not.

My second point is this. Political parties distinguish themselves with their manifesto, ideology and programmes and policies. They distinguish themselves before the people during the election. But after the election, the defectors think

these people are ignorant. We are talking about the people. We say that it is of the people, for the people and by the people. But the defectors think that the people are ignorant. So, more stringent provision should be there to ask the defectors to step down. Also more stringent action should be taken against the defectors. There must be provision for this also.

I come to my last point. This amendment is not at all adequate. It is inadequate. We should think over the other recommendations like the right to recall, like the recommendations made by the Indrajit Gupta Committee and the recommendations made by the other Committees also. We should think over them. I hope the Government will do something so that we are not only doing something just to the people but also we should appear to the people doing so. In this connection, I would appeal to the Government to see to it - after passing this Bill - that those defectors, who are there even in the Council of Ministers, step down from the positions they occupy. Only then will the people think that we are doing something which is really worthwhile.

With these words, I conclude.

श्री सनत कुमार मंडल (जयनगर) : अध्यक्ष महोदय, यह जो संविधान संशोधन विधेयक लाया गया है, मैं अपनी पार्टी की तरफ से इसका समर्थन करता हूँ। यह विधेयक कंप्रीहेंसिव नहीं है। इसमें कुछ कमियाँ हैं। अगर आप देखें कि जो मंत्रिमंडल की संख्या दी गई है, वह और कम होनी चाहिए क्योंकि जो हमारे देश में आज दलबदल होता है, वह गण तंत्र के लिए खतरा है। नॉर्थ ईस्ट में आप देख रहे हैं कि कोई एक दल से दूसरे दल में चला गया और दूसरा दल बनाकर वहाँ मंत्रिमंडल बना लिया। उत्तर प्रदेश में आप देख रहे हैं कि दलबदल हमारे देश में ज्यादा होता जा रहा है। इसलिए एक विधेयक जरूरी था तथा एक और विधेयक लाना चाहिए था। हमारी पार्टी बहुत दिनों से मांग कर रही थी कि जो दलबदल करता है, उसका सदस्य पद खारिज होना चाहिए क्योंकि जनता के सामने एक पार्टी के नौमिनेट होने के बाद जब अगर वह दलबदल करता है तो उसका सदस्य पद खारिज हो जाएगा तो यह अच्छा होगा।^{â€}(व्यवधान) यह दलबदल छोटे-छोटे दल के लिए खतरा होता है।

अध्यक्ष महोदय : मंडल जी, आपका समय समाप्त हो गया है, अब आप बैठिए।

^{â€}(व्यवधान)

अध्यक्ष महोदय : हरीभाऊ शंकर महाले जी, आप बोलिए।

श्री हरीभाऊ शंकर महाले (मालेगांव) : अध्यक्ष महोदय, जो बिल सदन में लाया गया है, मैं इसका समर्थन करता हूँ।^{â€}(व्यवधान)

श्री प्रमुनाथ सिंह (महाराजगंज, बिहार) : जो घटना घटी है, मैं वह बताना चाहता हूँ।^{â€}(व्यवधान)

श्री रघुनाथ झा (गोपालगंज) : अध्यक्ष महोदय, यह तो दल बदल विधेयक है, लेकिन जो निर्दलीय हैं, उनका क्या होगा ?

श्री हरीभाऊ शंकर महाले : अध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। यह बिल राजनैतिक और सामाजिक जीवन में शुद्धता लाने तथा आर्थिक भ्रष्टाचार को कम करने में मददगार होगा। इसलिए मैं इस बिल का समर्थन करता हूँ। मैं आदिम जाति का व्यक्ति हूँ। मैं जिला परिषद में रहा, विधान सभा में भी रहा और अब लोक सभा का सदस्य हूँ। पावर में रहते हुए मेरे ऊपर भ्रष्टाचार के आरोप लगते रहे। जब चन्द्रशेखर जी प्रधान मंत्री थे, उस समय मैं राज्य मंत्री बनने वाला था, लेकिन मैंने इनकार कर दिया। मैं बताना चाहता हूँ कि मुझे दल बदल कराने के लिए तीन बार कोर्ट-कोर्ट रुपया देने का प्रलोभन दिया गया और इस सम्बन्ध में लोग मेरे घर भी आए।^{â€}(व्यवधान) मैं बताना चाहता हूँ कि मैंने साफ इनकार कर दिया था।

अध्यक्ष महोदय : अब आप समाप्त करें। पप्पू यादव जी अब आप बोलिए।

श्री हरीभाऊ शंकर महाले : लोग समझते हैं कि यह तो आदिम जाति का गरीब आदमी है, अकेला है इसलिए यह आसानी से हमारी बात मान जाएगा। मैं प्रभु का आभारी हूँ कि मैं भ्रष्टाचार से दूर रहा। इस बिल के द्वारा हम जैसे लोगों को भी संरक्षण मिलेगा।^{â€}(व्यवधान)

अध्यक्ष महोदय : केवल पप्पू यादव जी का भाण ही रिकार्ड में जाएगा।

श्री राजेश रंजन उर्फ पप्पू यादव (पूर्णािया) : अध्यक्ष महोदय, यह जो बिल लाया गया है, लोक मर्यादा के लिए मैं इसके पक्ष में बोलने के लिए खड़ा हुआ हूँ। आज मानवीय मूल्यों का इतना हास हो रहा है, जिसके चलते इस विधेयक को लाना पड़ा है। हम लोग आत्मचिंतन नहीं करना चाहते, लेकिन देश को इस बिल के द्वारा यह बताना चाहते हैं कि हम और हमारी पार्टियाँ ईमानदार नहीं हैं। यह देश में मैसेज जा रहा है। हमें सोचना चाहिए कि यह बिल लाने की आवश्यकता क्यों पड़ी, जबकि पूरा कानून पहले से ही है। हमारे देश के संविधान के मुताबिक हमारे देश में लोगों को राजनीतिक दल बनाने का अधिकार है। हम दल बनाते हैं और फिर चुना व के समय अपने-अपने मैनिफेस्टो लेकर जनता के सामने जाते हैं। लेकिन हमें अपने चरित्र में भी उस चीज को उतारना चाहिए, जिसका उल्लेख हम अपनी नीतियों, भाषणों और मैनिफेस्टो में करते हैं। हमें समाज में और सदन में गरिमा बनाए रखने का काम करना चाहिए और इसे आगे बढ़ाना चाहिए।

मैं आदरणीय जेटली जी से पूछना चाहता हूँ कि जब किसी सदस्य को कोई पार्टी निकाल देती है, उसको असम्बद्ध घोषित कर देती है, उसके बारे में आपकी क्या राय है ? क्या वह सदस्य पैडुलम की तरह लटकता रहेगा, वह कहाँ जा सकता है या फिर उसी पार्टी में लौटेगा ? मैं मंत्री जी से जानना चाहता हूँ कि इस विधेयक को लाकर उन्होंने अच्छा काम जरूर किया, लेकिन जो बड़ी पार्टियाँ हैं, उनमें डिक्टेटरशिप चले, उसके नेता में भी क्या कोई वैचारिक परिवर्तन होगा या नहीं ? नेता को भी चाहिए कि अपने साथियों को अपनी अंतरात्मा से चलने की छूट दे, उस पर दृष्टि जारी न करे।

श्री प्रमुनाथ सिंह : अध्यक्ष महोदय, मैं केवल एक मिनट लेना चाहता हूँ।

अध्यक्ष महोदय : आपकी पार्टी के प्रतिनिधि का भाण हो चुका है इसलिए मैं आपको समय नहीं दे सकता। आप केवल प्रश्न पूछें, भाण देने की इजाजत मैं नहीं दूंगा।

श्री प्रमुनाथ सिंह : हम न तो प्रश्न पूछ रहे हैं और न ही कोई भाण दे रहे हैं, केवल घटना बता रहे हैं। मैं यह बताना चाहता हूँ कि यहाँ यह विधेयक पेश किया गया

है। हम इसका विरोध करें या समर्थन, यह तो पास होगा ही। यहां कहा जा रहा है कि धनबल की वजह से पार्टियां टूटती हैं। (व्यवधान) अगर आपको नहीं सुनना है तो फिर इसका कोई मतलब नहीं होगा। धनबल से पार्टियां टूटती हैं, मैं इससे सहमत नहीं हूँ।

इसलिए कि इससे पहले जब हम तीस-छाप निशान पर चुनाव लड़कर आये थे तब शरद जी हमारे अध्यक्ष थे। पार्टी टूटी, समता पार्टी का विभाजन हुआ और उसमें से तीसरी पार्टी निकली। रामविलास जी यहां बैठे हुए हैं और चौथी पार्टी यहां बैठी हुई है तथा एक और पार्टी के लिए यादव जी तैयारी में हैं।

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : वैचारिक मतभेद को खत्म किया जा रहा है। (व्यवधान)

श्री प्रभुनाथ सिंह : अध्यक्ष जी, केवल धन और बल के कारण ही पार्टियां नहीं टूटती हैं। जहां विचारों में मतभेद होता है, कार्य करने की शैली में मतभेद होता है वहां भी पार्टियां टूटती हैं। नेताओं का हंटर चलेगा इसलिए ये लोग बोलते नहीं हैं। हंटर चलाकर विचारों पर अंकुश न लगाया जाए। इसलिए हम यह कहते हैं कि बिल गलत है लेकिन गलत होने के बाद भी इसे पास होना है, इसलिए हम इसका समर्थन करते हैं।

