

CONSTITUTION (SIXTY-THIRD AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): I beg to move:

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

Sir, I have already spoken.

MR. SPEAKER: Motion moved:

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

Now Shri Shivraj Patil.

SHRI SHIVRAJ V. PATIL (Latur): Sir, I propose to be very brief. I will only make three points. The first point I want to make is that the Opposition has shown that Opposition will be cooperating with the Government in matters which are of national importance and matters in which constructive cooperation can be given. The Leader of the Opposition yesterday pointed out that if Government is very keen to withdraw this provision from the Constitution the Opposition is willing to cooperate and help the government in amending the Constitution on these provisions.

The second point which I want to make is about the situation in Punjab and how it has to be dealt with. Has the situation in Punjab after the new government came into existence improved or deteriorated? Are the people in Punjab and in the country assured that this problem would be solved by the new government in a better fashion or this problem will not be solved by them in the fashion in which the previous government was trying to solve it? We are told that the hon. Prime Minister visited Golden Temple. Well, we appreciate it. We think that the hon. Prime Minister did well in visiting Golden Temple but that by itself is not going to solve the problem. That by itself is not going to create

conditions in which the problem can be solved. More important is that too much importance should not be attached to the visit of the Prime Minister to the Golden Temple. To a certain extent, it is all right but beyond that it is not good to attach importance to the visit of the Prime Minister to the Golden Temple.

Sir, in the last few days the elected members have been abducted. Today itself in the morning the members from the Opposition benches had to press for a statement from the government in respect of a member of this House who had been abducted. It was expected of the government to come before the House with a statement *suo moto* explaining as to what happened to the elected member of this House. But it was very unfortunate that the members had to get up and members had to press the point and they had to shout to get an assurance from the government that a statement would be made in the House by the government on this important issue. This should not be allowed to be continued in future also. At present President's rule is there in Punjab and it is primarily the responsibility of the Central Government to see that life and liberty of the people over there is not in danger or hurt. Here is a case where a member is abducted and no assurance was given that all that is necessary to get him back would be done.

In Punjab a fear psychosis has developed and that fear psychosis has developed because the machinery which was there to protect the life and liberty of the people, we are told, is demoralised. If the police is demoralised and the machinery is demoralised then it is very different to protect the citizens there. We would request the Government that when they are trying to do justice to the people and when they are trying to protect the life and liberty of the people over there, they would see that the machinery which is at their disposal and the machinery which is used to protect the life and liberty of the people, is not also demoralised. Now this task of not demoralising the machinery and, at the same time, protecting the life and liberty of the people is a very

[Sh. Shivraj V. Patil]

delicate one. If this issue is not handled in a delicate manner, a situation will arise when it would be very difficult for the Government from here to protect the life and liberty of the people. So, we would very gently and very humbly request the Government to be very careful and not demoralise those people who are responsible for protecting the life and liberty of the people over there.

Now, what has actually happened? We are told that the students in the hostels are not allowed to stay in the hostels. We are told that they have been asked to leave the hostels. We would like to know whether this is a fact. If this is a fact, then what kind of protection is given to the students who are staying in the hostels. We are also told that some people there in Punjab are selling their property and they are migrating to the towns and cities. Now if this is a fact, what kind of protection can be given to those who are living in the rural areas and who need the protection. We would certainly like to know.

We are also told that the places of worship are being flooded with those who are perpetrating the terrorism in Punjab. If this is a fact, what is the policy of the present Government? Yesterday, when we were asking this Government to outline the policies on different issues, they were telling us that they had come into power only a few days ago and we should have to wait to know them. I am very sorry to hear this kind of statement from the representatives of the Government. When late Prime Minister, Mr. Nehru, was selected to be the Prime Minister of this great country, Mahatma Gandhi was asked as to why was he selected to be the Prime Minister of this country, Mahatma Gandhi had said: Here is a gentleman who, while fighting for the independence of the country, was all the time thinking about the all-round development of this country. He has plans and schemes in his mind. That's why when he becomes the Prime Minister he would be able to deal with the problems of this country in a better fashion.

We were not asking for the account of the performance of this Government. We were asking for the plans, the ideas, the concepts, the policies that they wanted to have to deal with the problems in this country. On the issue of Punjab, we were not asking what were the steps which they had taken. We were asking as to what kind of steps they would like to take to deal with the Punjab issue. Unfortunately, we did not get anything from them. What is written in the Address delivered by the President to both the Houses—which is the policy of the Government—is very very vague on this point. Only two points have been made in that Address. One, this provision from the Constitution will be withdrawn. The second point is that action would be taken against those people who are responsible for the atrocities in Delhi in 1984. These are the only two concrete points which are made in the Address. The third point made is that some sort of discussions would take place on this point with others. Excepting these three points, nothing is mentioned.

I would like to humbly submit that these three points are not going to solve the problem in Punjab. Something more would be required. If you do not have the ideas about what can be done in Punjab, these things will not be solved in Punjab. Just by withdrawing these provisions from the Constitution, just by punishing some persons in Delhi, you will not be able to solve the problem of Punjab. If you have to solve the problem of Punjab, you shall have to be more clear in your mind as to the policy. You shall have to be more effective. You shall have to put in more efforts to solve this problem. Unfortunately, this most important issue which is being faced by the country today was not considered in the proper perspective and the policy guidelines were not given in the Address delivered by the President nor in the statement which was made by the Minister nor in the reply which was given by the Prime Minister in this House. We would urge upon this Government to have a clear policy on Punjab and it will help to solve this problem.

The third point which I want to make is

that they have said that they guarantee the right to life and liberty to this country. This is very good and we agree with this proposal. But let us not confuse it with prosecution without following the procedure laid down by law. Right to life is something more than just not being subjected to punishment, without following the due process of law. Right to life is something more than that. Yesterday, the Members from this side were trying to press the Government to get an assurance from the Government that right to work would be included in the Constitution. Right to life means right to food, right to work, right to healthy conditions and right to education. It means so many other things also. This Government is saying that they would give the right to information. But we did know yesterday as to what kind of right to information this Government proposes to give to us. Now, they want to make it a part of Chapter III of the Constitution and they do not want to make right to work as part of the Constitution. At the same time, they say that they will guarantee the right to life. Let us not interpret right to life in this narrow sense. Let us understand the right to life in the clear perspective. I would not have said all these things if they hon. Minister would not have stated in his statement while introducing this Bill that they are intending to protect the right to life and the right to liberty. It is very good and I congratulate the Minister for this point. But please, for God sake, do not interpret right to life in a narrow sense.

The interpretation of right to life means something bigger than this. I would urge upon the Government that while trying to give certain rights to the people, let them not forget that rights to food, work, education, health and housing are equally important. If you are not doing anything to give these kinds of things and if you are trying to give something else, then we can be allowed to say that you are partial and biased. If you are really wanting to give the right to life to the people, then do it really. I am not saying that you will be able to do it today or tomorrow. I am saying that your policy should be such that the right to life should be really given to the people. If you are not giving the right to

life really to the people, you will be subjected to the charge that you are biased and you are in favour of certain people and you are insensitive to the needs and requirements of some sections of people in this country. I would not dilate any more on this point but I would like to say that, as our Congress Party Leader, Mr. Rajiv Gandhi said yesterday, we would help this Government in passing this amendment in whatever fashion you want to do. And we stand by it.

SHRI RUPCHAND PAL (Hooghly): Mr. Chairman, Sir, I rise to speak on the Motion moved by the hon. Home Minister with great delight. One more brick from the edifice of authoritarianism that was built up by the previous Government or the previous regime is being removed by this measure. Sir, it is a memorable day for the people of India because this new Government is fulfilling its commitment to the people by freeing them from the bondage that was imposed by the previous Government through the Fifty-ninth Amendment of the Constitution. This was one of the worst aberrations that had ever taken place and one of the worst subversions that was ever committed by the previous Government to the people and this new Government stood up to correct the situation. When this obnoxious and draconian emergency provision of taking away the people's right to life and liberty was proposed by the previous authoritarianism, we had opposed it tooth and nail within and outside the House. Sir, you may remember that 'Bharat Bandh' on the 15th March was observed on this question. Of course, there were other reasons also. The people have demanded the resignation of the authoritarian Government of Rajiv Gandhi. The movement started and ended in the process of the last general elections when the previous regime was thrown into the dustbin or history. Now the people of India have thrown the previous autocratic rulers into the dustbin of history. The new Government is fulfilling its commitment at the earliest possible opportunity. I congratulate this Government for this measure.

The Fifty-ninth Amendment of the Con-

[Sh. Rupchand Pal]

stitution was claimed by the then Home Minister in his speech as mainly to curb terrorism in Punjab. But could this measure curb terrorism at all? Rather the opposite happened. With the extension of the President's rule, with the imposition of this draconian measure, terrorism was itself encouraged. In fact, it increased under the able leadership of the then Governor, Shri S.S. Ray, who was referred yesterday by our former Prime Minister and the present leader of the Opposition. As a result of this draconian provisions, the former Government totally alienated themselves from the people of Punjab and thing went out of control. The situation became more and more complicated. It once more showed that political problems have to be solved politically, not by administrative measures alone. Shri Rajiv Gandhi at that time already had not less than twenty-two anti-terrorist laws, national security measures and many other obnoxious laws to curb terrorism there. Even then he chose to set in aberrations and took shelter in the amendment of the Constitution. This is because he had some ulterior motives. It was not in Punjab alone. It you read this provision, it look as it was meant for Punjab alone. It is amendment of Article 356 of the Constitution for the imposition of the President's rule and incorporation of Article 359A for taking away the right to personal property. But if you read it with Article 353 of the Constitution, it was meant for the whole of the country. It was not for Punjab alone. At that time, we had opposed it tooth and nail.

Shri Rajiv Gandhi and his Government had not taken any lesson from history. What fate his mother had as a result of the emergency promulgated by her in 1975. They had totally forgotten that. As you know, the provision of internal disturbance came first in 1975. It was initiated by Shrimati Indira Gandhi herself. Strangely enough, at that time also, the Chief advisor on this question was Shri S.S. Ray, the then Cabinet Minister and this time also the same person as Governor gave the same advice. We know from our experience in West Bengal that this Shri

S.S. Ray has the expertise to use terrorism just to oppose whatever is just, whatever is right and to destroy the opposition. He used it in 1970 and he had created what has become a political term CONGSHAL, the Congress and Naxalites put together. What happened in the 1972 elections? There was a lot of booth capturing and other such activities. Shri S.S. Ray has expertise in this. And only for this purpose he was taken to Punjab, so that in the name of curbing terrorism...

SHRI RANGARAJAN KUMARAMANGALAM (Salem): On a point of order, Sir. Not that it is important whether Shri S.S. Ray was wrong or right, but I do not think, it is right under the rules to name a person who is not there in the House.

SHRI SOMNATH CHATTERJEE (Bolpur): All right, you may say ex-Governor of Punjab.

SHRI RUPCHAND PAL: In 1978, the Forty-fourth Amendment of the Constitution was brought forward by the then Janta Government to undo the great wrong done by Shrimati Indira Gandhi. At that time, the Congress benches, the Congress leaders had promised and said that they would cooperate. They had learnt their lesson. Shri Sathe is not here. He had even said that the expression, armed rebellion, could be removed, not to speak about internal disturbance from the Constitution itself, so that no such dangers exist in the future. But as soon as Shri Rajiv Gandhi came back on the sympathy wave after the death of his mother, at the first opportunity that he ceased, he put the whole country, the people under subjugation. I congratulate the new Government, which has tried to fulfil its commitment to the people.

But as regards, Punjab, I have two points to make. Terrorism has to be curbed firmly. The Government will see that no concession is given to terrorism. We agree that a new dialogue has started. Attempts would be made to bring them into the mainstream, but we must not forget that 48 per cent of the

people, that minority, their lives are in danger.

14.00 hrs.

Daily some incidents are taking place. Terrorism should be curbed firmly. But at the same time, a political solution should be attempted as has been initiated through the meeting of all parties. It is a very sorry state of affairs that the Congress (I) which had done a lot of damage to the people of Punjab by taking away their democratic right, did not have even the courage to agree to the Resolution. On a flimsy technical ground they have dissociated themselves from the Resolution on Punjab.

I request the new Government to take appropriate measures to curb terrorism and at the same time find a political solution. I congratulate the Government for coming up with a democratic measure to undo a great wrong done by the previous Government.

MR. CHAIRMAN: I request the hon. Members to be very brief because we have to pass this Bill as early as possible. I seek the cooperation of all the members.

SHRI INDRAJIT GUPTA (Midnapore): I join in congratulating the Home Minister and the present Government for this step which they have taken. I think the whole House will support the revoking of the 59th amendment to the Constitution which had introduced—I won't say by backdoor—a provision enabling emergency to be declared in the State of Punjab. The armoury of repression which was built up gradually under the previous Government contains many other things also. Perhaps later on we will have an opportunity to go into some of those also. While saying this, I would like to remind you that when this amendment was first brought, we had stoutly resisted it here on the floor of this House. Therefore, I am glad that it is now being revoked. But I take it this does not mean in any sense of the term that the Government is going to relax the fight against terrorism and violence in the Punjab. The Prime Minister has already assured the country more

than once that there would be no quarter given to the forces of terrorism and secessionism and nobody should try to suggest that by revoking this 59th amendment the Government is making some sort of a compromising gesture towards the terrorists. The two are not interconnected in that sense at all.

I must point out that the situation in the Punjab is very bad. If one goes by that situation, by the incidents which have been taking place in the recent period also, one could argue that this is not the time to revoke this amendment. But this is a question of emergency provision which, as so many members have pointed out, means that under it the people living in the Punjab are deprived of all their fundamental rights. Human rights, right to life and rights as a citizen, everything can be expunged under this provision and this drastic measure has, I think, in the long run helped only those terrorists whom it was meant to crush. So Sir, I would just point out that in the last few weeks and just prior to the Lok Sabha elections, there was a spate of incidents in the Punjab which cannot but arouse apprehensions in the mind of everybody. I would request the Home Minister to pay special attention to the way in which innocent people are being killed. Here I do not refer only to those students killed in the hostel of the Patiala University. Those students were not even people from the Punjab. They had come from Kanpur and Kurukshetra to attend some cultural function and in the middle of the night they were woken up from their beds and nineteen of them were shot down in cold blood.

But there were so many other questions also. I would like to mention about the latest incident also. I do not know whether full facts are known about the disappearance of a member of this House who took the oath only a few days ago. Perhaps investigations are going on. I do not know, but maybe he has been made a victim of the more extremist sections who do not want the people to come to this House and take the oath. We are reading every day the public statement. Press interviews are being given that the oath

[Sh. Indrajit Gupta]

should not be taken by elected MPs here, unless they subscribe to certain conditions. That has been spelt out; and it may be that some of these people who had the courage and honesty to come here to take the oath and join this Parliament and declare their support for this Government—they may be risking their own lives. I do not know. So, it is better that as soon as possible we find out what has happened to that gentleman who has disappeared. Unfortunately, I am told his family members did not even inform the Police till several hours later on, after he had disappeared—which may have made the investigations a little more difficult.

Then there is the question of extortions of money. Extortion of money on a big scale has become a big thing in an epidemic form in Punjab. It is going on the whole time. People, on pain of their lives, their safety are being compelled to give large sums of money to these extortionists. And if they do not do it, they are liable to be attacked and killed. These things are going on, and there is no let up in that at all.

It has now been said by certain voices that nothing short of Khalistan will satisfy them. There was some lack of clarity at one stage about what is meant by Khalistan. But that is being clarified; it has been clarified by certain forces there who have spoken out publicly and who have criticized even Mr. Mann's idea which he had ventilated soon after his release, that he stood for some kind of an autonomy for the Punjab within India. Even that has been attacked and criticised and contradicted by other extremist forces who say: 'We do not agree with this; there is no question of autonomy within India. We stand for a total independent, separate Khalistan.'

So, what I want to say is this. It is very good that this draconian provision is being withdrawn, because it never served any purpose. It was never used also, and it could never be used, in my opinion. But the hon. Home Minister, I am sure, has many more

sources of information than I have, to know that there is a struggle going on within that Akali camp between those who call themselves moderates, those who call themselves centrists, those who call themselves extremists—there is a struggle going on, and it is our duty to behave and to act in such a way that those people who want to join the mainstream of democratic life in this country are encouraged and are given the opportunity and facility to take their rightful part, play a rightful part in its mainstream. So, the isolation of those elements who are refusing to accept any kind of a solution within the framework of our Constitution—that should be our main strategy.

I do not know if, by making speeches like this, one is liable to get into trouble outside. Maybe. But anyway, one has to speak of these things. Therefore, the Home Minister, I hope, will follow up this very commendable act which they are now taking here, follow it up by also, at some stage, assuring the House of measures which are being taken to fight the terrorists, and not to relax the struggle against them at all:

There are many officers in Punjab. I know that many officers have committed excesses. Many officers have done things which cannot be excused. But there are also many officers in Punjab who have, at great risk to their lives, tried to carry out their duties. And the Government should see to it that such officers are not penalised now—officers who were trying to fulfil their duty—because there is some talk going on that such officers may be transferred out of Punjab. That should not be permitted.

It is said that these candidates who won in the Lok Sabha elections had the backing or the moral support at least, of the Governor also. The Governor had an idea that if these elements did not stand for elections, then at some stage the moderate Akalis might be able to unite and come together, and in order to prevent that, these people were encouraged. Everybody in Punjab says that they are S.S. Ray's candidates. They are the candidates of Mr. Siddharth Shankar Ray,

he was morally supporting those people who now after winning the new election are openly either refusing to come here or refusing to take the oath or are saying that they will not stand for any kind of autonomy within India saying "We want a completely independent separate State." So, he will please clarify what was the role played by the Governor of the Punjab. We cannot discuss his conduct here, perhaps but whether it is a fact or not that these extremist elements had the support, the moral backing of the administration or certain parts of the administration can be clarified. Now, if the fight against the terrorists slackened in any way, it is going to lead to very dangerous consequences.

Now it is being said that the killers of General Vaidya should be released also, so that they can stand as candidates in future elections. If the Assembly elections are going to be held in the Punjab, which I hope will be held only after conditions which ensure a peaceful and fair election are restored. But now, it has become an easy thing that you become a candidate, you will be released from prison even if you have committed murder. So, what is the policy of the Government going to be? I would like to know about this matter.

With these words, this measure which has been brought forward, this Constitution Amendment is to be warmly supported and welcomed and on behalf of my party I congratulate the Government for taking this step, for undoing a very undemocratic measure.

PROF. SAIFUDDIN SOZ (Baramulla): I am on a point of order. This is a major and very important matter.

MR. CHAIRMAN: What is your point of order?

PROF. SAIFUDDIN SOZ: In the original business there has been a different schedule. I was to initiate a discussion at 2 p.m. So, by courtesy I should have been informed by the Secretariat if that discussion is not to be taken up.

SHRI SOMNATH CHATTERJEE (Bolpur): You were not there.

PROF. SAIFUDDIN SOZ: It is not possible for all members to be present all the time.

MR. CHAIRMAN: It was announced by the Speaker.

PROF. SAIFUDDIN SOZ: Somebody should have informed me.

MR. CHAIRMAN: Okay. I will see that you are informed.

PROF. SAIFUDDIN SOZ: It should not happen in future.

SHRI GUMANMAL LODHA (Pali): I stand to wholeheartedly support the Constitution Amendment Bill, this Sixty-third Amendment Bill, which has been introduced for the purpose of repealing the darkest and the blackest law ever passed in the recent annals of the legislative history of India. It was the saddest day when the Fifty-ninth Amendment was passed, as rightly pointed out at that time by the present Law Minister who happened to speak on that Bill. And, Mr. Chairman, today we feel that this august House is doing the greatest justice to the human rights, to the inborn unalienable rights of liberty, which have stood throughout the ages. It was unfortunate that by the Fifty-ninth Amendment even the right to life was taken away. The right to life is a right which has been given by the Almighty God and no one can snatch them. Unfortunately, at that time by the Fifty-ninth Amendment Article 21 was sought to be suspended and suspension of Article 21 was interpreted in *Shiv Kant's* case, which again is unfortunately blackest judgement of the Indian judiciary when the Indian judiciary stooped down to hold that the right to life is a right only given by the Constitution under Article 21. I am happy that later on Justice Chandrachud realised the great blunder committed by the Bench in *Shivakant's* case when he publicly confessed that he wished that he must have resigned while giving the judgement. But

[Sh. Gumanmal Lodha]

even today the judgement of A.D.M. Jabalpur v.s. Shivakant holds the field. I would request the Treasury Benches also to get a Presidential reference made to the Supreme Court because let the posterity know that we never had doubts about the right to life and if any time in future any Government attempts to take away that right from the Constitution then the Supreme Court's judgement of Shivakant's case should be reviewed so that, as held in Bharati's case, this becomes a right which can be never taken away by any amendment of the Constitution. I would like to quote what Justice Khanna said about the right to life because the most important feature of this amendment of the Constitution, which is now being made today is that we are restoring the right to life, which was taken away by the 59th Amendment. Now, Sir, in this judgement, Justice Khanna, who was, I must say, the only old judge, differed from the majority judgement at that time, said in so many words in Shivakant's case.

Now I quote:

"The right to life and personal liberty is the most precious right of human beings in civilised societies governed by the rule of law. Many modern constitutions incorporate certain fundamental rights, including the one relating to personal freedom. According to Blackstone, the absolute rights of Englishmen were the rights of personal security, personal liberty and private property. The American Declaration of Independence (1776) states that all men are created equal, and among their inalienable rights are life, liberty, and the pursuit of happiness. The Second Amendment to the U.S. Constitution refers inter alia to security of person, while the Fifth Amendment prohibits inter alia deprivation of life and liberty without due process of law. The different Declarations of Human Rights and fundamental freedoms have all laid stress upon the sanctity of life and liberty. They

have also given expression in varying words to the principle that no one shall be deprived of his life or liberty without the authority of law. The International Commission Jurists, which is affiliated to UNESCO, has been attempting with considerable success to give material content to "the Rule of Law", an expression used in the Universal Declaration of Human Rights. One of its most notable achievements was the Declaration of Delhi, 1959. This resulted from a Congress held in New Delhi attended by jurists from more than 50 countries, and was based on a questionnaire circulated to 75,000 lawyers. "Respect for the supreme value of human personality" was stated to be the basis of all law".

Sir, I may state, way back even in 13th century—our leader of the opposition and the Congress members were talking of 21st century—Magna Carta was proclaimed in England, right to life was declared as a holy right inalienable which can never be taken away or suspended. Similarly, thereafter by Statute of Westminster of the Liberties also confirmed it. It is a pity that now when our leader of the opposition was talking of 21st century, the way he has chosen was a period even earlier to 3rd or 5th century when the rule of jungle was prevailing by taking away the right to life. Therefore, I am happy today that we are restoring Article 21 and it cannot be taken away. I may also point out to the Leader of the Opposition and the Members who are sitting on the other side that in Rajasthan at Bikaner when I went there, the Congress Government proclaimed an order asking District Magistrate to ban shouting the slogan of *Vande Mataram*. They said, you cannot shout the slogan of *Vande Mataram* on account of which we fought the war of independence. That is the mentality. Therefore, it is the blackest law, draconian law in the series of laws like the Press Bill which was passed but had to be withdrawn against public agitation. I am happy that today it has been realised by the opposition also, as the Leader of the Opposition yesterday accepted it, that people have already

given their mandate, such a massive mandate that in Rajasthan all the 25 seats went to the united opposition and the Congress was washed away, swept away completely.

The soil on which they condemned and banned shouting of *Vande Mataram*, the people gave a reply, prompt reply and apt reply. I am sure that the future of India is safe in the hands of the ruling party which has come out with this legislation today. I must congratulate the Treasury benches and the Prime Minister for fulfilling the promise. I would also like that they must not stop by repealing the 59th Amendment but further amendments must be made in order to ensure life and liberty. As stated by other Members, in Punjab as also in Kashmir steps must be taken within our Constitution which is self-contained and comprehensive and the best Constitution ever produced in the world. By that process rule of law should never be allowed to be butchered. But at the same time, people's life and liberty must be saved. I am happy that concern has been shown by the Prime Minister and other Members of the Treasury Benches in this respect. My party has always opposed this 59th Amendment as even at the time it was moved, vehement opposition was made on the ground that rule of law is being violated and right of life is being taken away and democracy is being butchered and murdered by this draconian law. I would only say that I congratulate the Members of the Treasury Benches and the Government for bringing this legislation. I want to say that this would always be a guide that rule of law would never be violated in any conditions whatsoever.

SHRI RANGARAJAN KUMARAMAN-GALAM (Salem): Yesterday, during the debate on the Motion of Thanks to the President for his Address to both Houses of Parliament, the Leader of the Opposition and the Leader of our Party, very categorically brought it to the notice of the Treasury Benches especially the Prime Minister that 30th March was the deadline date by which the 59th Amendment would become inoperative and, therefore, there is no meaning in

just introducing the Bill to repeal the 59th amendment and then waiting for the next session to pass it which might or might not be before the 30th of March. The Chairman may kindly note that it is on the agreement between the Leader of the Opposition and the Prime Minister that today the Bill has been brought without the required notice since all of us had decided to waive it. We only wanted to ensure that the intention of the Ruling Party is clear and visible and it is not again one of those acts of drama which are enacted not for implementation, but more for political benefit. In fact, without looking at the very Bill, one is still not too sure whether what the Prime Minister had said in his reply yesterday at the end of the debate on the Motion of Thanks that he would—his intentions were honourable and they were willing to pass the Bill immediately and repeal the Fifty-ninth Amendment immediately is really a word given on the floor of this House that is meant to be kept because in the Bill sub-clause (2) of clause 1 says:

“It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.”

So, it is possible that they would do this somewhere around the 1st of March or maybe the 29th of March precisely to make the whole effort futile. The reason why this fear is there in our mind is because the original attempt in itself was only to introduce the Bill today and then postpone its consideration and passing to the next Session.

Mr. Chairman, Sir, I have proposed to move an amendment to this sub-clause and fix the date as 2nd January though it might be very very early, but still you would be satisfied if the Treasury Bench can either give a date or at least say that within 48 hours or 72 hours or a week or two days or three days, how many days they want, in order to get the assent of the President and notify, but they should be clear that in these many days, the moment it is passed in the Rajya Sabha they will see that it is notified. Then there is no objection on my part and I would definitely

[Sh. Rangarajan Kumaramangalam]

withdraw the amendment. But this must go on record because one has noticed in the past two weeks of the Session that evasion has become the order of the day. In fact, the hon. Finance Minister is here, I am wondering whether on evasion of promises there could be a penalty like on evasion of tax measures for which we are happy, but evasion of promises and words and questions and answers not coming forth...

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): It is a good source!

SHRI RANGARAJAN KUMARAMANGALAM: It is nice to hear that, unfortunately the sense of humour is lacking tremendously in the Treasury Benches and the sub Treasury Benches because obviously they lack the sense of humour to understand the situation of life and take it properly. I am grateful, the Finance Minister responded properly by at least saying that it is a good source, a new resource mobilisation technique. Unfortunately, our new friends may have to go through their orientation course really seriously before they can get to grapple with the rules and etiquette of the House.