अध्यक्ष महोदय : यादव जी, आप एक मिनट में इनकी बात का उत्तर दे दें।

श्री देवेन्द्र प्रसाद यादव : मैं आपसे प्रार्थना करना चाहता हूँ और संसद की यह परम्परा रही है कि किसी को जबर्दस्ती बिल पर बोलने से रोकना नहीं चाहिए और अल्पसंख्यक की आवाज को भी सुनना चाहिए। जो विधेयक आया है उसका मैं स्वागत करता हूँ। इसका एक पहलू मंत्रिमंडल के आकार को सीमित करना है। इसका मैं समर्थन करता हूँ। लेकिन अध्यक्ष बना-बनाकर जो ये कैबिनेट स्टेट्स का पद दे रहे हैं तो क्या इस पर कोई रोक का उपाय है। यदि उपाय नहीं है तो मंत्रिमंडल के आकार को सीमित करने का उद्देश्य समाप्त हो जाता है। दूसरा पहलू दल-बदल खरीद-फरोख्त के आधार पर करने का है। माननीय मंत्री जी जब उद्देश्य और हेतु पर बोल रहे थे तो उन्होंने साफ कहा कि वैचारिक स्तर पर और सैद्धांतिक स्तर पर दल-बदल नहीं होता है। यह बात बहुत ही दुःखद है। मैं माननीय जेटली साहब की इस बात से सहमत नहीं हूँ। हो सकता है कि 80 प्रतिशत लोग धन के बल पर दल बदल करते हों लेकिन वैचारिक मतभेद, सैद्धांतिक मतभेद, पार्टी के घोषणा-पत्र और पार्टी का सिद्धांतों को नजर-अंदाज करके चलना, पार्टी टूटने का कारण होते हैं। (व्यवधान) इस पर ऐसे समय में आयरन गेट न लगाए जाएं। अगर ऐसा होता है तो यह आंतरिक लोकतंत्र पर खतरा है, आंतरिक लोकतंत्र महफूज नहीं रहेगा और देश की लोकतांत्रिक व्यवस्था पर प्रश्नचिन्ह लगेगा।

अध्यक्ष महोदय : इनकी कोई भी बात अब रिकार्ड पर नहीं जाएगी। मंत्री जी की बात रिकार्ड पर जाएगी। मंत्री जी आप बोलें।

...(व्यवधान) *

* Not Recorded.

JAITLEY): Mr. Speaker, Sir, I am extremely grateful to the hon. Members who have expressed their views at length on this Ninety-seventh Amendment to the Constitution. Most of the Members who have spoken have made several very constructive and radical suggestions that are not a part of this legislation. But, by and large, I see across this House a very large consensus in support of this legislation.

When this House adopted the constitution Fifty-second Amendment in 1985, at that time, we had struck a balance between two different views. One was that the requirement of political morality is that you remain a Member of the political party on whose symbol or support and mandate you have been elected. We tried to balance this rationale of political morality with some freedom of conscience that if on some larger considerations a large number of Members of a political party disagree with the party, then if that figure comes to about one-third and this one-third figure must result in a legislative party in any State or at the Centre as a result of a split in the main political party, then such a split provision was recognised as something which was permissible as an exception to otherwise prohibited floor-crossing or change or defection.

Sir, the last eighteen years have given to all of us an opportunity to study how the polity in this country is developing. I cannot say and my friend Shri D.P. Yadav should not understand me in saying that the split on ideological consideration is not possible or never takes place. It may, in a rare case takes place. But predominantly, the experience has been that it is the smaller parties which have split. Most persons who have split away from the political parties have joined ruling parties and generally, the trend has been to get the ministerial posts after such a defection has taken place.

One of the objects of law making is and that is also a symptom or symbol of malice in the Indian politics that when we study this and we see the evolution of these changes taking place, law must then radically change in order to curb a mischief which is possible in the body polity. This amendment is really intended to curb that mischief which we have seen over the last few years which has been evolving. This seems to be the rationale and both these amendments which are a part of this have a popular support. Repeated studies, which have been conducted either by the Dinesh Goswami Committee or the Commission to review the Constitution or the Law Commission, have supported them.

The second limb of the amendment which seeks to restrict the size of the Council of Ministers besides having a laudable object of downsizing the Government is also a reflection of the majority in Indian politics which is coming that by such a large consensus we are thinking in terms of curbing a problem which has arisen at several places wherein extraordinary large sized Ministries have been formed at different levels of governance.

While acknowledging with my gratitude, the support which has been expressed for this Bill, there are a few suggestions which have been made by some Members, even though they have not pressed for those amendments and since, this was a thinking which was made, I think some clarifications or some comments on them would be called for.

Shri Shivraj Patil, who opened the discussion, expressed a serious concern over the fact that the adjudicatory power under this Bill is vested in the Speaker. He was particularly concerned with the fact that the Speakers, when they pronounce, and after such pronouncements, have been subjected to at times, unfair criticism. This is *quasi* judicial power and one of the reasons we felt while unfounded criticism comes that ultimately a Speaker is elected by the majority Members of the House and having been elected by the majority Members of the House, there may be a perception that the Speaker has leaned in favour of one group or the other, particularly, in the favour of the group which has elected him. It is for this reason that some of the Commissions have also made suggestions that this power of the Speaker should be taken away and vested in some other authority, particularly, the Election Commission.

In fact, Shri Patil would recollect that when the provision of 1985 Constitution Amendment was challenged the minority view in the Supreme Court -- the majority upheld the adjudicatory power of the Speaker -- was that the power which has been vested in the Speaker itself can become a colourable exercise of power because of the institution bias with which the Speaker may have been identified.

श्री राजेश रंजन उर्फ पप्पू यादव : अध्यक्ष का निर्णय तो सुप्रीम कोर्ट में चैलेंज हो जाएगा कि अध्यक्ष सर्वोच्च हैं या सबके हैं या किसी के पक्ष के व्यक्ति हैं।

अध्यक्ष महोदय : यादव जी, आप बैठिए।

SHRI ARUN JAITLEY: The manner in which the majority has been coming into the exercise of this power also, I do not think, we should really be concerned about the fact that Speaker's Orders are subjected to criticism. If it is a *quasi* judicial power which is expressed on certain set of political facts, free expression will be exercised on it. Press may write on it. Press, on the public opinion, is entitled even to criticise judgements of the Supreme Court. When power is vested, there will always be an expression of opinion with regard to the exercise of the power.

But, I would like him to consider that merely because the exercise of such power is merely subjected to criticism, it would be a very large question affecting one of the basic tenants of Indian Constitution, that is the separation of powers. The Legislature in the exercise of its legislative power and in relation to the conduct of its business, is supreme. Of late, concerns have been expressed that separation of powers as one of the constitutional concepts has been somewhat obliterated. Powers which have to be exercised by legislators and legislative bodies, at times, are being exercised elsewhere. It is a concern that how do we restore the balance once again which we are all concerned with. If we are voluntarily relinquishing or disseminating some of that power, it would not be a very good idea for the future of Indian democracy when we are self-decided that the power which is vested in the Speaker should be taken away today from the Speaker. In any case, after the present amendment which we are making, the discretion of the Speaker in the exercise of the power under the Tenth Schedule is going to be very limited because bulk of the disputes, which have been arising, are disputes in relation to the split provisions. In relation to individual defections, disputes are not going to be in grey area. It is going to be very clear – as some individual is defecting he faces the consequences – and the Speaker's discretions are going to be very limited. With regard to the split provision, once the provision itself in Para 3 is being eliminated, there is very little discretion left even in the adjudicatory authority today. And therefore, Sir, for us today really to think in terms of any alternative system, perhaps, itself may not be possible.

SHRI SHIVRAJ V. PATIL : What I was saying was that the legislative powers should remain with the Legislature, but judicial powers, if they are exercised by the Presiding Officer in the Legislature, they are misinterpreted. You can put the interpretation on the decision but you cannot wrongly quote the facts. If something is not mentioned in the judgement, and you are saying that it is mentioned in the judgement, it is creating a situation in which the Presiding Officer will not be in a position to discharge his duties properly. That was what I was trying to say.

SHRI ARUN JAITLEY: I am grateful to the hon. Member. Some other questions have been raised and one question which Members have repeatedly raised, which was asked to me in the end, as to what happens with regard to parties expelling their Members from the membership of the political party. Now, the provisions of the Tenth Schedule itself take care of that which is to the effect that the Tenth Schedule is triggered off or attracted only if somebody voluntarily relinquishes the membership of a political party. कोई अपनी मर्जी से वॉल्युनटरली अपनी पार्टी की सदस्यता को छोड़ता है तभी संविधान के 10वे शेड्यूल के अन्तर्गत प्रावधान उस पर लागू होते हैं। जो अपनी मर्जी से नहीं छोड़ता और जिसे पार्टी की तरफ से एक्सपैल कर दिया जाता है, एक्सपलेशन की वजह से 10वां शेड्यूल अपने आप में अट्रैक्ट नहीं होता। इसलिए उसके ऊपर यह प्रावधान लागू नहीं होगा।