Mr. Chairman, Sir, what worries me as an individual Member as well as a young man who hopes that the future of our nation will remain secure. (*Interruptions*). Are you going to run the debate? Then I will sit down. Why are you giving the guidelines? I don't need your prompting, I have not come to that stage. The people who need your promptings are there, to whom you are polishing shoes and giving bouquets. (*Interruptions*). It is the misfortune that in the crutches they are all the time interested in polishing the shoe which they are holding up. Unfortunately, today the situation is that in the morning we got the news that a Member of this House who took the oath only a few days ago is missing. We only hope he will come back with us. He is either abducted or he has already been got rid of by unfortunate extremist elements. When we asked for a statement one would have expected the Home

Minister to jump up in his seat and say that the would give a statement. We are very unhappy about that. On the contrary, what happened was we had to shout so much, disturb the proceedings and insist on the Speaker. It is only when the Speaker made a request the Home Minister got up and with condescension he said, "at six o'clock in the evening, a statement shall be made." If such a thing had happened when we were on the other side, the House would have come down. That is what exactly had happened every time. They used to walk out on every small pretext. It is to remind them that they are today not in the Opposition, but on the Ruling side. They have certain responsibilities; they have to respond immediately at least when the life and liberty of a Member of Parliament is concerned. They talk of a Bill where they want to restore the life and liberty in Punjab; we welcome it. But, what about the life and liberty of a Member of Parliament there? Is that not relevant? Everyday, there is kidnapping; every day in the morning newspaper we read one elected representative or the other is being kidnapped; one doctor, one engineer or somebody else is being kidnapped. It has now become, as I said earlier, a recognised democratic method by which you can redress your grievances by kidnapping a relevant personality and then keeping your ransom demand as a method of solving the problem. As a trade union leader I am wondering whether there should be a system adopted. Dandavateji would concede it, because I would like to know who in his Ministry would welcome me to kidnap because I have lot of demands from the Central Government employees side. It may be said in the lighter vein. I hope the House understands that this is no longer a mere banter on the part of the Opposition. It is a serious issue. I was pleased to hear the senior Member Shri Indrajit Gupta. While giving bouquet also, he categorically said that this bouquet has roses. But there are thorns on the stem; do not forget that. He was very clear and said it in explicit terms that Punjab has not improved and has gone from bad to worse in the last two weeks. Let us not forget that today there is a fear psychosis set into Punjab. The people there are

scared to move. You talk of life and liberty and the 59th Amendment bringing in the 63rd Amendment. We welcome it, but today you are not controlling the life and liberty of the people in Punjab. There is President's Rule. It is unfortunately, the anti-nationals, terrorists and the extremists who are controlling. They are dictating by letters and statements. They say Hindu students will not remain in hostels; they will be thrown out. They say that you will have a situation where there will be no meat shops and no liquor shops. Their commands are carried out like statutes. Is this all that you are going to say that we shall look into it? Is it worth a statement? Words are not worth; we, the youth want action and we do not want to hear platitudes. We do not want to hear is and ideologies; we really want a future. We want this country to be one and we want it to be safe.

Mr. Chairman, Sir, I have taken enough time and all my friends have already spoken before. So, I would only like to end by pleading with the Treasury Benches..... (*Interruptions*)

Is it a point of order? You can speak after me. May I wind up?

SHRI A.K. ROY (Dhanbad): I want to know only one thing. My humble query is, as a Congressman does he support opening of liquor shop in Amritsar. As a Congressman, do you support keeping a liquor shop open? You kindly ask Prof. Ranga and then answer.

SHRI RANGARAJAN KUMARAMANGALAM: I would like to clarify it. I not only as a Congressman but also as an individual who does not take alcohol which is medically allergic to me, am against opening of liquor shops. But the point is, is it going to be the terrorists who are going to dictate the closure or the law of the land. Please decide. That is the issue. The issue is not, whether a liquor shop which is being closed is right or wrong. The issue is, who will direct the closure of the shop. If this trend is allowed to grow, then there is no need for you to officially an-

nounce that there will be a Khalistan. They will run a Khalistan there and you will not be able to move. Yes, immediately after the elections, the hon. Prime Minister could go to Amritsar and then announced on the television, "I would prefer to go in an open jeep". It was shown live so that the whole world knows about it. Let us see. If the situation is allowed to continue, how many times you will be able to go and visit there. Let us not forget that. (*Interruptions*)

But at the moment, I would only say that while you are pressing this amendment Bill, please realise that life and liberty are today at peril not because of State terrorism but rather they are at peril because of real terrorism. That terrorism is something which has to be analysed carefully and as the senior leader, Shri Indrajit Gupta of the CPI has very categorically said, there are moderates and there are extremists. You have to isolate the moderates from the extremists and you should be as ruthless, as firm as possible with those who wish to destroy the unity and integrity of this nation. Mr. Chairman, I would like to thank you for having given me this opportunity and I only plead once again that the Home Minister may please do something to save our colleague who has been missing quite some time.

SHRI JASWANT SINGH (Jodhpur): I thank you, Mr. Chairman, for permitting me to make this very brief intervention. For what I have to say, it will not take more than a minute.

When the hon. Prime Minister was explaining as to why there was such urgency to bring about this amendment to the Constitution, he explained that to have a provision in the Constitution which denies the right to life even for a minute longer, was not acceptable to our Government.

In the light of the spirit of that explanation, it is my sincere recommendation to the hon. the Home Minister that suitable amendment be carried out in this legislation to provide that this Constitutional Amendment shall have immediate effect. As soon as the

[Sh. Jaswant Singh]

other House has enacted the constitutional Amendment legislation, it should come into force with immediate effect rather than by any specified date or any such thing. It must have immediate effect because that would be in consonance with the Prime Minister's assurance to this House.

[*Translation*]

SHRI BRIJ BHUSHAN TIWARI (Domariaganj): Mr. Chairman, Sir first of all, I welcome the Constitution (63rd Amendment) Bill, which has been brought to repeal the Constitution (59th Amendment) Act.

I would like to submit that in 1975 a piece of legislation was brought in this House to seek the enforcement of emergency provisions, which was later repealed by this House in 1977. But the Hon'ble members who are today sitting in the opposition have not taken a lesson from their experience in the past. It looks very strange that yesterday the leader of the opposition was showing great alertness because he might have thought that probably the decision taken by the ruling party to come forward with a piece of legislation was mere a show off. But they do not know that the present Government is not hypocritical and sceptical like them. I may recall it and it was also discussed in the House yesterday that last year while addressing the nation from the ramparts of the Red Fort on 15 August, the then Prime Minister and the present leader of the opposition had called the entire opposition of this country as traitors. But after his defeat in the elections, he delivered a speech to uphold the democratic and human values and civil rights with a sense of despair in his tone. I remember that in those days, members of the Congress party had dubbed the Constitution (42nd Amendment) Bill as an abrasion on the Constitution of India. At that time, the Congress party, which was in opposition, had extended their cooperation to repeal the said amendment and thus rectified the distortion made in the constitution.

But when Shri Rajiv Gandhi again came back to power, he asserted while talking to the press correspondent that promulgation of emergency in 1975 was a right step. Reiterating the same in the Congress Session, he said that if again there were circumstances which necessitated the reimposition of emergency in the country, it would be imposed again. And just after that, he came forward with the Constitution (59th Amendment) Bill. Yesterday, he was showing his over anxiety. But as our Prime Minister has said and we had given a word to the masses during our election campaign that our party has been contesting these elections just to fight against corruption, maladministration and infringement of civil rights and in case the party came to power, it would work to protect the civil rights. The concept of civil rights has come of a civilized society, and it is the philosophy of modern civilization. Under the reign of many a despotic rules, people were not given their rights. In Greece, it was only men who were given rights and women had no rights. Slaves were considered worse than animals. Similarly in our own country, in the ancient times, only the people belonging to the three upper castes, used to enjoy all the rights and the poor and lowest class of people did not have any rights. But within the framework of modern civilization the framers of our Constitution had envisaged an orderly state but it has been shattered by the people of congress party who have always clamoured for that orderly state. Somehow, it crept into their mind that maximum concentration of power for the suppression of masses, in the hands of the Government, would enable the Government to solve most of the problems of the people. I would like to say that though a large number of laws have been enacted to solve the problem of Punjab which infringe upon the civil rights and given a free hand and full liberty to the police and the executive, but it has not brought down the rate of crime and incidents of hijacking and abduction and the results was that the previous Government could not protect the life of even their Prime Minister. So it is not a fact that diabolic forces of law can solve these problems. Problems can be sorted out with wisdom, understanding, resolve and firm will

power. I would also appreciate the attitude of the masses that they voted for a House where no single party, not even the ruling party, commands absolute majority to take independent initiative for an amendment to the Constitution. You are well aware of the fact that from the year 1951 to this day there have been 60 amendments to the Constitution. Of these amendments, 26 amendments had been introduced to Smt. Indira Gandhi alone. Four of the amendments had been made by Shri Rajiv Gandhi from 1980 to 1984. 1985 started with the 51st amendment to the Constitution and they went to the point of 59th Amendment. After all, what was the necessity of making all these amendments in the Constitution time and again? I agree that some of these constitution amendments were necessary but most of the constitution amendments were made just to give protection to the Prime Minister. All these amendments were intended to throw the rule of law to dogs and to give more and more powers to the Prime Minister, Chief Executive Head of the country, to make him a despot. However, I am glad to see that sooner or later they have realised their mistake. Now, they will never forget it.

Once again, I would like to congratulate and appreciate the Government for the fulfilment of assurances they had given to the masses and it has made this day, a red letter day of our history.

MR. CHAIRMAN: Please be brief. We have to pass this Bill before 3.30 p.m.

SHRI PIYUS TIRAKY (Alipurduar): Sir, I support the Constitution (Sixty-third Amendment) Bill which has been under discussion. I thank the hon. Prime Minister because he has understood that this is a dangerous thing which is in the Constitution and that should have to be repealed immediately. Even a snake, which is half-dead cannot be kept in the pocket to wait for its natural death. This Article 356 itself is a dangerous Article in the Constitution and it has been misused many a time by the ruling party for the harassment of the State Governments which are governed by the Opposition-ruled States. We

have a very wide experience about this. Therefore, I once again support this Bill. I thank the Prime Minister for bringing forward this Bill before this House so shortly after assuming office.

SHRI CHITTA BASU (Barasat): Mr. Chairman, Sir, I congratulate the Government for bringing out this Bill in the shortest period of time. This enables the House and the people to erase a blot in the Constitution of our country. This also ushers in a new era of democratic rule in this country. This is very much related to the Punjab situation.

Yesterday or the day before, the House has the opportunity of listening to certain posers made by the former Prime Minister of the country, Shri Rajiv Gandhi. He said that the Government has got no perspective or no clear perception about the Punjab problem. In this connection I would only like to draw the attention of the House to the document, the declaration which has been adopted by the all-party meet on the 17th of this month. All the questions and basic aspects of the problem of Punjab have been dealt with there. It is rather a delineation of approach of the new Government towards the national problem of Punjab. I would be very much glad if he has got the time to go through the declaration.

I want to reiterate my party's position, its opposition to the demand for the creation of Khalistan. I think the Government should not compromise with the unity and integrity of the country. The withdrawal or repealing of this provision should not lead the Government to think that there is no further necessity or need of taking firm actions against terrorists and their activities.

I have got some figures with me which are available from the statement of the former Governor of Punjab, wherein he has stated that between 1987 and 1989 upto November 14, 3526 civilians, 1354 terrorists and 320 security force personnel had been killed. I think it is not the proper picture; the figures must be a little more. This means that the Government should not show any disin-

[Sh. Chitta Basu]

clination or any let up in the matter of curbing the terrorist activities and to ensure the safety and security of innocent persons in Punjab.

Along with taking this strong position, or the necessary strong position, I would also like to point out that this document also indicates that the Government would work simultaneously for the political solution of the problem. That problem, I believe, can be solved through a process of dialogue. I think the Government should take initiative in the matter of initiating or taking fresh initiatives in starting a dialogue and bringing about a political solution or a national consensus. I hope they would rise above the party consideration. I would appeal to the Opposition Party to view the Punjab problem not as a party problem because it is related to the unity and integrity of the country. They should also extend their fullest cooperation for the working out of the political solution of the problem.

[Translation]

SHRI YUVRAJ (Katihar): Mr. Chairman, Sir, I rise to support the 63rd (Amendment) Bill moved by the hon. Minister of Home Affairs.

In this connection, I would like to submit that at the time when the Constitution (59th Amendment) Bill was moved in the House, the then Prime Minister did not think it necessary to consult the opposition. After all the Punjab problem is a national problem as it is related to the unity and integrity of this country. Therefore, a political solution to this problem should not be found only for protecting the political interests of one or the other party. This is a national problem and it requires national consensus for its solution. It is imperative to involve all the political parties and well-wishers of the nation in finding solution to this problem.

Unfortunately, hon. Members elected from Punjab do not seem to be present here but I would definitely like to submit that

though the Constitution (59th Amendment) Act is being repealed by the Constitution (63rd Amendment) Bill, the unity and integrity of the country cannot be compromised at any cost and we all have a clear stand in this regard. The Constitution (59th Amendment) Act was vehemently criticised in the democratic countries of the world and it was alleged that with this amending Act the civil rights of the people had been attacked. Therefore, this Bill is the need of the hour. I appreciate the efforts of the hon. Minister of Home Affairs and I would like to request the members of all parties not to make it a political question. This is a national issue. We should all sit together and find out a solution to this problem. With these words, I support the Constitution (63rd Amendment) Bill.

[English]

SHRI PIYARE LAL HANDOO (Anantnag): Sir, mine is perhaps a solitary voice in the House after I heard speeches from enlightened representatives of all parties about the 63rd amendment to the Constitution.

I had shed a tear or two, the day before yesterday when 62nd amendment to the Constitution was on the anvil which was later passed. I have suggested then, and I need to suggest once again that organic law of this country, of this Republic must not be so lightly dealt with. Ours is, perhaps, as you rightly hold, the largest democracy in the country and ours is also the solitary democracy in the country, which has, within a span of 42 years, amended the Constitution 62 times and you have given to yourself yes the credit of doing it within four days. This is one submission that I would make. The second submission is the proposed amendment to repeal—which Chapter 18 of the Indian Constitution rightly entitles—the emergency provisions; no State—developing or developed—can ever imagine all that the nation stands for; it cannot foresee an emergency, cannot face an emergency, cannot confront an emergency. Those who made our Constitution very well foresaw the contingency and

provided constitutional remedies to meet contingencies. If you give a casual glance to the first section in the Chapter—article 352—I have read it—you will see what the President can do in a given circumstance. President's satisfaction in all cases, we know, is the satisfaction of the rulers of the time. We move to article 359 of the Constitution. We can call them consequential provisions, upon the original first satisfaction of the President, which is the first satisfaction of the Government of India of the time.

Now I heard much today about article 359 (A) of the Constitution which is sought to be repealed. I heard much today about a small provision which is attached to article 356 of the Constitution and which is about to be repealed today.

15.00 hrs.

One thing which attracted me to move an amendment is the sentence used by the hon. Prime Minister during the course of his speech when he said we cannot deny except in the butchery right of life to someone. I only plead for indulgence from the Home Minister which is the butchery today, who is the lamb today who is being butchered and in which parts of the country. Only yesterday someone talked about the kidnapping. Someone talked of the kidnapping of a sitting MLA. I can forewarn you that in the next 4 to 5 days you may hear of my murder—I am on the hit list—and kidnapping because in the next 2 days I have to walk through the lanes in which Shri P.N. Bhatt was shot dead only yesterday. Who knows I may be shot dead in the same lane for taking the same steps. I would only seek your indulgence for consideration of the life of the CRPF personnel who were yesterday accosted, confronted and shot dead in the streets somewhere in Punjab. I would like the Prime Minister to consider this matter of right of life being denied. It is denied to the people of Kashmir and not to the terrorists in Kashmir. It is being denied to the people of Punjab and not to the terrorists in Punjab. You had a very recent experience. The Deputy Prime Minister in a given constituency in Punjab got only 50,000 votes whereas

somebody supported by terrorists got more than 2 lakh votes. I heard the other day the hon. Minister saying about the percentage of votes polled. I would like to say that it goes to my credit that I could ensure polling of votes to that percentage because people were terror stricken. The problem is not of terrorism. I said on the first day the problem is how to save the terror-stricken people both in Punjab and Kashmir. What are you going to do in that respect.

Further, Sir, they are only removing from the armoury a weapon which has not been used at any point of time and that is my regret. Now remember March 1988 when Article 359 (A) was introduced in the Constitution. What was going on in Punjab then. Remember June 1988 when Black Thunder act was enacted by the then Government of India and that ensured one thing that not a single policeman had to enter golden temple to clean it of the terrorists. Today what is the condition of Punjab. Every gurudwara is in possession of these people. I have heard some great lawyers saying about Article 359 A that it has denied right to life. It denies enforcement of the right under Article 21 in respect of the butchers and not the lambs that are to be butchered. Further Article 359 A can only be enforced if President issues an order and President is satisfied that a certain situation exists. President's feeling satisfied pre-supposes satisfaction of the Government. If you are not satisfied President cannot issue an order and this exception is not capable of being enforced. What do you fear from? Whom do you want to please by making it lapse on 1st or 2nd January instead of allowing it to die its natural death on 13th March. I thank the Congress Party which has moved an amendment. By saying that this Act comes into force on 1st or 2nd January I do not know whom does he want to please. On 13th March itself it is going to die its natural death. If you are not satisfied that an emergency exists President cannot pass an order. Article 359 cannot be enforced and exceptions to Article 20 and 21 will not be enforced. Enforceability of exceptions to Articles 20 and 21 in terms of Article 359 is dependant on a pre-condition and the pre-

[Sh. Piyare Lal Handoo]

condition is President's satisfaction that emergency requires it to be done and if you feel happy by saying that emergency does not exist President cannot pass an order. So how does this Article harm? Now give me an instance of a single country ever since the dawn of civilisation where at one or the other period such laws have not been enforced and such laws have not been taken notice of. Only yesterday, I heard the Foreign Minister condemning what had happened in Romania and perhaps rightly so and a part of the drama was also sought to be thereby condemned. He eulogised what happened to the President of that country. I am not that unhappily constituted to agree with him there. His trial was held within a minute and a half. You eulogised that also. Is that the rule of law? How much of a tyrant he was, the you should have given him the benefit of a fair trial if you were thinking about Punjab and Kashmir today.

Believe me, with a very heavy heart, I only want you to be indulgent and make a distinction in the metaphor used by the Prime Minister. You are not doing things today in favour of the lamb in Jammu and Kashmir, and Punjab, but in favour of the butcher. You know as a true *Musalman*, if your lamb is to be murdered the way that is being murdered today, it will be *haram* and not *halal*. Kindly take notice of the terror-stricken people. You were telling that it is the terrorists who needed freedom today. They have got sufficient freedom. As my esteemed friend from the Communist Party of India told you, they are free to do killings on one side and extortion on the other. They are free to set up *Khalsa* panchayats everywhere in the villages of Punjab. They say: "there is no use of going to the counts of law." Your law cannot touch them the way you are talking. But one thing which is not free is the poor Punjabi and he is the lamb today. Eighty-three deaths have taken place since 6th of December, 1989 in Punjab. Your friend and my esteemed colleague, Shri Prem Nath Bhat, is no more. Who knows I may also be no more within the next four or five days. As I told you, I am

going to walk through the same lane through which Mr. Bhat attempted to go. He was not allowed to enter that lane. I will not ask you to shed a tear if I die. However, if I am kidnapped, kindly make sure of one thing that you do get my dead body and not compromise on anything for that. I am sure that you would hand over my dead body to my children. That's all. I will be satisfied. My soul will be satisfied. But kindly don't tamper with the provisions of law which have not been used since March, 1988. If you are satisfied that there is no cause for emergency in terms of articles 356 and 359-A, the President cannot act. It is in this context that I have moved my amendment. My amendment is very simple. Instead of reserving the right to fix the date for enforcement of organic law, which you are reserving, it should not be regarded as a sound proposition. This is not done. If it has been done in a country, is it proper? It is done in respect of rent laws. It is done in respect of criminal procedure code. It is done in respect of civil law. But this organic law need not be touched this way lightly. In less than half a century, you have changed the Constitution sixty-three times. Kindly be sure of what you want to do. If you want to enforce it on a date, indicate the date. But if you want to go by my advice, which I have humbly given to you in the context of my submissions, then I would say that you may add sub-article (2) of article (1):

"That law shall come into force on 13th March, 1990."

That is the date when it lapses.

Don't use it because the President cannot issue an order if you are not satisfied that there is any emergency. With your new kinship with the terrorists in Punjab, perhaps you will never be satisfied that there is a cause for emergency in Punjab.

MR. CHAIRMAN: Now Shri Jagdeep Dhankhar.

CH. JAGDEEP DHANKHAR (Jhunjhunu): Mr. Chairman, Sir, I thank you for giving me this opportunity...

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): If it has to be concluded by 3.30...

MR. CHAIRMAN: We can take another fifteen minutes after 3.30 and the time for the private Member's business can be adjusted after six o'clock.

(Interruptions)

PROF. SAIFUDDIN SOZ (Baramulla): Sir, I am on a point of order. Earlier, the discussion on the communal situation was to be initiated at 2 PM and now it has been changed. It was not necessary for Members to be present from 11 AM to 10 PM. I was not even informed that the discussion has been postponed...*(Interruptions)*... I have already met the hon. Speaker. Now, I say that the discussion on communal situation should take place first and then the discussion on Panama will come. Firstly, I do not want any extension of time here. You start the Private Members' Business at exactly at 3.30 PM. At 6 PM, there should be a discussion on the communal situation which is much more important than the discussion on Panama. Now, do you want that this discussion should not be covered by the Press? *(Interruptions)*

MR. CHAIRMAN: No, that is not the point now. And that is not the interest of the House even.

(Interruptions)

PROF. SAIFUDDIN SOZ: I want an assurance that the Private Members' Business will start at 3.30 PM and the discussion on the communal situation will start at 6 PM. Otherwise, I will not initiate the discussion. *(Interruptions)*

MR. CHAIRMAN: After getting the consent of the various leaders including the Opposition leader yesterday, the hon. Speaker announced today morning the changes which we are going to adopt. The communications were not given to you. In any case, that can be taken care of. We have to know what had happened exactly.

(Interruptions)

PROF. SAIFUDDIN SOZ: Discussion on communal situation is much more important than the discussion on Panama. We want the discussion on communal situation at 6 PM. I want this point to be put to the vote of the House. *(Interruptions)*

MR. CHAIRMAN: I want to hurry up even this discussion. When the Members are contributing some good ideas, I cannot stop them and even inspite of my repeated requests, they could not control their time. That is what had happened. If the House agrees, we will finish this Constitution (Amendment) Bill. I request all of you that we can take another 15 or 20 minutes or a little more time and finish it.

(Interruptions)

PROF. SAIFUDDIN SOZ: I raise an objection to that. First of all, I want the discussion on communal situation to start at 6 PM and postpone the discussion on Panama. I want you to put it to the vote of the House.

MR. CHAIRMAN: You raise this point when the discussion on communal situation and Panama will come up. Now, the question is whether we can extend another 15 minutes to finish this Bill.

PROF. SAIFUDDIN SOZ: No. Not at all. Private Members' Business should be taken up at 3.30 PM exactly:

MR. CHAIRMAN: Ok.

CH. JAGDEEP DHANKHAR (Jhunjhunu). Sir, I will be very brief. The Constitution (Fifty-ninth Amendment) Bill was passed by this House on 23rd March, 1988. Rajya Sabha had passed it on 15th March, 1988. I say with respect to Mr. Handoo that 13th March is not the relevant date. The President gave his consent on 30th March, 1988. Therefore, in such a serious-minded business of the House, the hon. Member was referring to the date under

[Ch. Jagdeep Dhankhar]

misconception...*(Interruptions)*...It is not 13th March. But it is 30th March. Our Constitution is a product of our national

15.13 hrs.

[MR. JASWANT SINGH *in the Chair*]

movement and in this Constitution, the most vital chapter is Part III, namely, Fundamental Rights. Article 21 is the Fundamental Rights which we are dealing with now. It has been...*(Interruptions)*

[MR. JASWANT SINGH *in the Chair*]

MR. CHAIRMAN: My sincere advice is not to go into the Constitutional history. Come to the point. We do not have time.

CH. JAGDEEP DHANKHAR: What I say most respectfully is about the scene which was enacted yesterday in this House. The Leader of the Opposition had retorted in a very casual manner; he was in a jovial mood saying "why to go about this business. In any case, it is lapsing on the 30th March." I want to make only this point that such a casual attitude by the Leader of the Opposition on such a vital issue should not be repeated. *(Interruptions)*

SHRI RANGARAJAN KUMARAMAN-GALAM: Sir, I am on a point of order.

MR. CHAIRMAN: What is your point of order?

SHRI RANGARAJAN KUMARAMAN-GALAM: I would like to know as to whether there is any special rule to the effect that one can make personal allegations against the Leader of the Opposition, without following the rule or giving notice.

MR. CHAIRMAN: It is not a personal allegation. Therefore, no point of order. You please proceed.

(Interruptions)

CH. JAGDEEP DHANKHAR: Let us

always remember what Mahatma Gandhi had said. he cared for liberty... *(Interruptions)*... I do not want to be interrupted. Once again I would like to say that such a casual attitude like yesterday should not be repeated in this House. Let us not be casual with amendments to the Constitution. Due to time constraint, I am resuming my seat.

MR. CHAIRMAN: Mr. Home Minister may reply now.

[*Translation*]

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Mr. Chairman, Sir, as regards, the objects and reasons of this Bill, I have already elaborated the same in my earlier speech. But some hon. Members have raised certain question and I would like to clarify those points. The Punjab problem has assumed a serious proportion. We are proud of hardworking farmers of Punjab. We take pride for our jawans of this State who have always been in the fore front to sacrifice their lives for the protection of this country whenever there was danger to our freedom. Today I say that the youth of Punjab are not shedding their blood for the protection of the country but for weakening it. The Government under Shri V.P. Singh.....*(Interruptions)*

[*English*]

SHRI RAJIV GANDHI (Amethi): The Home Minister has criticised all the youth of Punjab. That is not correct... *(Interruptions)*... That is what he has said.....*(Interruptions)*.....

[*Translation*]

SHRI MUFTI MOHAMMAD SAYEED: I am point to that. I referred to the forces which are weakening the country.

SHRI RAJIV GANDHI: You have stated that the youth of Punjab are shedding their blood for weakening the country. *(Interruptions)*

SHRI MUFTI MOHAMMAD SAYEED:

Today we are being questioned as to what kind of solution do we have to the Punjab problem, what is our stand in regard to the demand for Khalistan, what steps are we taking for combating terrorism and what measures are being taken for ensuring the security of the students of the educational institutions? I would like to state that we have been landed in the same position as the present leader of the opposition, Shri Rajiv Gandhi was landed 5 years ago. At that time the people wanted a healing touch from the Government. The people wanted that the atmosphere of confrontation should end and a consensus should be reached on the national issues. Today I am not interested in commenting upon the steps which Shri Rajiv Gandhi had taken for finding a solution to the Punjab problem and I am not inclined to go into the reasons why he could not achieve success here. Today we want to combat the situation which has been prevailing for the last 5 years. People are being killed there. It is immaterial whether the Hindus are being massacred or the Sikhs are being massacred. What is important is the fact that the lives of people of this country are being lost.

The Punjab problem cannot be solved by the brute strength of the Police force alone. That is why our hon. Prime Minister has taken this initiative of visiting the Golden Temple. However, merely visiting the Golden Temple will not be the solution. We are not ignorant people. We think that without their cooperation such a serious problem cannot be solved. I can observe in the report that various measures have been taken by the present Government to ensure that the terrorists do not get shelter across the border, they do not get supplies from there and they do not get any kind of outside assistance. It is a fact that terrorism has gained strength in Punjab. When our Government declares that we have to provide the healing touch, it does not mean that we shall not combat terrorism. It is a fact that a conspiracy is being hatched so that the solutions, which are being explored, may be rendered ineffective. An Accord was entered into with Sant Longowal but the forces, which were not in favour of such an agreement, were successful in their

objective by assassinating him. He was the person who had people's support behind him and wielded power but he was removed from the scene, with the result the Accord could not work. Such forces are present there even today.

The elections were held recently and after that the hon. Prime Minister visited Punjab. He met the people there and we saw how people were hopeful. But there is no need to harbour misconceptions on this account. Instead steps should be taken to combat terrorism. Dedicated police officers who tackled terrorism with an iron hand, shall not be demoralised but efforts shall be made to boost their morale and encourage them. However, certain officers have misused their power and in that case, efforts will be made to release the innocent victims. But I think that regardless of whatever administrative measures are taken we shall not be successful in attaining our objectives unless political initiatives is also taken. Unless the public opinion is mobilised, it will not be possible to isolate the terrorists.

The second step, which our hon. Prime Minister took was to convene a conference of all political parties in which efforts were made to evolve a national consensus for finding a solution to the Punjab issue. It is a fact that the elected Members belonging to the Akali Dal, some communal elements and some representatives of the people did not participate in the conference but we, whether it is Congress Party or B.J.P. or for that matter the C.P.M. or C.P.I. or Janata Dal, have decided to take part in the conference. The hon. Prime Minister has decided to convene a public meeting in Ludhiana in January after holding a meeting with all the political parties. There is need to start dialogue with the public. Ultimately, people will have to be taken into confidence. I do not say that the Punjab problem would be solved in a day or in a month. But we have to be administratively firm, at the same time political dialogue is required to be initiated. Some tragic incidents took place due to Punjab problem. For example, our Late Prime Minister, Shrimati Indira Gandhi was assassi-

[Sh. Mufti Mohammad Sayeed]

nated (*Interruptions*).....Some questions were raised that I would like to clarify them.