देवेन्द्र यादव जी ने अंत में कहा कि क्या इससे पार्टी की तानाशाही बढ़ जाएगी? यह विषय हमेशा बहस का रहा है लेकिन इस विषय के तहत एक तरफ पार्टी के अनुशासन का राजनैतिक और नैतिकता का प्रश्न है, दूसरी तरफ यह प्रश्न भी है कि किसी व्यक्ति को अपनी बात कहने का अधिकार है और उसे कहने दिया जाए। इसके बीच में जो बहुमत और कनसैन्सस सदन और स्टैंडिंग कमेटी में बना तथा आज की बहस में भी बना वह यही है कि अगर कोई व्यक्ति अपनी बात इतनी जोर से कहना चाहता है और उसे लगता है कि उसे कहने का अधिकार है तो फिर उसकी कनविकशन इतनी भी होनी चाहिए कि वह सदन की सदस्यता भी छोड़ने को तैयार हो और जनता के सामने जाकर कहे। यह कहना अपने आप में उचित नहीं होगा कि मैं अपनी बात भी कहता रहूंगा और उस पार्टी के खिलाफ भी कहता रहूँ और मत भी उसके खिलाफ देता रहूँगा जिस ने मुझे चुन कर यहां भेजा है। फिर राजनैतिक नैतिकता के आधार पर ठीक। (व्यवधान)

श्री प्रमुनाथ सिंह : जनता पर विश्वास करके चुनाव जीतना और पार्टी की बात कह कर अप्रत्यक्ष रूप में सदन में आना दोनों में बहुत अन्तर पड़ता है। जो जनता के बीच से चुनाव जीत कर नहीं आते हैं वह इसी तरह भाण देते हैं। ठीक। (व्यवधान)

श्री अरुण जेटली: अध्यक्ष जी, इसलिए सदन में ज्यादा आम राय बनी कि यह जो स्प्लिट का प्रावधान है, इसे समाप्त किया जाए। इन शब्दों के साथ मैं सदन से अनुरोध करूंगा कि इस संविधान संशोधन विधेयक को पारित किया जाए।

MR. SPEAKER: Before I put the motion for consideration of the Bill 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—

Now, the Lobbies have been cleared.

I request the Secretary-General to read necessary information to the hon. Members.

SECRETARY-GENERAL: Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System. Before a division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only.

As may kindly be seen, the "Red bulbs above Display Boards" on either side of hon. Speaker's Chair are already glowing. This means the voting system has been activated.

For voting, please press the following two buttons simultaneously immediately after sounding of first gong, namely,

- i. One "Red" button in front of the hon. Member on the head phone plate, and also

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

'Ayes' – Green colour

'Noes' – Red Colour

'Abstain' – Yellow colour

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

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

Please do not press the amber button (p) during Division.

Hon. Members can actually "see" their votes on display boards and on their desk unit. In case vote is not registered, they may kindly call for voting through slips.

MR. SPEAKER: The question is:

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

The Lok Sabha divided:

Division No. 2 AYES Time :14.41 hrs.

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahamed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alva, Shrimati Margaret

Alvi, Shri Rashid

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr.(Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat
Badnore, Shri Vijayendra Pal Singh
Baghel, Prof. S.P. Singh
Bainda, Shri Ramchander
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banatwalla, Shri G.M
Banerjee, Kumari Mamata
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Barwala, Shri Surendra Singh
Basavaraj, Shri G.S.
Basu, Shri Anil
Bauri, Shrimati Sandhya
Baxla, Shri Joachim
Begum Noor Bano
Behera, Shri Padmanava
Bhadana, Shri Avtar Singh
Bhagat, Prof. Dukha
Bhagora, Shri Tarachand
Bhargava, Shri Girdhari Lal
Bhaura, Shri Bhan Singh
Bhuria, Shri Kantilal (Jhabua)
Bind, Shri Ram Rati
Bishnoi, Shri Jaswant Singh
Bose, Shrimati Krishna
Brahmanaiyah, Shri A.
Brar, Shri J.S.
Bwiswmuthiary, Shri Sansuma Khunggur
C. Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shri Ajoy
Chakraborty, Shri Swadesh
Chakravarty, Shrimati Bijoya
Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat

Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajibhai
Choudhary, Col.(Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Nihal Chand
Chouhan, Shri Shivraj Singh
Chowdhary, Shri Adhir
Chowdhary, Shrimati Santosh
Chowdhury, Shri Bikash
Chowdhury, Shrimati Renuka
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Dahal, Shri Bhim
Dalit Ezhilmalai, Shri
Das, Shri Alakesh
Das, Shri Khagen
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatraya, Shri Bandaru
Delkar, Shri Mohan S.
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Dhikale, Shri Uttamrao
Dhinakaran, Shri T.T.V.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra

Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadde, Shri Ram Mohan
Galib, Shri G.S.
Gamang, Shrimati Hema
Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jadhav, Shri Suresh Ramrao
Jag Mohan, Shri
Jagannath, Dr. Manda
Jagathrakshakan, Dr. S.
Jain, Shri Pusp
Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad
Jaiswal, Shri Shriprakash
Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.
Jayaseelan, Dr.A.D.K.
Jha, Shri Raghunath
Jos, Shri A.C.
Joshi, Dr. Murlı Manohar
Kaliappan, Shri K.K.
Kannappan, Shri M.
Kanungo, Shri Trilochan
Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
Kathiria, Dr. Vallabhbhai
Katiyar, Shri Vinay
Kaur, Shrimati Preneet
Kaushal, Shri Raghuvir Singh
Khaire, Shri Chandrakant
Khan, Shri Abul Hasnat
Khan, Shri Hassan
Khan, Shri Sunil
Khandelwal, Shri Vijay Kumar
Khandoker, Shri Akbor Ali
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khurana, Shri Madan Lal
Kriplani, Shri Shrichand
Krishnadas, Shri N.N.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnan, Dr. C.
Krishnaswamy, Shri A.
Kulaste, Shri Faggan Singh

Kumar, Shri Arun

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Lahiri, Shri Samik

M.Master Mathan, Shri

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

* Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Mallik, Shri Jagannath

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mandal, Shri Sanat Kumar

* Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shrimati Jas Kaur

* Meghwal, Shri Kailash

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohan, Shri P.

* Voted through slip

Mohite, Shri Subodh

Mollah, Shri Hannan
Mookherjee, Shri Satya Brata
Moorthy, Shri A.K.
Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murmu, Shri Salkhan
Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad, Capt. Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi, Shri Raj Narain

Paswan, Dr. Sanjay
Paswan, Shri Ram Vilas
Paswan, Shri Sukdeo
Patasani, Dr. Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Patel, Shri Deepak
Patel, Shri Dharm Raj Singh
Patel, Shri Mansinh
Patel, Shri Prahlad Singh
Patel, Shri Tarachand Shivaji
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Danve Raosaheb
Patil, Shri Jaysingrao Gaikwad
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patnaik, Shrimati Kumudini
Patwa, Shri Sundar Lal
Pawaiya, Shri Jaibhan Singh
Pilot, Smt. Rama
Ponnuswamy, Shri E.
Potai, Shri Sohan
Prabhu, Shri Suresh
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V. Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
Radhakrishnan, Shri Pon
Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajesh Ranjan alias Pappu Yadav, Shri
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Kashiram
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Ravi, Shri Sheesh Ram Singh
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri Chada Suresh
Reddy, Shri G. Ganga
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Rizwan Zahir, Shri
Roy, Shri Subodh
Rudy, Shri Rajiv Pratap
Sahu, Shri Anadi

Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Shukla, Shri Shyamacharan
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder
Singh, Ch.Tejveer
Singh, Dr. Raghuvansh Prasad
Singh, Dr. Ram Lakhan

Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Balbir
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.
Srinivasulu, Shri Kalava
Sudarsana Natchiappan, Shri E.M.
Sudheeran, Shri V.M.
Suman, Shri Ramji Lal

Sunil Dutt, Shri
Swami Chinmayanand, Shri
Swami, Shri I.D.
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji
Thakur, Dr. C.P.
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Thomas, Shri P.C.
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
Tirpathi, Shri Prakash Mani
Tripathy, Shri Braja Kishore
Tur, Shri Tarlochan Singh
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Vasava, Shri Mansukhbhai D.
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateshwarlu, Shri B.
Venugopal, Dr. S.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Beni Prasad
Verma, Shri Rajesh
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vetriselvan, Shri V.
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.

Wanaga, Shri Chintaman
Yadav, Dr.(Shrimati) Sudha
Yadav, Dr.Jaswant Singh
Yadav, Shri Balram Singh
Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Dinesh Chandra
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.
Zahedi, Shri Mahboob
Zawma, Shri Vanlal

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

Ayes: 421

Noes: Nil

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

The motion was adopted.

MR. SPEAKER: Now, the House will take up clause-by-clause consideration of the Bill.

Clause 2 **Amendment of Article 75**

Amendments made:

Page 1,--

for lines 6 to 8, substitute-

"(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of total number of members of the House of the People. "; (2)

Page 1,--

for lines 13 to 15, substitute "which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared elected, whichever is earlier." (3)

(Shri Arun Jaitley)

* The following Members also recorded their votes through slip.

Ayes : 421 + Shri Savshibhai Makwana, Shri Shivaji Mane and Shri Kailash Meghwal = 424

MR. SPEAKER: I shall now put clause 2, as amended, to the vote of the House.

The question is:

"That clause 2, as amended, stand part of the Bill. "

The Lok Sabha divided:

Division No. 3 AYES Time : 14.43 hrs.

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahamed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alva, Shrimati Margaret

Alvi, Shri Rashid

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bainda, Shri Ramchander

Bais, Shri Ramesh

Baitha, Shri Mahendra

Banatwalla, Shri G.M

Banerjee, Kumari Mamata

Banerjee, Shrimati Jayashree

Bansal, Shri Pawan Kumar
Barwala, Shri Surendra Singh
Basavaraj, Shri G.S.
Basu, Shri Anil
Bauri, Shrimati Sandhya
Baxla, Shri Joachim
Begum Noor Bano
Behera, Shri Padmanava
Bhadana, Shri Avtar Singh
Bhagat, Prof. Dukha
Bhagora, Shri Tarachand
Bhargava, Shri Girdhari Lal
Bhaura, Shri Bhan Singh
Bhuria, Shri Kantilal (Jhabua)
Bind, Shri Ram Rati
Bishnoi, Shri Jaswant Singh
Bose, Shrimati Krishna
Brahmanaiah, Shri A.
Brar, Shri J.S.
Bwiswmuthiary, Shri Sansuma Khunggur
C. Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shri Ajoy
Chakraborty, Shri Swadesh
Chakravarty, Shrimati Bijoya
Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat
*Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh
*Voted through slip
Chennithala, Shri Ramesh

Chikhalia, Shrimati Bhavnaben Devrajbhai

Choudhary, Col.(Retd.) Sona Ram

Choudhary, Shri Nikhil Kumar

Choudhary, Shrimati Reena

Choudhry, Shri Padam Sen

Chouhan, Shri Nihal Chand

Chouhan, Shri Shivraj Singh

Chowdhary, Shri Adhir

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

Chowdhury, Shrimati Renuka

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Dahal, Shri Bhim

Dalit Ezhilmalai, Shri

Das, Shri Alakesh

Das, Shri Khagen

Das, Shri Nepal Chandra

Dasmunsi, Shri Priya Ranjan

Dattatraya, Shri Bandaru

Delkar, Shri Mohan S.

Deo, Shri Bikram Keshari

Dev, Shri Sontosh Mohan

Dhikale, Shri Uttamrao

Dhinakaran, Shri T.T.V.

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Dome, Dr. Ram Chandra

Dudi, Shri Rameshwar

Dullo, Shri Shamsheer Singh

Elangovan, Shri P.D.

Farook, Shri M.O.H.

Fernandes, Shri George

Gadde, Shri Ram Mohan

Galib, Shri G.S.

Gamang, Shrimati Hema

Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jadhav, Shri Suresh Ramrao
Jag Mohan, Shri
Jagannath, Dr. Manda
Jagathrakshakan, Dr. S.
Jain, Shri Pusp
Jaiswal, Dr. M.P.
Jaiswal, Shri Shankar Prasad
Jaiswal, Shri Shriprakash
Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.
Jayaseelan, Dr.A.D.K.
Jha, Shri Raghunath
Jos, Shri A.C.

Joshi, Dr. Murlı Manohar
Kaliappan, Shri K.K.
Kannappan, Shri M.
Kanungo, Shri Trilochan
Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
Kathiria, Dr. Vallabhbhai
Katiyar, Shri Vinay
Kaushal, Shri Raghuvir Singh
Khaire, Shri Chandrakant
Khan, Shri Abul Hasnat
Khan, Shri Hassan
Khan, Shri Sunil
Khandelwal, Shri Vijay Kumar
Khandoker, Shri Akbor Ali
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khurana, Shri Madan Lal
Kriplani, Shri Shrichand
Krishnadas, Shri N.N.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnan, Dr. C.
Krishnaswamy, Shri A.
Kulaste, Shri Faggan Singh
Kumar, Shri Arun
Kumar, Shri V. Dhananjaya
Kumarasamy, Shri P.
Kuppusami, Shri C.
Kusmaria, Dr. Ramkrishna
Lahiri, Shri Samik
M.Master Mathan, Shri
Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

*Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Mallik, Shri Jagannath

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mandal, Shri Sanat Kumar

*Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shrimati Jas Kaur

Meghwal, Shri Kailash

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

*Voted through slip.

Mohan, Shri P.

Mohite, Shri Subodh

Mollah, Shri Hannan

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan, Shri K.

Murmu, Shri Rupchand

Murmu, Shri Salkhan

Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad, Capt. Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
*Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay
Paswan, Shri Ram Vilas
Paswan, Shri Sukdeo
*Voted through slip

Patasani, Dr. Prasanna Kumar
Patel, Dr. Ashok
*Patel, Shri Chandresh
Patel, Shri Deepak

Patel, Shri Dharm Raj Singh
Patel, Shri Mansinh
Patel, Shri Prahlad Singh
Patel, Shri Tarachand Shivaji
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantrya
Patil, Shri Annasaheb M.K.
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Danve Raosaheb
Patil, Shri Jaysingrao Gaikwad
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patnaik, Shrimati Kumudini
*Voted through slip

Patwa, Shri Sundar Lal
Pawaiya, Shri Jaibhan Singh
Pilot, Smt. Rama
Ponnuswamy, Shri E.
Potai, Shri Sohan
Prabhu, Shri Suresh
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
Radhakrishnan, Shri Pon
Radhakrishnan, Shri Varkala
Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajesh Ranjan alias Pappu Yadav, Shri

Ram Sajivan, Shri
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Kashiram
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Ravi, Shri Sheesh Ram Singh
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri Chada Suresh
Reddy, Shri G. Ganga
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Rizwan Zahir, Shri
Roy, Shri Subodh
Rudy, Shri Rajiv Pratap
Sahu, Shri Anadi
Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri

Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Shukla, Shri Shyamacharan
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder
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Singh, Dr. Ram Lakhan
Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Shri Bahadur
Singh, Shri Balbir

Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.
Srinivasulu, Shri Kalava
Sudarsana Natchiappan, Shri E.M.
Sudheeran, Shri V.M.
Suman, Shri Ramji Lal
Sunil Dutt, Shri
Swami Chinmayanand, Shri
Swami, Shri I.D.
Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji
Thakur, Dr. C.P.
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Thomas, Shri P.C.
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
Tirpathi, Shri Prakash Mani
Tripathy, Shri Braja Kishore
Tur, Shri Tarlochan Singh
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Vasava, Shri Mansukhbhai D.
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateswarlu, Shri B.
Venugopal, Dr. S.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Beni Prasad
Verma, Shri Rajesh
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vetriselvan, Shri V.
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wanaga, Shri Chintaman
Yadav, Dr.(Shrimati) Sudha
Yadav, Dr.Jaswant Singh
Yadav, Shri Balram Singh

Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Dinesh Chandra
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.
Zahedi, Shri Mahboob
Zawma, Shri Vanlal

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

Ayes: 419

Noes: Nil

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

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 **Amendment of Article 164**

Amendments made:

Page 2, --

for lines 3 to 8, substitute-

"(1A) The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent of the total number of members of the Legislative Assembly of that State:

Provided that the number of Ministers, including the Chief Minister

in a State shall not be less than twelve:

Provided further that where the total number of Ministers including

the Chief Minister in the Council of Ministers in any State at the commencement of the Constitution (Ninety-first Amendment) Act, 2003 exceeds the said fifteen per cent, or the number specified in the first proviso, as the case may be, then the total number of Ministers in that State shall be brought in conformity with the provisions of this clause within six months from such date as the President may by public notification appoint."; (4)

*The following Members also recorded their votes through slip.

Ayes : Shri Lal Muni Chaubey, Shri Savshibhai Makwana,
Shri Shivaji Mane, Shri S.S.Palnimanickam,

Page 2,--

for lines 14 to 16, *substitue* "which the term of his office as

such member would expire or where he contests any election to the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier.". (5)

(Shri Arun Jaitley)

MR. SPEAKER: Before I put clause 3, as amended, to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The *Lobbies* are already cleared.

The question is:

"That clause 3, as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 4 AYES Time : 14.45 hrs.

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahamed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alva, Shrimati Margaret

Alvi, Shri Rashid

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bainda, Shri Ramchander

Bais, Shri Ramesh

Banatwalla, Shri G.M

Banerjee, Kumari Mamata

Banerjee, Shrimati Jayashree

Bansal, Shri Pawan Kumar

Barwala, Shri Surendra Singh

Basavaraj, Shri G.S.

Basu, Shri Anil

Bauri, Shrimati Sandhya

Baxla, Shri Joachim

Begum Noor Bano

Behera, Shri Padmanava

Bhadana, Shri Avtar Singh

Bhagat, Prof. Dukha

Bhagora, Shri Tarachand

Bhargava, Shri Girdhari Lal

Bhaura, Shri Bhan Singh

Bhuria, Shri Kantilal (Jhabua)

Bind, Shri Ram Rati

Bishnoi, Shri Jaswant Singh

Bose, Shrimati Krishna

Brahmanaiyah, Shri A.

Brar, Shri J.S.

Bwiswmuthiary, Shri Sansuma Khunggur

C. Suguna Kumari, Dr. (Shrimati)

Chakraborty, Shri Ajoy

Chakraborty, Shri Swadesh

Chakravarty, Shrimati Bijoya

Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajbhai
Choudhary, Col.(Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Chouhan, Shri Nihal Chand
Chouhan, Shri Shivraj Singh
Chowdhary, Shri Adhir
Chowdhary, Shrimati Santosh
Chowdhury, Shri Bikash
Chowdhury, Shrimati Renuka
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Dahal, Shri Bhim
Dalit Ezhilmalai, Shri
Das, Shri Alakesh
Das, Shri Khagen
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatraya, Shri Bandaru
Delkar, Shri Mohan S.
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Dhikale, Shri Uttamrao
Dhinakaran, Shri T.T.V.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji

Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadde, Shri Ram Mohan
Galib, Shri G.S.
Gamang, Shrimati Hema
Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jadhav, Shri Suresh Ramrao
Jag Mohan, Shri
Jagannath, Dr. Manda
Jagathrakshakan, Dr. S.