MR. CHAIRMAN: I would suggest that time is very limited.

SHRI MUFTI MOHAMMAD SAYEED: Firstly, the persons behind the 1984 riots would be brought to book. The current Government would like to award early punishment to the guilty and set up a special court for this purpose. This is essential.

Secondly, it has been demanded that action should be taken against the people who were involved in the looting of houses, shops and other establishments in 1984. About 200 cases are pending in this regard. Some 2000 lives were lost in these riots. Our next step had been in connection with the repealing of the 59th amendment. The most important right of mankind which has been given by the almighty is the right to life. Nobody has the authority to take away that right. Through the 59th (Amendment) Act, the fundamental right of man that is the Right to Life was taken away. We want that the earlier this law is deleted from the statute book better it would be. Therefore, if this amendment is passed it will be implemented early. After the President gives his assent to this Bill, efforts will be made to implement it as early as possible. Our friends have raised a number of questions, but it is not possible to reply to them the moment. A dead line has also been fixed in this regard.

MR. CHAIRMAN: Shri Bhajan Lal, please sit down. I am not giving you permission. I have not allowed you. Please sit down.

(*Interruptions*)

MR. CHAIRMAN: I have not given you permission. Nothing will go on record.

(*Interruptions*)*

MR. CHAIRMAN: I have not allowed you. Please sit down. Please you do not interrupt him.

SHRI MUFTI MOHAMMAD SAYEED: I have one request to make to the hon. Members that they should pass this amendment.

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, I have one submission to make.

MR. CHAIRMAN: No, it will not be allowed.

(*Interruptions*)

[*English*]

MR. CHAIRMAN: Please sit down. Don't interrupt. Please be in order.

(*Interruptions*)

SHRI RAJIV GANDHI: Yesterday, I agreed that we would have this Bill today and we would help the Government in passing this Bill. I found in the Bill that there is no date as to when this Bill will become operational. (*Interruptions*)

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): We are accepting the amendment, that immediately it should be effective.

MR. CHAIRMAN: All right; I would like to say that the amendment is with me, namely that the effect of this Bill be immediate; and that has already been accepted.

(*Interruptions*)

MR. CHAIRMAN: There will be no interruptions now. Kindly sit down.

(*Interruptions*)

SHRI RAM NAIK (Bombay North): I had suggested an amendment. (*Interruptions*)

MR. CHAIRMAN: There is no amendment suggested by you. You cannot move it now. Please don't interrupt.

I want to take the consent of the House—before I move on to the Private Members' Business, there is to be a statement made by the hon. Prime Minister on Bofors. If it is the consent of the House, then I can take this vote on this Constitution (Sixty-third Amendment) Bill at 6 o'clock.

SOME HON. MEMBERS: No.

(Interruptions)

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

Let the lobbies be cleared—

(Interruptions)

[Translation]

SHRI LALU PRASAD: On a point of order, Sir.

MR. CHAIRMAN: The voting process begins with the clearing of the lobbies. Once the voting process has begun neither a point of order nor a constitutional issue can be raised. Till the voting process is completed, there will not be any interruptions.

(Interruptions)

[English]

MR. CHAIRMAN: Now the Lobbies have been cleared.

The question is:

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

The Lok Sabha divided

Division No. 5

AYES

Abdul Samad, Shri

Abedy Nath, Mahant

Acharia, Shri Basudeb

Advani, Shri L.K.

Agarwal, Shri J.P.

Aher. Dr, Daulatrao Sonuji

Ahmed, Shri Kamaluddin

Ajit Singh, Shri

Ali Shrimati Subhashini

Amat, Shri D.

Anand Singh, Shri

Anbarasu, Shri Era

Anwar Ahmad, Shri

Argal, Shri Chhaviram

Arunachalam, Shri M.

Ashokaraj, Shri A.

Baga Reddy, Shri M.

Baig, Shri Arif

Bais, Shri Ramesh

Baitha, Shri Mahendra

Bajpai, Dr. Rajendra Kumari

Bala, Dr. Asim

Balaraman, Shri L.

Banatwalla, Shri G.M.

Bankhele, Shri Kisanrao Baburao
Barman, Shri Palas
Basavaraj, Shri G.S.
Basu, Shri Anil
Basu, Shri Chitta
Beg, Shri Yusuf
Behera, Shri Bhajaman
Benjamin, Shri S.
Bhagey, Shri Gobardhan
Bhajan Lal, Shri
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhargava, Shri Girdhari Lal
Bhartiya, Shri Santosh
Bhatia, Shri Ram Sewak
Bhattacharya, Shrimati Malini
Bhattacharya, Shri Nani
Bhuria, Shri Dileep Singh
Bopche, Dr., Khushal Paras Ram
Brahm Bhatt, Shri Prakash Koko
Brahm Dutt, Shri
Chakravorty, Shri Susanta
Chandrasekhar, Shrimati
Chatterjee, Shri Nirmal Kanti
Chatterjee, Shri Somnath
Chaudhary, Shri Ishwar
Chaudhary, Shri Rudra Sen

Chavda, Shri Khemchandbhai Somabhai
Chennupati, Shrimati Vidya
Chidambaram, Shri P.
Choudhury, Shri Saifuddin
Chowdhary, Shri Dasai
Dandavate, Prof. Madhu
Danwe, Shri Pundlik Hari
Das, Shri Anadi Charan
Das, Shri Bhakta Charan
Datta, Shri Amal
Deb Burman, Shri K.B.K.
Delkar, Shri Mohanbhai Sanjibhai
Dennis, Shri N.
Deora, Shri Murli
Deshmukh, Shri Ashok Anandrao
Deshmukh, Shri Sudam Dattatrya
Dev, Shri Sontosh Mohan
Devi Lal, Shri
Dhakane, Shri Babanrao
Dhankhar, Ch. Jagdeep
Dhumal, Prof. Prem Kumar
Dikshit, Shri Narasingh Rao
Dome, Dr. Ram Chandra
Fernandes, Shri George
Gadgil, Shri V.N.
Gaikwad, Shri Udaysingrao Nanasaheb
Gandhi, Shri Rajiv

Gangadhar, Shri S.	Kabde, Dr. Venkatesh
Gangwar, Shri Santosh Kumar	Kalka Das, Shri
Giri, Shri Sudhir	Kalvi, Shri Kalyan Singh
Gudadinni, Shri B.K.	Kamble, Shri Arvind Tulshiram
Gujral, Shri I.K.	Kamson, Prof. Meijinlung
Gupta, Shri Dharampal Singh	Kareddula, Kumari Kamalaji
Gupta, Shri Indrajit	Kataria, Shri Gulab Chand
Handoo, Shri Piyare Lal	Kaushik, Shri Purushottam
Hannan Mollah, Shri	Khan, Shri Arif Mohammad
Hansda, Shri Matilal	Khan, Shri Sukhendu
Harish Pal, Shri	Khan, Zulfiquar Ali
Harshvardhan, Shri	Khandelwal, Shri Pyarelal
Heera Bhai, Shri	Khurana, Shri Madan Lal
Het Ram	Kotadia, Shri Manubhai
Hota Shri Bhabani Shankar	Kumaramangalam, Shri P.R.
Inder Jit, Shri	Kundu, Shri Samarendra
Jagpal Singh, Shri	Kurien, Prof. P.J.
Jamuna, Shrimati J.	Kushwaha, Shri Jagdish Singh
Janardhanan, Shri Kadambur M.R.	Lalu Prasad, Shri
Jangde, Shri Resham Lal	Lodhi, Shri Ganga Charan
Jatiya, Shri Satya Narayan	Mahabir Prasad, Shri
Jeevarathinam, Shri R.	Mahajan, Shrimati Sumitra
Jha, Shri Bhogendra	Mahale, Shri Haribhau Shankar
Jhikram, Shri Mohan Lal	Mahata, Shri Chitta
Jorawar Ram, Shri	Makkasar, Shri Shopat Singh
Joshi, Shri Dau Dayal	Malhotra, Shri Vijay Kumar
Ju Deo, Shri Dilip Singh	Malik, Shri Satya Pal

Mallikarjun, Shri

Mandal, Shri Sanat Kumar

Manemma, Shrimati T.

Manjay Lal, Shri

Manvendra Singh, Shri

Marbaniang, Shri Peter G.

Masudal Hossain, Shri Syed

Mayekar, Shri Gopalrao

Meena, Shri Nandlal

Meghwal, Shri Kailash

Mewar, Mahendra Singh

Mirdha, Shri Nathu Ram

Mishra, Shri Bal Gopal

Mishra, Shri Janeshwar

Mishra, Shri Rajmangal

Misra, Shri Satyagopal

Mohammed Shafi, Shri

Mukherjee, Shrimati Geeta

Munda, Shri Govinda Chandra

Munda, Shri Karia

Munjare, Shri Kankar

Murthy, Shri M.V. Chandrashekara

Muthiah, Shri R.

Naik, Shri Ram

Naikar, Shri D.K.

Nandi, Shri Yellalah

Narayanan, Shri K.R.

Narayanan, Shri P.G.

Nathu Singh, Shri

Nayak, Shri Nakul

Negi, Shri C.M.

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nitish Kumar, Shri

Odeyar, Shri Channaiah

Pal, Shri M.S.

Pal, Shri Rupchand

Palanisamy, Shri K.C.

Panda, Shri Raj Mangal

Pandey, Prof. Yadunath

Pandeya, Dr. Laxminarayan

Panwar, Shri Harpal Singh

Paranjpe, Shri Baburao

Paswan, Shri Chhedi

Paswan, Shri Sukhdeo

Patel, Dr. A.K.

Patel, Shri Arjunbhai

Patel, Shri Natubhai M

Patel, Shri Prahlad Singh

Patel, Shri Ram Pujan

Patel, Shri Shantilal Purushottamdas

Patel, Shri Somabhai

Patidar, Shri Rameshwar

Patil, Shri Basavaraj

Patil, Shri Shivraj V.	Rameshwar Prasad, Shri
Patil, Shri Uttamrao	Rana, Shri Kashiram Chhabildass
Patil, Shri Uttamrao Lakmaurao	Ranga, Prof. N.G.
Patnaik, Shri Sivaji	Rao, Shri J. Chokka
Poojary, Shri Janardhana	Rao, Shri K. Ramamohan
Potdukhe, Shri Shantaram	Rao, Shri Srinivasa
Prabhu, Shri R	Rasheed Masood, Shri
Pramanik, Shri Radhika Ranjan	Rathod, Shri Uttam
Prasad, Shri R.S	Rathor, Dr. Bhagwan Dass
Prem Pradeep, Shri	Rawat, Shri Harish
Raghavji, Shri	Ray, Dr. Sudhir
Rai, Shri Kalpnath	Raychoudhuri, Shri Sudarsan
Rajeswari, Shrimati Basava	Reddy, Shri A. Venkata
Raju, Shri Bh. Vijakumar	Reddy, Shri B.N.
Rajveer Singh, Shri	Reddy, Shri Kasu V.K.
Rakesh, Shri R.N.	Reddy, Shri Kotla Vijaya Bhaskara
Ram Awadh, Shri	Reddy, Shri P. Narasa
Ram Babu, Shri A.G.S.	Reddy, Shri R. Surender
Ram Dhan, Shri	Reddy, Shri Rajamohan
Ram Prakash, Ch.	Routray, Shri Nilamani
Ram Sagar, Shri (Bara Banki)	Roy, Shri A.K.
Ram Sagar, Shri (Saidpur)	Roy, Shri Haradhan
Ram Sajiwan, Shri	Roypradhan, Shri Amar
Ram Singh, Shri	Sai, Shri A. Pratap
Ramachandran, Shri Mullappally	Sai, Shri Larang
Ramadass, Dr. R.	Sai, Shri Nand Kumar
Ramamurthy, Shri K	Saini, Shri Gurdial Singh

Sait, Shri Ibrahim Sulaiman	Singh, Shri Ajay
Saran, Shri Daulat Ram	Singh, Shri Dharamgaj
Saroj, Shri Sarju Prasad	Singh, Shri Har Govind
Sartaj Singh, Shri	Singh, Shri Jagannath
Sarwar Hussain, Shri	Singh, Shri L.V.
Save, Shri Moreshwar	Singh, Shri Lokendra
Sayeed, Shri Mufti Mohammad	Singh, Shri Mandhata
Scindia, Shrimati Vijayaraje	Singh, Shri Maheshwar
Selvarasu, Shri M.	Singh, Prof. N. Tombi
Sema, Shri Shikiho	Singh, Shri Pratap
Shah, Shri Jayantilal Virchandbhai	Singh, Shri Radha Mohan
Shakeelur Rehman, Shri	Singh, Shri Ramashray Prasad
Shakya, Dr. Mahadeepak Singh	Singh, Shri Ram Naresh
Shakya, Shri Ram Singh	Singh, Shri Ram Prasad
Shankaranand, Shri B.	Singh, Shri Ramdas
Shanmugam, Shri P.	Singh, Shri Satya Pal
Shanta Kumar, Shri	Singh, Shri Sukhendra
Shastri, Shri Anil	Singh, Shri Surya Narayan
Shastri Shri Dharam Pal	Singh, Shri Tej Narayan
Shastri, Shri Yamuna Prasad	Singh, Shri Udai Pratap
Shekhada, Shri Govindbhai Kanjibhai	Singh, Shri Vishwanath Pratap
Shiwankar, Prof. Mahadeo	Sinha, Shrimati Usha
Shrivastava, Dr, Shailendranath	Sodhi, Shri Mankuram
Sidnal, Shri S.B	Solanki, Shri Surajbhanu
Silvera, Dr. C.	Sonkar, Shri Kalpnath
Singam, Shri Basavapunnaiah	Soz, Prof. Saifuddin
Singaravadivel, Shri S.	Srinivasan, Shri C.

Subedar, Shri	Verma, Shri Phoolchand
Sultanpuri, Shri K.D.	Verma, Shri R.L.P.
Suman, Shri Ramjilal	Verma, Shri Sheo Sharan
Sundararaj, Shri N.	Verma, Shri Upendra Nath
Sunil Dutt, Shri	Vijayaraghavan, Shri A.
Sur, Shri Monoranjan	Wadiyar, Shri Srikanta Datta Narasimharaja
Tarif Singh, Shri	Yadav, Shri Baleshwar
Tarwala, Shri Amratlal Vallabhdas	Yadav, Shri Chhotey Singh
Thakore, Shri Gabhaji Mangaji	Yadav, Shri Chun Chun Prasad
Thambi Durai, Dr.	Yadav, Shri Devendra Prasad
Thapa, Shri Nandu	Yadav, Shri Hukumdeo Narayan
Throat, Shri S.B.	Yadav, Shri Janardan
Thungon, Shri P.K.	Yadav, Shri Kailash Nath Singh
Tiraky, Shri Piyus	Yadav, Shri Mitrasen
Tiwari, Shri Janardan	Yadav, Shri Ram Sharan
Topdar, Shri Tarit Baran	Yadav, Shri Ramendra Kumar Ravi
Tyagi, Shri K.C.	Yadav, Dr. S.P.
Uma Bharati, Kumari	Yadav, Shri Sharad
Unnikrishnan, Shri K.P.	Yadav, Shri Ramjilal
Vaghela, Shri Shankarsinh	Yadvendra Datt, Shri
Varma, Shri Ratilal Kalidas	Yuvraj, Shri
Verma, Shri S.C.	Zainal Abedin, Shri
Vekaria, Shri S.N.	MR. CHAIRMAN: Subject to correction, the results of the division is:
Venkatesan, Shri P.R.S.	Ayes: 342*
Verma, Shri Dharmesh Prasad	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. CHAIRMAN: We shall now take up clauses 2 and 3. If it is then sense of the House, then I will take both these clauses together.

The Lobbies have been cleared.

The question is:

"The clauses 2 and 3 stand part of the Bill."

The Lok Sabha divided:

Division No. 6

AYES

Abdul Samad, Shri
Abedy Nath, Mahant
Acharia, Shri Basudeb
Advani, Shri L.K.
Agarwal, Shri J.P.
Aher. Dr, Daulatrao Sonuji
Ahmed, Shri Kamaluddin
Ajit Singh, Shri
Ali Shrimati Subhashini
Amat, Shri D.
Anand Singh, Shri
Anbarasu, Shri Era
Anwar Ahmad, Shri
Argal, Shri Chhaviram

Arunachalam, Shri M.
Ashokaraj, Shri A.
Baga Reddy, Shri M.
Baig, Shri Arif
Bais, Shri Ramesh
Baitha, Shri Mahendra
Bajpai, Dr. Rajendra Kumari
Bala, Dr. Asim
Balaraman, Shri L.
Banatwalla, Shri G.M.
Banera, Shri Hemendra Singh
Bankhele, Shri Kisanrao Baburao
Barman, Shri Palas
Basavaraj, Shri G.S.
Basu, Shri Anil
Basu, Shri Chitta
Behera, Shri Bhajaman
Benjamin, Shri S.
Bhagey, Shri Gobardhan
Bhajan Lal, Shri
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhargava, Shri Girdhari Lal
Bhartiya, Shri Santosh
Bhatia, Shri Ram Sewak
Bhattacharya, Shrimati Malini

Bhattacharya, Shri Nani	Devi Lal, Shri
Bhuria, Shri Dileep Singh	Dhakane, Shri Babanrao
Brahm Bhatt, Shri Prakash Koko	Dhankhar, Ch. Jagdeep
Brahm Dutt, Shri	Dhumal, Prof. Prem Kumar
Chakravorty, Shri Susanta	Dikshit, Shri Narasingh Rao
Chandrasekhar, Shrimati	Dome, Dr. Ram Chandra
Chatterjee, Shri Nirmal Kanti	Fernandes, Shri George
Chatterjee, Shri Somnath	Gadgil, Shri V.N.
Chaudhary, Shri Ishwar	Gaikwad, Shri Udaysingrao Nanasaheb
Chaudhary, Shri Ram Prasad	Gandhi, Shri Rajiv
Chaudhary, Shri Rudra Sen	Gangadhar, Shri S.
Chavda, Shri Khemchandbhai Somabhai	Gangwar, Shri Santosh Kumar
Chennupati, Shrimati Vidya	Giri, Shri Sudhir
Chidambaram, Shri P.	Gudadinni, Shri B.K.
Choudhury, Shri Saifuddin	Gujral, Shri I.K.
Chowdhary, Shri Dasai	Gupta, Shri Dharampal Singh
Darwe, Shri Pundlik Hari	Gupta, Shri Indrajit
Das, Shri Anadi Charan	Handoo, Shri Piyare Lal
Das, Shri Bhakta Charan	Hannan Mollah, Shri
Datta, Shri Amal	Hansda, Shri Matilal
Deb Burman, Shri K.B.K.	Harish Pal, Shri
Delkar, Shri Mohanbhai Sanjibhai	Harshvardhan, Shri
Dennis, Shri N.	Heera Bhai, Shri
Deora, Shri Murl	Het Ram
Deshmukh, Shri Ashok Anandrao	Hota Shri Bhabani Shankar
Deshmukh, Shri Sudam Dattatrya	Inder Jit, Shri
Dev, Shri Sontosh Mohan	Jagpal Singh, Shri

Jamuna, Shrimati J.	Kurien, Prof. P.J.
Janardhanan, Shri Kadambur M.R.	Kushwaha, Shri Jagdish Singh
Jangde, Shri Resham Lal	Lalu Prasad, Shri
Jatiya, Shri Satya Narayan	Lodhi, Shri Ganga Charan
Jeevarathinam, Shri R.	Mahabir Prasad, Shri
Jha, Shri Bhoqendra	Mahale, Shri Haribhau Shankar
Jhikram, Shri Mohan Lal	Mahata, Shri Chitta
Jorawar Ram, Shri	Makkasar, Shri Shopat Singh
Joishi, Shri Dau Daval	Malhotra, Shri Vijay Kumar
Ju Deo, Shri Dilip Singh	Malik, Shri Satya Pal
Kabde, Dr. Venkatesh	Mandal, Shri Sanat Kumar
Kalka Das, Shri	Manemme, Shrimati T.
Kalvi, Shri Kalyan Singh	Manjay Lal, Shri
Kamble, Shri Arvind Tulshiram	Manvendra Singh, Shri
Kamson, Prof. Meijinlung	Marbaniang, Shri Peter G.
Kapse, Prof. Ram Ganesh	Masudal Hossain, Shri Syed
Kareddula, Kumari Kamalaji	Mayekar, Shri Gopalrao
Kataria, Shri Gulab Chand	Meena, Shri Nandlal
Kaushik, Shri Purushottam	Meghwal, Shri Kailash
Khan, Shri Arif Mohammad	Mewar, Mahendra Singh
Khan, Shri Sukhendu	Mishra, Shri Nathu Ram
Khan, Zulfiquar Ali	Mishra, Shri Bal Gopal
Khandelwal, Shri Pyarelal	Mishra, Shri Janeshwar
Khurana, Shri Madan Lal	Mishra, Shri Rajmangal
Kotadia, Shri Manubhai	Misra, Shri Satyagopal
Kumaramangalam, Shri P.R.	Mohammed Shafi, Shri
Kundu, Shri Samarendra	Mukherjee, Shrimati Geeta

Munda, Shri Govinda Chandra	Patel, Dr. A.K.
Munda, Shri Karia	Patel, Shri Arjunbhai
Munjare, Shri Kankar	Patel, Shri Natubhai M.
Murthy, Shri M.V. Chandrashekara	Patel, Shri Prahlad Singh
Muthiah, Shri R.	Patel, Shri Ram Pujan
Naik, Shri Ram	Patel, Shri Shantilel Purushottamdas
Naikar, Shri D.K.	Patel, Shri Somabhai
Nandi, Shri Yellaiah	Patidar, Shri Rameshwar
Narayanan, Shri K.R.	Patil, Shri Basavaraj
Narayanan, Shri P.G.	Patil, Shri Shivraj V.
Nathu Singh, Shri	Patil, Shri Uttamrao
Nayak, Shri Nakul	Patnaik, Shri Sivaji
Negi, Shri C.M.	Poojary, Shri Janardhana
Nehru, Shri Arun Kumar	Potdukhe, Shri Shantaram
Netam, Shri Arvind	Prabhu, Shri R.
Nitish Kumar, Shri	Pramanik, Shri Radhika Ranjan
Odeyar, Shri Channaiah	Prasad, Shri R.S.
Pal, Shri M.S.	Prem Pradeep, Shri
Pal, Shri Rupchand	Raghavji, Shri
Palanisamy, Shri K.C.	Rai, Shri Kalpnath
Pande, Shri Raj Mangal	Rajeswari, Shrimati Basava
Pandey, Prof. Yadunath	Raju, Shri Bh. Vijakumar
Pandeya, Dr. Laxminarayan	Rajveer Singh, Shri
Panwar, Shri Harpal Singh	Rakesh, Shri R.N.
Paranjpe, Shri Baburao	Ram Awadh, Shri
Paswan, Shri Chhedhi	Ram Babu, Shri A.G.S.
Paswan, Shri Sukhdeo	Ram Dhan, Shri

Ram Prakash, Ch.	Reddy, Shri Rajamohan
Ram Sagar, Shri (Bara Banki)	Routray, Shri Nilamani
Ram Sagar, Shri (Saidpur)	Roy, Shri A.K.
Ram Sajiwan, Shri	Roy, Shri Haradhan
Ram Singh, Shri	Roypradhan, Shri Amar
Ramachandran, Shri Mullappally	Sai, Shri A. Pratap
Ramadass, Dr. R.	Sai, Shri Larang
Ramamurthy, Shri K.	Sai, Shri Nand Kumar
Rameshwar Prasad, Shri	Saini, Shri Gurdial Singh
Rana, Shri Kashiram Chhabildass	Sait, Shri Ibrahim Sulaiman
Ranga, Prof. N.G.	Saran, Shri Daulat Ram
Rao, Shri J. Chokka	Saroj, Shri Sarju Prasad
Rao, Shri K. Ramamohan	Sartaj Singh, Shri
Rao, Shri Srinivasa	Sarwar Hussain, Shri
Rasheed Masood, Shri	Save, Shri Moreshwar
Rathod, Shri Uttam	Sayeed, Shri Mufti Mohammad
Rathor, Dr. Bhagwan Dass	Scindia, Shrimati Vijayaraje
Rawat, Shri Harish	Selvarasu, Shri M.
Rawat, Prof. Rasa Singh	Sema, Shri Shikiho
Ray, Dr. Sudhir	Shah, Shri Jayantilal Virchandbhai
Raychoudhuri, Shri Sudarsan	Shakeelur Rehman, Shri
Reddy, Shri A. Venkata	Shakya, Dr. Mahadeepak Singh
Reddy, Shri B.N.	.Shankaranand, Shri B.
Reddy, Shri Kasu V.K.	Shanmugam, Shri P
Reddy, Shri Kotla Vijaya Bhaskara	Shanta Kumar, Shri
Reddy, Shri P. Narasa	Shastri, Shri Anil
Reddy, Shri R. Surender	Shastri Shri Dharam Pal

Shastri, Shri Yamuna Prasad

Shekhada, Shri Govindbhai Kanjibhai

Shiwankar, Prof. Mahadeo

Shrivastava, Dr, Shailendranath

Sidnal, Shri S.B.

Silvera, Dr. C.

Singam, Shri Basavapunnaiah

Singaravadivel, Shri S.

Singh, Shri Ajay

Singh, Shri Dharamgaj

Singh, Shri Har Govind

Singh, Shri Jagannath

Singh, Shri L.V.

Singh, Shri Lokendra

Singh, Shri Mandhata

Singh, Shri Maheshwar

Singh, Prof. N. Tombi

Singh, Shri Pratap

Singh, Shri Radha Mohan

Singh, Shri Ramashray Prasad

Singh, Shri Ram Naresh

Singh, Shri Ram Prasad

Singh, Shri Ramdas

Singh Shri, Sukhendra

Singh, Shri Surya Narayan

Singh, Shri Tej Narayan

Singh, Shri Udai Pratap

Singh, Shri Vishwanath Pratap

Sinha, Shrimati Usha

Sodhi, Shri Mankuram

Solanki, Shri Surajbhanu

Sonkar, Shri Kalpnath

Soz, Prof. Saifuddin

Srinivasan, Shri C.

Subedar, Shri

Sultanpuri, Shri K.D.

Suman, Shri Ramjilal

Sundararaj, Shri N.

Sunil Dutt, Shri

Sur, Shri Monoranjan

Tarif Singh, Shri

Tarwala, Shri Amratlal Vallabhdas

Thakore, Shri Gabhaji Mangaji

Thambi Durai, Dr.

Thapa, Shri Nandu

Throat, Shri S.B.

Thungon, Shri P.K.

Tiraky, Shri Piyus

Tiwari, Shri Brij Bhushan

Tiwari, Shri Janardan

Topdar, Shri Tarit Baran

Tyagi, Shri K.C.

Uma Bharati, Kumari

Unnikrishnan, Shri K.P.

Vaghela, Shri Shankarsinh

Yadav, Shri Ramjilal

Varma, Shri Ratilal Kalidas

Yadvendra Datt, Shri

Verma, Shri S.C.

Yuvraj, Shri

Vekaria, Shri S.N.

Zainal Abedin, Shri

Venkatesan, Shri P.R.S.

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

Verma, Shri Dharmesh Prasad

Ayes: 341**

Verma, Shri Phoolchand

Noes: Nil

Verma, Shri R.L.P.

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

Verma, Shri Sheo Sharan

Verma, Shri Upendra Nath

The motion was adopted

Vijayaraghavan, Shri A.

Wadiyar, Shri Srikanta Datta Narasimharaja

Clauses 2 and 3 were added to the Bill

Yadav, Shri Balleshwar

Clause-1- (Short title and commencement)

Yadav, Shri Chhotey Singh

MR. CHAIRMAN: There are three amendments given notice of. First, I have an official amendment. The hon. Minister.

Yadav, Shri Chun Chun Prasad

Yadav, Shri Devendra Prasad

SHRI MUFTI MOHAMMAD SAYEED: Shri Kumaramangalam had given notice of an amendment. On almost the same lines I want to move an amendment. I beg to move:

Yadav, Shri Hukumdeo Narayan

"Page 1, —

Yadav, Shri Janardan

For lines 5 and 6, substitute —

Yadav, Shri Kailash Nath Singh

"(2) It shall come into force with immediate effect." (3)

Yadav, Shri Mitrasen

Yadav, Shri Ram Sharan

MR. CHAIRMAN: Amendment No. (1), Shri Kumaramangalam.