Jain, Shri Pusp
Jaiswal, Dr. M.P.
Jaiswal, Shri Shankar Prasad
Jaiswal, Shri Shriprakash
Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.
Jayaseelan, Dr.A.D.K.
Jha, Shri Raghunath
Jos, Shri A.C.
Joshi, Dr. Murlı Manohar
Kaliappan, Shri K.K.
Kannappan, Shri M.
Kanungo, Shri Trilochan
Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
Kathiria, Dr. Vallabhghai
Katiyar, Shri Vinay
Kaur, Shrimati Preneet
Kaushal, Shri Raghuvir Singh
Khaire, Shri Chandrakant
Khan, Shri Abul Hasnat
Khan, Shri Hassan
Khan, Shri Sunil
Khandelwal, Shri Vijay Kumar
Khandoker, Shri Akbor Ali
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khurana, Shri Madan Lal
Kriplani, Shri Shrichand
Krishnadas, Shri N.N.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnan, Dr. C.

Krishnaswamy, Shri A.
Kulaste, Shri Faggan Singh
Kumar, Shri Arun
Kumar, Shri V. Dhananjaya
Kumarasamy, Shri P.
Kuppusami, Shri C.
Kusmaria, Dr. Ramkrishna
Lahiri, Shri Samik
M.Master Mathan, Shri
Mahajan, Shri Y.G.
Mahajan, Shrimati Sumitra
Mahale, Shri Haribhau Shankar
Mahant, Dr. Charan Das
Maharia, Shri Subhash
Mahtab, Shri Bhartruhari
Mahto, Shrimati Abha
Majhi, Shri Parsuram
Malaisamy, Shri K.
Malhotra, Dr. Vijay Kumar
Mallik, Shri Jagannath
Malyala, Shri Rajaiah
Mandal, Shri Brahma Nand
Mandal, Shri Sanat Kumar
Mane, Shri Shivaji
Manjay Lal, Shri
Manjhi, Shri Ramjee
Mann, Shri Zora Singh
Meena, Shrimati Jas Kaur
Meghwal, Shri Kailash
Mehta, Shrimati Jayawanti
Mishra, Shri Ram Nagina
Mishra, Shri Shyam Bihari
Mistry, Shri Madhusudan
Mohan, Shri P.
Mohite, Shri Subodh
Mollah, Shri Hannan

Mookherjee, Shri Satya Brata
Moorthy, Shri A.K.
Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murmu, Shri Salkhan
Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad, Capt. Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay

Paswan, Shri Ram Vilas
Paswan, Shri Sukdeo
Patasani, Dr.Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Patel, Shri Deepak
Patel, Shri Dharm Raj Singh
Patel, Shri Mansinh
Patel, Shri Prahlad Singh
Patel, Shri Tarachand Shivaji
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Danve Raosaheb
Patil, Shri Jaysingrao Gaikwad
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patnaik, Shrimati Kumudini
Patwa, Shri Sundar Lal
Pawaiya, Shri Jaibhan Singh
Pilot, Smt. Rama
Ponnuswamy, Shri E.
Potai, Shri Sohan
Prabhu, Shri Suresh
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
Radhakrishnan, Shri Pon
Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajesh Ranjan alias Pappu Yadav, Shri
Ram Sajivan, Shri
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Kashiram
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Ravi, Shri Sheesh Ram Singh
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri Chada Suresh
Reddy, Shri G. Ganga
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Rizwan Zahir, Shri
Roy, Shri Subodh
Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi
Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Shukla, Shri Shyamacharan
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder
Singh, Ch.Tejveer
Singh, Dr. Raghuvansh Prasad
Singh, Dr. Ram Lakhan

Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Balbir
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.
Srinivasulu, Shri Kalava
Sudarsana Natchiappan, Shri E.M.
Sudheeran, Shri V.M.

Suman, Shri Ramji Lal
Sunil Dutt, Shri
Swami Chinmayanand, Shri
Swami, Shri I.D.
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji
Thakur, Dr. C.P.
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Thomas, Shri P.C.
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathy, Shri Ram Naresh
Tirpathi, Shri Prakash Mani
Tripathy, Shri Braja Kishore
Tur, Shri Tarlochan Singh
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Vasava, Shri Mansukhbhai D.
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateswarlu, Shri B.
Venugopal, Dr. S.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Beni Prasad
Verma, Shri Rajesh
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vetriselvan, Shri V.
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

Wadiyar, Shri S.D.N.R.

Wanaga, Shri Chintaman

Yadav, Dr.(Shrimati) Sudha

Yadav, Dr.Jaswant Singh

Yadav, Shri Balram Singh

Yadav, Shri Devendra Prasad

Yadav, Shri Devendra Singh

Yadav, Shri Dinesh Chandra

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

Zahedi, Shri Mahboob

Zawma, Shri Vanlal

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

Ayes: 422

Noes: Nil

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

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 Insertion of new article 361 B

Disqualification for

appointment

on remunerative political post.

Amendment made:

Page 2, for lines 24 to 26, substituteâ€”

'a House and is declared elected, whichever is earlier.

*Explanation.*â€”For the purposes of this article,â€”

- a. the expression "House" has the meaning assigned to it in clause
- a. of paragraph 1 of the Tenth Schedule;
- b. the expression "remunerative political post" means any officeâ€”
 - i. under the Government of India or the Government of a State where the salary or remuneration for such office is paid out of the public revenue of the Government of India or the Government of the State, as the

- case may be; or
- ii. under a body, whether incorporated or not, which is wholly or partially owned by the Government of India or the Government of a State and the salary or remuneration for such office is paid by such body,

* The following member also recorded his vote through slip.

Ayes: 422+ Shri Savshibhai Makwana = 423

except where such salary or remuneration paid is
compensatory in nature.'. (6)

(Shri Arun Jaitley)

MR. SPEAKER: Before I put clause 4, as amended, to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The question is:

"That clause 4, as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 5 AYES Time : 14.47 hrs.

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahamed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alva, Shrimati Margaret

Alvi, Shri Rashid

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh
Bainda, Shri Ramchander
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banatwalla, Shri G.M
Banerjee, Kumari Mamata
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Barwala, Shri Surendra Singh
Basavaraj, Shri G.S.
Basu, Shri Anil
Bauri, Shrimati Sandhya
Baxla, Shri Joachim
Begum Noor Bano
Behera, Shri Padmanava
Bhadana, Shri Avtar Singh
Bhagat, Prof. Dukha
Bhagora, Shri Tarachand
Bhargava, Shri Girdhari Lal
Bhaura, Shri Bhan Singh
Bhuria, Shri Kantilal (Jhabua)
Bind, Shri Ram Rati
Bishnoi, Shri Jaswant Singh
Bose, Shrimati Krishna
Brahmanaiyah, Shri A.
Brar, Shri J.S.
Bwiswmuthiary, Shri Sansuma Khunggur
C. Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shri Ajoy
Chakraborty, Shri Swadesh
Chakravarty, Shrimati Bijoya
Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath

Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajibhai
Choudhary, Col.(Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Nihal Chand
Chouhan, Shri Shivraj Singh
Chowdhary, Shri Adhir
Chowdhary, Shrimati Santosh
Chowdhury, Shri Bikash
Chowdhury, Shrimati Renuka
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Dahal, Shri Bhim
Dalit Ezhilmalai, Shri
Das, Shri Alakesh
Das, Shri Khagen
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatraya, Shri Bandaru
Delkar, Shri Mohan S.
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Dhikale, Shri Uttamrao
Dhinakaran, Shri T.T.V.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh

Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadde, Shri Ram Mohan
Galib, Shri G.S.
Gamang, Shrimati Hema
Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jadhav, Shri Suresh Ramrao
Jag Mohan, Shri
Jagannath, Dr. Manda
Jagathrakshakan, Dr. S.
Jain, Shri Pusp
Jaiswal, Dr. M.P.
Jaiswal, Shri Shankar Prasad
Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.
Jayaseelan, Dr.A.D.K.
Jha, Shri Raghunath
Jos, Shri A.C.
Joshi, Dr. Murlı Manohar
Kaliappan, Shri K.K.
Kannappan, Shri M.
Kanungo, Shri Trilochan
Kashyap, Shri Bali Ram
Kaswan, Shri Ram Singh
Katara, Shri Babubhai K.
Kataria, Shri Rattan Lal
Kathiria, Dr. Vallabhbhai
Katiyar, Shri Vinay
Kaur, Shrimati Preneet
Kaushal, Shri Raghuvir Singh
Khaire, Shri Chandrakant
Khan, Shri Abul Hasnat
Khan, Shri Hassan
Khan, Shri Sunil
Khandelwal, Shri Vijay Kumar
Khandoker, Shri Akbor Ali
Khanduri, Maj.Gen.(Retd.) B.C.
Khanna, Shri Vinod
Khurana, Shri Madan Lal
Kriplani, Shri Shrichand
Krishnadas, Shri N.N.
Krishnamraju, Shri
Krishnamurthy, Shri K. Balarama
Krishnan, Dr. C.
Krishnaswamy, Shri A.
Kulaste, Shri Faggan Singh
Kumar, Shri Arun
Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Lahiri, Shri Samik

M.Master Mathan, Shri

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

*Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Mallik, Shri Jagannath

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mandal, Shri Sanat Kumar

Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shrimati Jas Kaur

Meghwal, Shri Kailash

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohan, Shri P.

*Voted through slip

Mohite, Shri Subodh

Mollah, Shri Hannan

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murmu, Shri Salkhan
Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad, Capt. Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay
Paswan, Shri Ram Vilas

Paswan, Shri Sukdeo
Patasani, Dr.Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Patel, Shri Deepak
Patel, Shri Dharm Raj Singh
Patel, Shri Mansinh
Patel, Shri Prahlad Singh
Patel, Shri Tarachand Shivaji
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Danve Raosaheb
Patil, Shri Jaysingrao Gaikwad
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patnaik, Shrimati Kumudini
Patwa, Shri Sundar Lal
Pawaiya, Shri Jaibhan Singh
Pilot, Smt. Rama
Ponnuswamy, Shri E.
Potai, Shri Sohan
Prabhu, Shri Suresh
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
*Radhakrishnan, Shri Pon
Radhakrishnan, Shri Varkala
Rai, Shri Nawal Kishore
Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajesh Ranjan alias Pappu Yadav, Shri

Ram Sajivan, Shri

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Ramachandran, Shri Gingee N.