Yadav, Shri Ramendra Kumar Ravi

Yadav, Dr. S.P

SHRI RANGARAJAN KUMARAMANGALAM: Sir, I beg to move:

Yadav, Shri Satyapal Singh

"Page 1, —

Yadav, Shri Sharad

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

**399, as corrected.

For lines 5 and 6, substitute —

"(2) It shall come into force on the 2nd day of January, 1990." (1)

I want to say that my amendment original read as 'it shall come into force on the 2nd day of January, 1990.' The Minister also has moved an amendment, but with a slight change. I just want to see a small clarification and if that is given I would not press my amendment. Do the words 'with immediate effect' mean, on the passing of this Amendment Bill by both the Houses of Parliament and after obtaining the assent of the President? Will the President's assent be obtained by the 2nd January 1990?

SHRI MUFTI MOHAMMAD SAYEED: I can assure the hon. Member that as soon as possible we will do it. We have to see the convenience of the President also. We will do it as immediately as we can. (*Interruptions*)

MR. CHAIRMAN: Please don't argue. Your point has been answered by the Minister. Please say whether you accept it or not.

SHRI RANGARAJAN KUMARAMANGALAM: Sir, I just want to know whether it will be sent to the President for obtaining his assent before 2nd January 1990?

SHRI MUFTI MOHAMMAD SAYEED: Yes.

SHRI RANGARAJAN KUMARAMANGALAM: I view of the assurance given by the hon. Minister, I do not want to pass* my amendment.

SHRI PIYARE LAL HANDOO: Sir, I beg to move: .

"Page 1,—for lines 5 and 6

substitute—

"(2) It shall come into force on the 13th day of March, 1990." (2)

MR. CHAIRMAN: I shall not put the Government Amendment to the vote of the House. The question is:

"Page 1,—

for lines 5 and 6, substitute—

"2 (2) It shall come into force with immediate effect." (3)

The motion was adopted

MR. CHAIRMAN: Amendment No. 1. moved by Shri Rangarajan Kumaramangalam stands withdrawn. Amendment No. 2 moved by Shri Piyare Lal Handoo stands barred. Before I put Clause 1, as amended, to the vote of the House, this being a Constitution (Amendment) Bill voting has to be by my division. The lobbies have already been cleared.

The question is:

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

Now, Division

The Lok Sabha divided

Division No. 7

AYES

Abdul Samad, Shri

Abedya Nath, Mahant

Acharia, Shri Basudeb

Advani, Shri L.K.

Agarwal, Shri J.P.

*Since the member did not want to press the amendment it was deemed to have been withdrawn by the leave of the House under Direction 44 of the Direction by the Speaker, Lok Sabha (Fourth edition, 1989)

Aher, Dr, Daulatrao Sonuji**Ahmed, Shri Kamaluddin****Ajit Singh, Shri****Ali Shrimati Subhashini****Amat, Shri D.****Anand Singh, Shri****Anbarasu, Shri Era****Anwar Ahmad, Shri****Argal, Shri Chhaviram****Arunachalam, Shri M.****Ashokaraj, Shri A.****Baga Reddy, Shri M.****Baig, Shri Arif****Bais, Shri Ramesh****Baitha, Shri Mahendra****Bajpai, Dr. Rajendra Kumari****Bala, Dr. Asim****Balaraman, Shri L.****Banatwalla, Shri G.M.****Banera, Shri Hemendra Singh****Bankhele, Shri Kisanrao Baburao****Barman, Shri Palas****Basavaraj, Shri G.S.****Basu, Shri Anil****Basu, Shri Chitta****Behera, Shri Bhajaman****Benjamin, Shri S.****Bhagey, Shri Gobardhan****Bhajan Lal, Shri****Bhakta, Shri Manoranjan****Bhardwaj, Shri Parasram****Bhargava, Shri Girdhari Lal****Bhartiya, Shri Santosh****Bhatia, Shri Ram Sewak****Bhattacharya, Shrimati Malini****Bhattacharya, Shri Nani****Bhuria, Shri Dileep Singh****Brahm Bhatt, Shri Prakash Koko****Brahm Dutt, Shri****Chakravorty, Shri Susanta****Chandrasekhar, Shrimati****Chatterjee, Shri Nirmal Kanti****Chatterjee, Shri Somnath****Chaudhary, Shri Ishwar****Choudhary, Shri Ram Prasad****Chaudhary, Shri Rudra Sen****Chavda, Shri Khemchandbhai Somabhai****Chennupati, Shrimati Vidya****Chidambaram, Shri P.****Choudhury, Shri Saifuddin****Chowdhary, Shri Dasai****Dandavate, Prof. Madhu****Danwe, Shri Pundlik Hari****Das, Shri Anadi Charan**

Das, Shri Bhakta Charan	Hansda, Shri Matilal
Datta, Shri Amal	Harish Pal, Shri
Deb Burman, Shri K.B.K.	Harshvardhan, Shri
Delkar, Shri Mohanbhai Sanjibhai	Heera Bhai, Shri
Dennis, Shri N.	Het Ram
Deora, Shri Murli	Hota Shri Bhabani Shankar
Deshmukh, Shri Ashok Anandrao	Inder Jit, Shri
Deshmukh, Shri Sudam Dattatrya	Jagpal Singh, Shri
Dev, Shri Sontosh Mohan	Jamuna, Shrimati J.
Devi Lal, Shri	Janardhanan, Shri Kadambur M.R.
Dhakane, Shri Babanrao	Jangde, Shri Resham Lal
Dhankhar, Ch. Jagdeep	Jatiya, Shri Satya Narayan
Dhumal, Prof. Prem Kumar	Jeevarathinam, Shri R.
Dikshit, Shri Narasingh Rao	Jha, Shri Bhogendra
Dome, Dr. Ram Chandra	Jhikram, Shri Mohan Lal
Fernandes, Shri George	Jorawar Ram, Shri
Gadgil, Shri V.N.	Joshi, Shri Dau Dayal
Gaikwad, Shri Udaysingrao Nanasaheb	Ju Deo, Shri Dilip Singh
Gandhi, Shri Rajiv	Kabde, Dr. Venkatesh
Gangadhar, Shri S.	Kalka Das, Shri
Gangwar, Shri Santosh Kumar	Kalvi, Shri Kalyan Singh
Giri, Shri Sudhir	Kamble, Shri Arvind Tulshiram
Gudadinni, Shri B.K.	Kamson, Prof. Meijinlung
Gujral, Shri I.K.	Kapse, Prof. Ram Ganesh
Gupta, Shri Dharampal Singh	Kareddula, Kumari Kamalaji
Gupta, Shri Indrajit	Kataria, Shri Gulab Chand
Hannan Mollah, Shri	Kaushik, Shri Purushottam

Khan, Shri Arif Mohammad

Khan, Shri Sukhendu

Khan, Zulfiquar Ali

Khandelwal, Shri Pyarelal

Khurana, Shri Madan Lal

Kotadia, Shri Manubhai

Kumaramangalam, Shri P.R.

Kundu, Shri Samarendra

Kushwaha, Shri Jagdish Singh

Lalu Prasad, Shri

Lodhi, Shri Ganga Charan

Mahabir Prasad, Shri

Mahale, Shri Haribhau Shankar

Mahata, Shri Chitta

Makkasar, Shri Shopat Singh

Malhotra, Shri Vijay Kumar

Malik, Shri Satya Pal

Mallikarjun, Shri

Mandal, Shri Sanat Kumar

Manemma, Shrimati T.

Manjay Lal, Shri

Manvendra Singh, Shri

Marbaniang, Shri Peter G.

Masudal Hossain, Shri Syed

Mayekar, Shri Gopalrao

Meena, Shri Nandlal

Meghwal, Shri Kailash

Mewar, Mahendra Singh

Mirdha, Shri Nathu Ram

Mishra, Shri Bel Gopal

Mishra, Shri Janeshwar

Mishra, Shri Rajmangal

Misra, Shri Satyagopal

Mohammed Shafi, Shri

Mukherjee, Shrimati Geeta

Munda, Shri Govinda Chandra

Munda, Shri Karia

Munjare, Shri Kankar

Murthy, Shri M.V. Chandrashekara

Muthiah, Shri R.

Naik, Shri Ram

Naikar, Shri D.K.

Nandi, Shri Yellaiah

Narayanan, Shri K.R.

Narayanan, Shri P.G.

Nathu Singh, Shri

Nayak, Shri Nakul

Negi, Shri C.M.

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nitish Kumar, Shri

Odeyar, Shri Channaiah

Pal, Shri M.S.

Pal, Shri Rupchand

Palanisamy, Shri K.C.	Rai, Shri Kalpnath
Pande, Shri Raj Mangal	Rajeswari, Shrimati Basava
Pandey, Prof. Yadunath	Raju, Shri Bh. Vijakumar
Pandeya, Dr. Laxminarayan	Rajveer Singh, Shri
Panwar, Shri Harpal Singh	Rakesh, Shri R.N.
Paranjpe, Shri Baburao	Ram Awadh, Shri
Paswan, Shri Chhedi	Ram Babu, Shri A.G.S.
Paswan, Shri Sukhdeo	Ram Dhan, Shri
Patel, Dr. A.K.	Ram Prakash, Ch.
Patel, Shri Arjunbhai	Ram Sagar, Shri (Bara Banki)
Patel, Shri Natubhai M.	Ram Sagar, Shri (Saidpur)
Patel, Shri Prahlad Singh	Ram Sajiwan, Shri
Patel, Shri Ram Pujan	Ram Singh, Shri
Patel, Shri Shantilal Purushottamdas	Ramachandran, Shri Mullappally
Patel, Shri Somabhai	Ramadass, Dr. R.
Patidar, Shri Rameshwar	Ramakrishna, Shri V.
Patil, Shri Basavaraj	Ramamurthy, Shri K.
Patil, Shri Shivraj V.	Rameshwar Prasad, Shri
Patil, Shri Uttamrao	Rana, Shri Kashiram Chhabildass
Patnaik, Shri Sivaji	Ranga, Prof. N.G.
Poojary, Shri Janardhana	Rao, Shri J. Chokka
Potdukhe, Shri Shantaram	Rao, Shri K. Ramamohan
Prabhu, Shri	Rao, Shri Srinivasan
Pramanik, Shri Radhika Ranjan	Rasheed Masood, Shri
Prasad, Shri R.S.	Rathod, Shri Uttam
Prem Pradeep, Shri	Rathor, Dr. Bhagwan Dass
Raghavji, Shri	Rawat, Shri Harish

Rawat, Prof. Rasa Singh

Ray, Dr. Sudhir

Raychoudhuri, Shri Sudarsan

Reddy, Shri A. Venkata

Reddy, Shri B.N.

Reddy, Shri Kasu V.K.

Reddy, Shri Kotla Vijaya Bhaskara

Reddy, Shri P. Narasa

Reddy, Shri R. Surender

Reddy, Shri Rajamohan

Routray, Shri Nilamani

Roy, Shri A.K.

Roy, Shri Haradhan

Roypradhan, Shri Amar

Sai, Shri A. Pratap

Sai, Shri Larang

Sai, Shri Nand Kumar

Saini, Shri Gurdial Singh

Sait, Shri Ibrahim Sulaiman

Saran, Shri Daulat Ram

Saroj, Shri Sarju Prasad

Sartaj Singh, Shri

Sarwar Hussain, Shri

Save, Shri Moreshwar

Sayeed, Shri Mufti Mohammad

Scindia, Shrimati Vijayaraje

Selvarasu, Shri M.

Sema, Shri Shikho

Shah, Shri Jayantilal Virchandbhai

Shakeelur Rehman, Shri

Shakya, Dr. Mahadeepak Singh

Shankaranand, Shri B.

Shanmugam, Shri P.

Shanta Kumar, Shri

Shastri, Shri Anil

Shastri Shri Dharam Pal

Shastri, Shri Yamuna Prasad

Shekhada, Shri Govindbhai Kanjibhai

Shiwankar, Prof. Mahadeo

Shrivastava, Dr. Shailendranath

Sidnal, Shri S.B

Silvera, Dr. C.

Singam, Shri Basavapunnaiah

Singaravadivel, Shri S.

Singh, Shri Ajay

Singh, Shri Dharamgaj

Singh, Shri Har Govind

Singh, Shri Hari Kishore

Singh, Shri Jagannath

Singh, Shri L.V.

Singh, Shri Lokendra

Singh, Shri Mandhata

Singh, Shri Maheshwar

Singh, Prof. N. Tombi	Thambi Durai, Dr.
Singh, Shri Pratap	Thapa, Shri Nandu
Singh, Shri Radha Mohan	Throat, Shri S.B.
Singh, Shri Ramashray Prasad	Thungon, Shri P.K.
Singh, Shri Ram Naresh	Tiraky, Shri Piyus
Singh, Shri Ram Prasad	Tiwari, Shri Brij Bhushan
Singh, Shri Ramdas	Tiwari, Shri Janardan
Singh, Shri Sukendra	Topdar, Shri Tarit Baran
Singh, Shri Surya Narayan	Tyagi, Shri K.C.
Singh, Shri Tej Narayan	Uma Bharati, Kumari
Singh, Shri Udai Pratap	Unnikrishnan, Shri K.P.
Singh, Shri Vishwanath Pratap	Vaghela, Shri Shankarsinh
Sinha, Shrimati Usha	Varma, Shri Ratilal Kalidas
Sodhi, Shri Mankuram	Verma, Shri S.C.
Solanki, Shri Surajbhanu	Vekaria, Shri S.N.
Sonkar, Shri Kalpnath	Venkatesan, Shri P.R.S.
Soz, Prof. Saifuddin	Verma, Shri Dharmesh Prasad
Srnivasan, Shri C	Verma, Shri Phoolchand
Subedar, Shri	Verma, Shri R.L.P.
Sultanpuri, Shri K.D.	Verma, Shri Sheo Sharan
Suman, Shri Ramjilal	Verma, Shri Upendra Nath
Sundararaj, Shri N.	Vijayaraghavan, Shri A.
Sunil Dutt, Shri	Wadiyar, Shri Srikanta Datta Narasimharaja
Sur, Shri Monoranjan	Yadav, Shri Baleshwar
Tarf Singh, Shri	Yadav, Shri Chhotey Singh
Tarwala, Shri Amratlal-Vallabhdas	Yadav, Shri Chun Chun Prasad
Thakore, Shri Gabhaji Mangaji	Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

The motion was adopted

Yadav, Shri Janardan

The Enacting Formula and the Title were added to the Bill

Yadav, Shri Kailash Nath Singh

SHRI MUFTI MOHAMMAD SAYEED:

Yadav, Shri Mitrasen

Sir, I move:

Yadav, Shri Ram Sharan

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

Yadav, Shri Ramendra Kumar Ravi

MR. CHAIRMAN: Before I put the motion that the Bill, as amended, be passed, to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by division.