Ramshakal, Shri

Ramulu, Shri H.G.

Rana, Shri Kashiram

*Voted through slip

Rana, Shri Raju

Rao, Shri Ch.Vidyasagar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ganta Sreenivasa

Rao, Shri Y.V.

Rashtrapal, Shri Pravin

Rathwa, Shri Ramsinh

Rau, Shrimati Prabha

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Rawat, Shri Ramsagar

Ray, Shri Bishnu Pada

Reddy, Shri A.P.Jithender

Reddy, Shri Chada Suresh

Reddy, Shri G. Ganga

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

Rizwan Zahir, Shri

Roy, Shri Subodh

Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi
Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Shukla, Shri Shyamacharan
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder
Singh, Ch.Tejeev
Singh, Dr. Raghuvansh Prasad
Singh, Dr. Ram Lakhan

Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Balbir
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.
Srinivasulu, Shri Kalava
Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.
Suman, Shri Ramji Lal
Sunil Dutt, Shri
Swami Chinmayanand, Shri
Swami, Shri I.D.
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji
Thakur, Dr. C.P.
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Thomas, Shri P.C.
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
Tirpathi, Shri Prakash Mani
Tripathy, Shri Braja Kishore
Tur, Shri Tarlochan Singh
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Vasava, Shri Mansukhbhai D.
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateswarlu, Shri B.
Venugopal, Dr. S.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Beni Prasad
Verma, Shri Rajesh
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vetriselvan, Shri V.
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

Wadiyar, Shri S.D.N.R.

Wanaga, Shri Chintaman

Yadav, Dr.(Shrimati) Sudha

Yadav, Dr.Jaswant Singh

Yadav, Shri Balram Singh

Yadav, Shri Devendra Prasad

Yadav, Shri Devendra Singh

Yadav, Shri Dinesh Chandra

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

Zahedi, Shri Mahboob

Zawma, Shri Vanlal

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

Ayes: 424

Noes: Nil

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

The motion was adopted.

Clause 4, as amended, was added to the Bill.

*The following Members also recorded their votes through slips
Ayes: 424+Shri Savshibhai Makwana, Shri Pon Radhakrishnan=426

Clause 5 **Amendment of the Tenth Schedule**

MR. SPEAKER: Before I put clause 5 to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The question is:

"That clause 5 stand part of the Bill".

The Lok Sabha divided:

Division No. 6 AYES Time : 14.48 hrs.

Abdullakutty, Shri A.P.
Acharia, Shri Basu Deb
Acharya, Shri Prasanna
Adhi Sankar, Shri
Aditya Nath, Yogi
Adsul, Shri Anandrao Vithoba
Advani, Shri L.K.
Ahamed, Shri E.
Aiyar, Shri Mani Shankar
Ajaya Kumar, Shri S.
Alva, Shrimati Margaret
Alvi, Shri Rashid
Ananth Kumar, Shri
Angle, Shri Ramakant
Argal, Shri Ashok
Arya, Dr. (Shrimati) Anita
Atkinson, Shri Denzil B.
Azad, Shri Kirti Jha

Baalu, Shri T.R.
'Bachda', Shri Bachi Singh Rawat
Badnore, Shri Vijayendra Pal Singh
Baghel, Prof. S.P. Singh
Bainda, Shri Ramchander
Bais, Shri Ramesh
Baitha, Shri Mahendra
Banatwalla, Shri G.M
Banerjee, Kumari Mamata
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Barwala, Shri Surendra Singh
Basavaraj, Shri G.S.
Basu, Shri Anil
Bauri, Shrimati Sandhya
Baxla, Shri Joachim
Begum Noor Bano
Behera, Shri Padmanava
Bhadana, Shri Avtar Singh
Bhagat, Prof. Dukha
Bhagora, Shri Tarachand
Bhargava, Shri Girdhari Lal
Bhaura, Shri Bhan Singh
Bhuria, Shri Kantilal (Jhabua)
Bind, Shri Ram Rati
Bishnoi, Shri Jaswant Singh
Bose, Shrimati Krishna
Brahmanaiyah, Shri A.
Brar, Shri J.S.
Bwiswmuthiary, Shri Sansuma Khunggur
C. Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shri Ajoy
Chakraborty, Shri Swadesh
Chakravarty, Shrimati Bijoya
Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat

Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh
Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajbhai
Choudhary, Col.(Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Nihal Chand
Chouhan, Shri Shivraj Singh
Chowdhary, Shri Adhir
Chowdhary, Shrimati Santosh
Chowdhury, Shri Bikash
Chowdhury, Shrimati Renuka
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Dahal, Shri Bhim
Dalit Ezhilmalai, Shri
Das, Shri Alakesh
Das, Shri Khagen
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatraya, Shri Bandaru
Delkar, Shri Mohan S.
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Dhikale, Shri Uttamrao
Dhinakaran, Shri T.T.V.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra

Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadde, Shri Ram Mohan
Galib, Shri G.S.
Gamang, Shrimati Hema
Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jadhav, Shri Suresh Ramrao
Jag Mohan, Shri
Jagannath, Dr. Manda
Jagathrakshakan, Dr. S.
Jain, Shri Pusp
Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad

Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Javiya, Shri G.J.

Jayaseelan, Dr.A.D.K.

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murl Manohar

Kaliappan, Shri K.K.

Kannappan, Shri M.

Kanungo, Shri Trilochan

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Abul Hasnat

Khan, Shri Hassan

Khan, Shri Sunil

Khandelwal, Shri Vijay Kumar

Khandoker, Shri Akbor Ali

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

Khanna, Shri Vinod

Khurana, Shri Madan Lal

Kriplani, Shri Shrichand

Krishnadas, Shri N.N.

Krishnamraju, Shri

Krishnan, Dr. C.

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun
Kumar, Shri V. Dhananjaya
Kumarasamy, Shri P.
Kuppusami, Shri C.
Kusmaria, Dr. Ramkrishna
Lahiri, Shri Samik
M.Master Mathan, Shri
Mahajan, Shri Y.G.
Mahajan, Shrimati Sumitra
Mahale, Shri Haribhau Shankar
Mahant, Dr. Charan Das
Maharia, Shri Subhash
Mahtab, Shri Bhartruhari
Mahto, Shrimati Abha
Majhi, Shri Parsuram
*Makwana, Shri Savshibhai
Malaisamy, Shri K.
Malhotra, Dr. Vijay Kumar
Mallik, Shri Jagannath
Malyala, Shri Rajaiah
Mandal, Shri Brahma Nand
Mandal, Shri Sanat Kumar
Mane, Shri Shivaji
Manjay Lal, Shri
Manjhi, Shri Ramjee
Mann, Shri Zora Singh
Meena, Shrimati Jas Kaur
Meghwal, Shri Kailash
Mehta, Shrimati Jayawanti
Mishra, Shri Ram Nagina
Mishra, Shri Shyam Bihari
Mistry, Shri Madhusudan
Mohan, Shri P.
Mohite, Shri Subodh
* Voted through slip
Mollah, Shri Hannan

Mookherjee, Shri Satya Brata
Moorthy, Shri A.K.
Munda, Shri Kariya
Muni Lall, Shri
Muniyappa, Shri K.H.
Muraleedharan, Shri K.
Murmu, Shri Rupchand
Murmu, Shri Salkhan
Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad, Capt. Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi, Shri Raj Narain
Paswan, Dr. Sanjay

Paswan, Shri Ram Vilas
Paswan, Shri Sukdeo
Patasani, Dr.Prasanna Kumar
Patel, Dr. Ashok
Patel, Shri Chandresh
Patel, Shri Deepak
Patel, Shri Dharm Raj Singh
Patel, Shri Mansinh
Patel, Shri Prahlad Singh
Patel, Shri Tarachand Shivaji
Pathak, Shri Harin
Patil, Shri Amarsinh Vasantryao
Patil, Shri Annasaheb M.K.
Patil (Yatnal), Shri Basangouda R.
Patil, Shri Bhaskarrao
Patil, Shri Danve Raosaheb
Patil, Shri Jaysingrao Gaikwad
Patil, Shri R.S.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patnaik, Shrimati Kumudini
Patwa, Shri Sundar Lal
Pawaiya, Shri Jaibhan Singh
Pilot, Smt. Rama
Ponnuswamy, Shri E.
Potai, Shri Sohan
Prabhu, Shri Suresh
Pradhan, Dr. Debendra
Pradhan, Shri Ashok
Pramanik, Prof. R.R.
Prasad, Shri V.Sreenivasa
Premajam, Prof. A.K.
Puglia, Shri Naresh
Radhakrishnan, Shri Pon
Radhakrishnan, Shri Varkala
Rai, Shri Nawal Kishore

Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajesh Ranjan alias Pappu Yadav, Shri
Ram Sajivan, Shri
Ram, Shri Braj Mohan
Ramaiah, Dr. B.B.
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Kashiram
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
Rao, Shri Ganta Sreenivasa
Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Ravi, Shri Sheesh Ram Singh
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri Chada Suresh
Reddy, Shri G. Ganga
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati
Rizwan Zahir, Shri
Roy, Shri Subodh
Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi
Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Shukla, Shri Shyamacharan
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder
Singh, Ch.Tejveer
Singh, Dr. Raghuvansh Prasad
Singh, Dr. Ram Lakhan

Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Balbir
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.
Srinivasulu, Shri Kalava
Sudarsana Natchiappan, Shri E.M.
Sudheeran, Shri V.M.

Suman, Shri Ramji Lal
Sunil Dutt, Shri
Swami Chinmayanand, Shri
Swami, Shri I.D.
Thakkar, Shrimati Jayaben B.
Thakor, Shri Punjaji Sadaji
* Thakur, Dr. C.P.
Thakur, Shri Chunni Lal Bhai
Thirunavukkarasar, Shri Su
Thomas, Shri P.C.
Tiwari, Shri Lal Bihari
Tomar, Dr. Ramesh Chand
Tripathee, Shri Ram Naresh
Tirpathi, Shri Prakash Mani
Tripathy, Shri Braja Kishore
* Voted through slip.
Tur, Shri Tarlochan Singh
Vaghela, Shri Shankersinh
Vajpayee, Shri Atal Bihari
Varma, Sh. Ratilal Kalidas
Vasava, Shri Mansukhbhai D.
Veerappa, Shri Ramchandra
Venkataswamy, Dr. N.
Venkateshwarlu, Shri B.
Venugopal, Dr. S.
Verma, Dr. Sahib Singh
Verma, Prof. Rita
Verma, Shri Beni Prasad
Verma, Shri Rajesh
Verma, Shri Ram Murti Singh
Verma, Shri Ravi Prakash
Vetriselvan, Shri V.
Vijaya Kumari, Shrimati D.M.
Vijayan, Shri A.K.S.
Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wanaga, Shri Chintaman
Yadav, Dr.(Shrimati) Sudha
Yadav, Dr.Jaswant Singh
Yadav, Shri Balram Singh
Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Dinesh Chandra
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.
Zahedi, Shri Mahboob
Zawma, Shri Vanlal

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

Ayes: 423

Noes: Nil

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

The motion was adopted.

Clause 5 was added to the Bill.

Clause 1 Short Title

Amendment made:

Page 1, in line 3, for "(Ninety-Seventh Amendment)" substitute "(Ninety-first Amendment) ". (1)

(Shri Arun Jaitley)

MR. SPEAKER: I shall now put clause 1, as amended, to the vote of the House.

The question is:

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

The motion was adopted.

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

MR. SPEAKER: I shall now put the Enacting Formula and the Title to the vote of the House.

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 following Members also recorded their votes through slip.

Ayes : 423+ Shri Savshibhai Makwana, Dr. C.P. Thakur = 425

MR. SPEAKER: The Minister may move that the Bill, as amended, be passed.

SHRI ARUN JAITLEY: Sir, I beg to move:

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

MR. SPEAKER: The question is:

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

The Lok Sabha divided:

Division No. 7 AYES Time : 14.50 hrs.

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahamed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alva, Shrimati Margaret

Alvi, Shri Rashid

Ananth Kumar, Shri

Angle, Shri Ramakant

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bainda, Shri Ramchander

Bais, Shri Ramesh
Baitha, Shri Mahendra
Banatwalla, Shri G.M
Banerjee, Kumari Mamata
Banerjee, Shrimati Jayashree
Bansal, Shri Pawan Kumar
Barwala, Shri Surendra Singh
Basavaraj, Shri G.S.
Basu, Shri Anil
Bauri, Shrimati Sandhya
Baxla, Shri Joachim
Begum Noor Bano
Behera, Shri Padmanava
Bhadana, Shri Avtar Singh
Bhagat, Prof. Dukha
Bhagora, Shri Tarachand
Bhargava, Shri Girdhari Lal
Bhaura, Shri Bhan Singh
Bhuria, Shri Kantilal
Bind, Shri Ram Rati
Bishnoi, Shri Jaswant Singh
Bose, Shrimati Krishna
Brahmanaiah, Shri A.
Brar, Shri J.S.
Bwiswmuthiary, Shri Sansuma Khunggur
C. Suguna Kumari, Dr. (Shrimati)
Chakraborty, Shri Ajoy
Chakraborty, Shri Swadesh
Chakravarty, Shrimati Bijoya
Chandel, Shri Suresh
Chaturvedi, Shri Satyavrat
Chaubey, Shri Lal Muni
Chaudhary, Shri Haribhai
Chaudhary, Shri Ram Raghunath
Chaudhary, Shri Ram Tahal
Chaudhri, Shri Manibhai Ramjibhai
Chauhan, Shri Shriram
Chautala, Shri Ajay Singh

Chennithala, Shri Ramesh
Chikhalia, Shrimati Bhavnaben Devrajbhai
Choudhary, Col.(Retd.) Sona Ram
Choudhary, Shri Nikhil Kumar
Choudhary, Shrimati Reena
Choudhry, Shri Padam Sen
Chouhan, Shri Nihal Chand
Chouhan, Shri Shivraj Singh
Chowdhary, Shri Adhir
Chowdhary, Shrimati Santosh
Chowdhury, Shri Bikash
*Chowdhury, Shrimati Renuka
D'Souza, Dr.(Shrimati) Beatrix
Daggubati, Shri Ramanaidu
Dahal, Shri Bhim
Dalit Ezhilmalai, Shri
Das, Shri Alakesh
Das, Shri Khagen
Das, Shri Nepal Chandra
Dasmunsi, Shri Priya Ranjan
Dattatraya, Shri Bandaru
*Voted through slip

Delkar, Shri Mohan S.
Deo, Shri Bikram Keshari
Dev, Shri Sontosh Mohan
Dhikale, Shri Uttamrao
Dhinakaran, Shri T.T.V.
Diler, Shri Kishan Lal
Diwathe, Shri Namdeo Harbaji
Dome, Dr. Ram Chandra
Dudi, Shri Rameshwar
Dullo, Shri Shamsheer Singh
Elangovan, Shri P.D.
Farook, Shri M.O.H.
Fernandes, Shri George
Gadde, Shri Ram Mohan

Galib, Shri G.S.
Gamang, Shrimati Hema
Gandhi, Shrimati Maneka
Gandhi, Shrimati Sonia
Gangwar, Shri Santosh Kumar
Gautam, Shrimati Sheela
Gavit, Shri Manikrao Hodlya
Gavit, Shri Ramdas Rupala
Geete, Shri Anant Gangaram
Gehlot, Shri Thawar Chand
George, Shri K. Francis
Goel, Shri Vijay
Gogoi, Shri Dip
Gohain, Shri Rajen
Govindan, Shri T.
Gowda, Shri G.Putta Swamy
Gudhe, Shri Anant
Gupta, Prof.Chaman Lal
Hamid, Shri Abdul
Handique, Shri Bijoy
Hansda, Shri Thomas
Haque, Mohammad Anwarul
Hussain, Chowdhary Talib
Hussain, Shri Syed Shahnawaz
Jag Mohan, Shri
Jagannath, Dr. Manda
***Jagathrakshakan, Dr. S.**
***Voted through slip**

Jain, Shri Pusp
Jaiswal, Dr. M.P.
Jaiswal, Shri Shankar Prasad
Jaiswal, Shri Shriprakash
Jalappa, Shri R.L.
Jatiya, Dr.Satyanarayan
Javiya, Shri G.J.

Jayaseelan, Dr.A.D.K.

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murli Manohar

Kaliappan, Shri K.K.

Kannappan, Shri M.

Kanungo, Shri Trilochan

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Abul Hasnat

Khan, Shri Hassan

Khan, Shri Sunil

Khandelwal, Shri Vijay Kumar

Khandoker, Shri Akbor Ali

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

Khanna, Shri Vinod

Khurana, Shri Madan Lal

Kriplani, Shri Shrichand

Krishnadas, Shri N.N.

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnan, Dr. C.

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Lahiri, Shri Samik

M.Master Mathan, Shri

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

*Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Mallik, Shri Jagannath

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mandal, Shri Sanat Kumar

Mane, Shri Shivaji

Manjay Lal, Shri

Manjhi, Shri Ramjee

*Voted through slip

Mann, Shri Zora Singh

Meena, Shrimati Jas Kaur

Meghwal, Shri Kailash

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohan, Shri P.

Mohite, Shri Subodh

Mollah, Shri Hannan

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan, Shri K.

Murmu, Shri Rupchand
Murmu, Shri Salkhan
Murthi, Dr. M.V.V.S.
Murugesan, Shri S.
Nagmani, Shri
Naik, Shri A. Venkatesh
Naik, Shri Ali Mohd.
Naik, Shri Ram
Naik, Shri Shripad Yesso
Nayak, Shri Ananta
Nishad,Capt.Jai Narain Prasad
Nitish Kumar, Shri
Ola, Shri Sis Ram
Oram, Shri Jual
Osmani, Shri A.F. Golam
Pal, Dr. Mahendra Singh
Pal, Shri Rupchand
Palanimanickam, Shri S.S.
Panda, Shri Prabodh
Pandey, Shri Ravindra Kumar
Pandeya, Dr. Laxminarayan
Pandian, Shri P.H.
*Panja, Dr. Ranjit Kumar
Panja, Shri Ajit Kumar
Paranjpe, Shri Prakash
*Voted through slip

Parste, Shri Dalpat Singh
Parthasarathi, Shri B.K.
Pasi, Shri Suresh
Passi,Shri Raj Narain
Paswan,Dr. Sanjay
Paswan, Shri Ram Vilas
Patasani, Dr.Prasanna Kumar

Patel, Dr. Ashok

Patel, Shri Chandresh

Patel, Shri Deepak

Patel, Shri Dharm Raj Singh

Patel, Shri Mansinh

Patel, Shri Prahlad Singh

Patel, Shri Tarachand Shivaji

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantryao

Patil, Shri Annasaheb M.K.

Patil (Yatnal), Shri Basangouda R.

*Patil, Shri Bhaskarrao

Patil, Shri Danve Raosaheb

Patil, Shri Jaysingrao Gaikwad

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patnaik, Shrimati Kumudini

Patwa, Shri Sundar Lal

Pawaiya, Shri Jaibhan Singh

Pilot, Smt. Rama

Ponnuswamy, Shri E.

Potai, Shri Sohan

Prabhu, Shri Suresh

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Pramanik, Prof. R.R.

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

*Voted through slip

Puglia, Shri Naresh

Radhakrishnan, Shri Pon

Radhakrishnan, Shri Varkala
Rai, Shri Nawal Kishore
Raja, Shri A.
Rajbangshi, Shri Madhab
Rajendran, Shri P.
Rajesh Ranjan alias Pappu Yadav, Shri
Ram Sajivan, Shri
Ram, Shri Braj Mohan
Ramaiah, Shri Gunipati
Ramachandran, Shri Gingee N.
Ramshakal, Shri
Ramulu, Shri H.G.
Rana, Shri Kashiram
Rana, Shri Raju
Rao, Shri Ch.Vidyasagar
Rao, Dr. D.V.G.Shankar
*Rao, Shri Ganta Sreenivasa
*Voted through slip

Rao, Shri Y.V.
Rashtrapal, Shri Pravin
Rathwa, Shri Ramsinh
Rau, Shrimati Prabha
Ravi, Shri Sheesh Ram Singh
Rawale, Shri Mohan
Rawat, Prof. Rasa Singh
Rawat, Shri Pradeep
Rawat, Shri Ramsagar
Ray, Shri Bishnu Pada
Reddy, Shri A.P.Jithender
Reddy, Shri Chada Suresh
Reddy, Shri G. Ganga
Reddy, Shri N. Janardhana
Reddy, Shri S. Jaipal
Renu Kumari, Shrimati

Rizwan Zahir, Shri
Roy, Shri Subodh
Rudy, Shri Rajiv Pratap
Sahu, Shri Anadi
Sahu, Shri Tarachand
Sai, Shri Vishnudeo
Saiduzzama, Shri
Sanadi, Prof. I.G.
Sanghani, Shri Dileep
Sangtam, Shri K.A.
Sangwan, Shri Kishan Singh
Sar, Shri Nikhilananda
Saradgi, Shri Iqbal Ahmed
Sarkar, Dr. Bikram
Saroj, Shri Tufani
Saroj, Shrimati Sushila
Saroja, Dr. V.
Sathi, Shri Harpal Singh
Sayeed, Shri P.M.
Selvaganpathi, Shri T.M.
Sengupta, Dr.Nitish
Seth, Shri Lakshman
Sethi, Shri Arjun Charan
Shah, Shri Manabendra
Shaheen, Shri Abdul Rashid
Shakya, Shri Raghuraj Singh
Shandil, Col.(Retd.)Dr. Dhani Ram
Shanmugam, Shri N.T.
Shanta Kumar, Shri
Sharma, Capt. Satish
Shashi Kumar, Shri
Sikdar, Shri Tapan
Singh Deo, Shri K.P.
Singh Deo, Shrimati Sangeeta Kumari
Singh, Capt. (Retd.) Inder

Singh, Ch.Tejeev
Singh, Dr. Raghuvansh Prasad
Singh, Dr. Ram Lakhan
Singh, Kunwar Akhilesh
Singh, Kunwar Sarv Raj
Singh, Sardar Buta
Singh, Shri Bahadur
Singh, Shri Balbir
Singh, Shri Brij Bhushan Sharan
Singh, Shri Chandra Bhushan
Singh, Shri Chandra Pratap
Singh, Shri Chandra Vijay
Singh, Shri Charanjit
Singh, Shri Chhatrapal
Singh, Shri Digvijay
Singh, Shri Khel Sai
Singh, Shri Maheshwar
Singh, Shri Prabhunath
Singh, Shri Radha Mohan
Singh, Shri Ram Prasad
Singh, Shri Ramanand
Singh, Shri Ramjivan
Singh, Shri Rampal
Singh, Shri Th. Chaoba
Singh, Shri Tilakdhari Prasad
Singh, Shrimati Kanti
Singh, Shrimati Rajkumari Ratna
Singh, Shrimati Shyama
Sinha, Shri Manoj
Sinha, Shri Yashwant
Sivakumar, Shri V.S.
Solanki, Shri Bhupendrasinh
Somaiya, Shri Kirit
Sorake, Shri Vinay Kumar
Sreenivasan, Shri C.
Srikantappa, Shri D.C.

Srinivasulu, Shri Kalava

Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.

Suman, Shri Ramji Lal

Sunil Dutt, Shri

Swami Chinmayanand, Shri

Swami, Shri I.D.

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Dr. C.P.

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

Thomas, Shri P.C.

Tiwari, Shri Lal Bihari

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Tirpathi, Shri Prakash Mani

Tripathy, Shri Braja Kishore

Tur, Shri Tarlochan Singh

Vaghela, Shri Shankersinh

Vajpayee, Shri Atal Bihari

Varma, Sh. Ratilal Kalidas

Vasava, Shri Mansukhbhai D.

Veerappa, Shri Ramchandra

Venkataswamy, Dr. N.

Venkateswarlu, Shri B.

Venugopal, Dr. S.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Beni Prasad

Verma, Shri Rajesh

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vetriselvan, Shri V.

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.

Virendra Kumar, Shri
Vukkala, Dr. Rajeswaramma
Vyas, Dr. Girija
Wadiyar, Shri S.D.N.R.
Wanaga, Shri Chintaman
Yadav, Dr.(Shrimati) Sudha
Yadav, Dr.Jaswant Singh
Yadav, Shri Balram Singh
Yadav, Shri Devendra Prasad
Yadav, Shri Devendra Singh
Yadav, Shri Dinesh Chandra
Yadav, Shri Hukumdeo Narayan
Yadav, Shri Pradip
Yadav, Shri Sharad
Yerrannaidu, Shri K.
Zahedi, Shri Mahboob
Zawma, Shri Vanlal

MR. SPEAKER: The population of my family is increasing and sometimes decreasing!

Subject to correction, *the result of the division is:

Ayes: 416

Noes: Nil

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

The motion was adopted.

MR. SPEAKER: Let the lobbies be opened.

There was an enquiry made about the voting on POTA Bill. The voting will take place around 5.00 p.m.

There would be lunch break for one hour hereafter.

14. 48 hrs.

The Lok Sabha then adjourned for Lunch till forty-five minutes

past Fifteen of the Clock.

*The following Members also recorded their votes through slip.

Ayes:416+Shrimati Renuka Chowdhury,Dr.S.Jagatrakshakan,Shri Savshibhai Makwana,Dr.Ranjit Kumar Panja,
Shri Bhaskarrao Patil,Shri Ganta Sreenivasa Rao=422

15.47 hrs. The Lok Sabha reassembled after lunch at Forty

Seven Minutes past Fifteen of the Clock

(Mr. Deputy Speaker in the Chair)

â€¦ (व्यवधान)

श्री राजेश रंजन उर्फ पप्पू यादव (पूर्णिमा) : उपाध्यक्ष महोदय, मुझे एक सूचना देनी है।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : आपका क्या सबमिशन है?

श्री राजेश रंजन उर्फ पप्पू यादव : उपाध्यक्ष महोदय, बंगाल में एक पूर्णियां जिला है, जहां आनंदमार्गियों का एक स्थान आनंदनगर है। वहां कुछ क्रिमिनल लोगों ने सन्यासियों पर अटैक कर दिया। उसी समय हमारे फादर भी वहां से जा रहे थे, वह भी उधर फंसे हुए हैं। इसलिए मेरा आग्रह है कि वहां के मुख्य मंत्री या गवर्नर महोदय से बात करके वहां के हालात को सुधारा जाए।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : पप्पू जी, इस समय जीरो ऑवर नहीं है, आप इस पर कल बोलिए।

â€¦ (व्यवधान)

श्री बसुदेव आचार्य (बांकुरा) : आनंद मार्गी दो गुटों में बंटे हुए हैं - एक बंगाल में है,â€¦ (व्यवधान)

उपाध्यक्ष महोदय : आचार्य जी, आपस में आप दोनों सेटल मत कीजिए।

श्री राजेश रंजन उर्फ पप्पू यादव : महोदय, वहां कई सन्यासी घायल हो चुके हैं और मेरे फादर भी वहां फंसे हुए हैं।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Acharia, I am asking him to resume his seat and you are standing and giving him a reply.

â€¦ (व्यवधान)

श्री राजेश रंजन उर्फ पप्पू यादव : महोदय, वहां काफी सन्यासी घायल हैं।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : आप इस मुद्दे को जीरो ऑवर या किसी अन्य माध्यम से उठाएं।

â€¦ (व्यवधान)

उपाध्यक्ष महोदय : मैंने आपको सबमिशन के लिए टाइम दिया है।

श्री राजेश रंजन उर्फ पप्पू यादव : आचार्य जी, आप कुछ करिए।â€¦ (व्यवधान)

श्री बसुदेव आचार्य : अभी नहीं, हम बोलने के बाद टेलीफोन करके कह देंगे।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: The House will now take up item Nos. 16 and 17 together. Shri Acharia, you have to move your Statutory Resolution now.