Yadav, Dr. S.P.

Yadav, Shri Satya Pal Singh

Yadav, Shri Sharad

Let the Lobbies be cleared—

Yadav, Shri Ramjilal

Now the Lobbies have been cleared.

Yadvendra Datt, Shri

The question is:

Yuvraj, Shri

"That the Bill, as amended, be passed.

Zainal Abedin, Shri

The Lok Sabha divided:

NOES

Division No. 8

Handoo, Shri Piyare Lal

AYES

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

Abdul Samad, Shri

Ayes: 340*

Abedya Nath, Mahant

Noes: 1

Acharia, Shri Basudeb

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.

Advani, Shri L.K.

Agarwal, Shri J.P.

Agnihotri, Shri Rajendra

The motion was adopted

Aher. Dr, Daulatrao Sonuji

Clause 1 was added to the Bill

Ahmed, Shri Kamaluddin

MR. CHAIRMAN: The question is:

Ajit Singh, Shri

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

Ali Shrimati Subhashini

Amat, Shri D.

Anand Singh, Shri

Anbarasu, Shri Era

Anwar Ahmad, Shri

Argal, Shri Chhaviram

Arunachalam, Shri M.

Ashokaraj, Shri A.

Baga Reddy, Shri M.

Baig, Shri Arif

Bais, Shri Ramesh

Bartha, Shri Mahendra

Bajpai, Dr. Rajendra Kuman

Bala, Dr. Asim

Balaraman, Shri L.

Banatwalla, Shri G.M.

Bankhele, Shri Kisanrao Baburao

Barman, Shri Palas

Basavaraj, Shri G.S.

Basu, Shri Anil

Basu, Shri Chitta

Beg, Shri Yusuf

Bega Ram, Shri

Behera, Shri Bhajaman

Bengali, Singh Dr.

Benjamin, Shri S.

Bhagat, Shri H.K.L.

Bhagey, Shri Gobardhan

Bhajan Lal, Shri

Bhardwaj, Shri Parasram

Bhargava, Shri Girdhari Lal

Bhartiya, Shri Santosh

Bhatia, Shri Ram Sewak

Bhattacharya, Shrimati Malini

Bhattacharya, Shri Nani

Bhosle, Shri Prataprao Baburao

Bhuria, Shri Dileep Singh

Bopche, Dr., Khushal Paras Ram

Brahm Bhatt, Shri Prakash Koko

Brahm Dutt, Shri

Chakravorty, Shri Susanta

Chandrasekhar, Shrimati

Chatterjee, Shri Nirmal Kanti

Chatterjee, Shri Somnath

Chaudhary, Shri Ishwar

Chaudhary, Shri Rudra Sen

Chavda, Shri Khemchandbhai Somabhai

Chennupati, Shrimati Vidya

Chidambaram, Shri P.

Choudhury, Shri Saifuddin

Chowdhary, Shri Dasai

Dandavate, Prof. Madhu

Danwe, Shri Pundlik Hari

Das, Shri Anadi Charan

Das, Shri Bhakta Charan

Das Gupta, Dr. Biplab	Gupta, Shri Dharampal Singh
Datta, Shri Amal	Gupta, Shri Indrajit
Deb Burman, Shri K.B.K.	Hannan Mollah, Shri
Delkar, Shri Mohanbhai Sanjibhai	Hansda, Shri Matilal
Dennis, Shri N.	Harish Pal, Shri
Deora, Shri Murli	Harshvardhan, Shri
Deshmukh, Shri Ashok Anandrao	Heero Bhai, Shri
Deshmukh, Shri Chandubhai	Het Ram, Shri
Deshmukh, Shri Sudam Dattatrya	Hota Shri Bhabani Shankar
Dev, Shri Sontosh Mohan	Inder Jit, Shri
Devi Lal, Shri	Jagpal Singh, Shri
Dhankhar, Ch. Jagdeep	Jai Parkash, Shri
Dhumal, Prof. Prem Kumar	Jamuna, Shrimati J.
Dikshit, Shri Narasingh Rao	Janardhanan, Shri Kadambur M.R.
Dinesh, Singh Shri	Jangde, Shri Resham Lal
Dome, Dr. Ram Chandra	Jatav, Shri Than Singh
Dore, Shri Raja Ambanna Nayak	Jatiya, Shri Satya Narayan
Fernandes, Shri George	Jawali, Dr. Basavaraj
Gadgil, Shri V.N.	Jeevarathinam, Shri R.
Gaikwad, Shri Udaysingrao Nanasaheb	Jena, Shri Srikanta
Gajapathi, Shri Gopi Nath	Jha, Shri Bhogendra
Gandhi, Shri Rajiv	Jhikram, Shri Mohan Lal
Gangadhar, Shri S.	Jorawar Ram, Shri
Gangwar, Shri Santosh Kumar	Joshi, Shri Dau Dayal
Giri, Shri Sudhir	Ju Deo, Shri Dilip Singh
Gudadinni, Shri B.K.	Kalka Das, Shri
Gujral, Shri I.K.	Kalvi, Shri Kalyan Singh

Kamble, Shri Arvind Tulshiram
Kamson, Prof. Meijinlung
Kareddula, Kumari Kamalaji
Kataria, Shri Gulab Chand
Kaul, Shrimati Sheila
Kaushik, Shri Purushottam
Khan, Shri Arif Mohammad
Khan, Shri Sukhendu
Khan, Zulfiquar Ali
Khandelwal, Shri Pyarelal
Khurana, Shri Madan Lal
Kotadia, Shri Manubhai
Kumaramangalam, Shri P.R.
Kundu, Shri Samarendra
Kushwaha, Shri Jagdish Singh
Lalu Prasad, Shri
Lodhi, Shri Ganga Charan
Mahabir Prasad, Shri
Mahajan, Shrimati Sumitra
Mahale, Shri Haribhau Shankar
Mahata, Shri Chitta
Makkasar, Shri Shopat Singh
Malhotra, Shri Vijay Kumar
Malik, Shri Satya Pal
Mallikarjun, Shri
Mandal, Shri Sanat Kumar
Manemma, Shrimati T.

Manjay Lal, Shri
Manvendra Singh, Shri
Marbaniang, Shri Peter G.
Masudal Hossain, Shri Syed
Mayekar, Shri Gopalrao
Meena, Dr. Kirodi Lal
Meena, Shri Nandlal
Meghwal, Shri Kailash
Mewar, Mahendra Singh
Mirdha, Shri Nathu Ram
Mishra, Shri Bal Gopal
Mishra, Shri Janeshwar
Mishra, Shri Rajmangal
Misra, Shri Satyagopal
Mohammed Shafi, Shri
Mukherjee, Shrimati Geeta
Munda, Shri Govinda Chandra
Munda, Shri Karia
Munjare, Shri Kankar
Murthy, Shri M.V. Chandrashekara
Muthiah, Shri R.
Naik, Shri G. Devaraya
Naik, Shri Ram
Naikar, Shri D.K.
Nandi, Shri Yellaiah
Narayanan, Shri K.R.
Narayanan, Shri P.G.

Nathu Singh, Shri

Nayak, Shri Nakul

Negi, Shri C.M.

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nitish Kumar, Shri

Odeyar, Shri Channaiah

Pacherwal, Shri Gopal

Pal, Shri M.S.

Pal, Shri Rupchand

Palanisamy, Shri K.C.

Pande, Shri Raj Mangal

Pandey, Prof. Yadunath

Pandeya, Dr. Laxminarayan

Panwar, Shri Harpal Singh

Paranjpe, Shri Baburao

Paswan, Shri Chhedi

Paswan, Shri Ram Vilas

Paswan, Shri Sukhdeo

Patel, Dr. A.K.

Patel, Shri Natubhai M.

Patel, Shri Prahlad Singh

Patel, Shri Ram Pujan

Patel, Shri Shantilal Purushottamdas

Patel, Shri Somabhai

Patidar, Shri Rameshwar

Patil, Shri Basavaraj

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Uttamrao Lakmanrao

Patnaik, Shri Sivaji

Poojary, Shri Janardhana

Potdukhe, Shri Shantaram

Prabhu, Shri R.

Pramanik, Shri Radhika Ranjan

Prasad, Shri R.S.

Prem Pradeep, Shri

Purohit, Shri Banwarilal

Raghavji, Shri

Rai, Shri Kalpnath

Raje, Shrimati Vasundhara

Rajeswari, Shrimati Basava

Raju, Shri Bh. Vijaykumar

Rajveer Singh, Shri

Rakesh, Shri R.N.

Ram Awadh, Shri

Ram Babu, Shri A.G.S.

Ram Dhan, Shri

Ram Prakash, Ch.

Ram Sagar, Shri (Bara Banki)

Ram Sagar, Shri (Saidpur)

Ram Sajivan, Shri

Ram Singh, Shri

Ramachandran, Shri Mullappally

Ramadass, Dr. R.	Sai, Shri Larang
Ramamurthy, Shri K.	Sai, Shri Nand Kumar
Rameshwar Prasad, Shri	Saini, Shri Gurdial Singh
Rana, Shri Kashiram Chhabildass	Saran, Shri Daulat Ram
Ranga, Prof. N.G.	Saroj, Shri Sarju Prasad
Rao, Shri J. Chokka	Sarwar Hussain, Shri
Rao, Shri K. Ramamohan	Sayeed, Shri Mufti Mohammad
Rao, Shri Srinivasa	Scindia, Shrimati Vijayaraje
Rao, Shri V. Krishna	Sekhar, Shri M.G
Rasheed Masood, Shri	Selvam, Shri Kanci Paneer
Rathod, Shri Uttam	Selvarasu, Shri M.
Rawat, Shri Harish	Sema, Shri Shikiho
Rawat, Prof. Rasa Singh	Shah, Shri Jayantilal Virchandbhai
Ray, Dr. Sudhir	Shakeelur Rehman, Shri
Reddy, Shri A. Venkata	Shakya, Dr. Mahadeepak Singh
Reddy, Shri B.N.	Shankaranand, Shri B.
Reddy, Shri Kasu V.K.	Shanmugam, Shri P.
Reddy, Shri Kotla Vijaya Bhaskara	Shanta Kumar, Shri
Reddy, Shri P. Narasa	Shastri, Shri Anil
Reddy, Shri R. Surender	Shastri, Shri Dharam Pal
Reddy, Shri Rajamohan	Shastri, Shri Yamuna Prasad
Routray, Shri Nilamani	Shekhada, Shri Govindbhai Kanjibhai
Roy, Shri A.K.	Shiwankar, Prof. Mahadeo
Roy, Shri Haradhan	Shrivastava, Dr. Shailendranath
Roypradhan, Shri Amar	Shukla, Shri Vidyacharan
Sahay, Shri Subodh Kant	Sidnal, Shri S.B
Sai, Shri A. Pratap	Silvera, Dr. C.

Singam, Shri Basavapunnaiiah

Singaravadivel, Shri S.

Singh, Shri Ajay

Singh, Shri Har Govind

Singh, Shri Jagannath

Singh, Shri L.V.

Singh, Shri Lokendra

Singh, Shri Mandhata

Singh, Shri Maheshwar

Singh, Prof. N. Tombr

Singh, Shri Pratap

Singh, Shri Radha Mohan

Singh, Shri Ramashray Prasad

Singh, Shri Ram Naresh

Singh, Shri Ram Prasad

Singh, Shri Ramdas

Singh, Shri Satya Pal

Singh, Shri Sukhendra

Singh, Shri Surya Narayan

Singh, Shri Tej Narayan

Singh, Shri Udai Pratap

Singh, Shri Vishwanath Pratap

Singh, Deo, Shri A.N.

Sinha, Shrimati Usha

Sodhi, Shri Mankuram

Solanki, Shri Surajbhanu

Sonkar, Shri Kalpnath

Soz, Prof. Saifuddin

Sreenivasa Prasad, Shri V.

Brinivasan, Shri C.

Subedar, Shri

Sultanpuri, Shri K.D.

Suman, Shri Ramjilal

Sundararaj, Shri N.

Sunil Dutt, Shri

Sur, Shri Monoranjan

Suryawanshi, Shri Narsingrao

Tarif Singh, Shri

Tarwala, Shri Amratlal Vallabhdas

Thakore, Shri Gabhaji Mangaji

Thapa, Shri Nandu

Thorat, Shri S.B.

Thungon, Shri P.K.

Tiraky, Shri Piyus

Tiwari, Shri Janardan

Topdar, Shri Tarit Baran

Tyagi, Shri K.C.

Uma Bharati, Kumari

Umbroy, Shri Laeta

Unnikrishnan, Shri K.P.

Vaghela, Shri Shankarsinh

Varma, Shri B. Raja Ravi

Varma, Shri Ratilal Kalidas

Verma, Shri S.C.

Vekaria, Shri S.N.

NOES

Venkatesan, Shri P.R.S.

Handoo, Shri Piyare Lal

Verma, Shri Dharmesh Prasad

MR. CHAIRMAN: Subject to correction, the result of the Division is:

Verma, Shri Phoolchand

Ayes 360;

Verma, Shri R.L.P.

Noes : 1

Verma, Shri Sheo Sharan

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

Verma, Shri Upendra Nath

Vijayaraghavan, Shri A.

Wadiyar, Shri Srikanta Datta Narasimharaja

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

Yadav, Shri Baleshwar

The motion was adopted

Yadav, Shri Chhotey Singh

Yadav, Shri Chun Chun Prasad

Yadav, Shri Devendra Prasad

[English]

Yadav, Shri Hukumdeo Narayan

MR. CHAIRMAN: Now statement by the Prime Minister.

Yadav, Shri Janardan

Yadav, Shri Kailash Nath Singh

PROF. SAIFUDDIN SOZ (Baramulla):
Sir, I rise on a point of order. The Bill is passed. It was a very important item on the agenda. I have no objection to that. The House did not agree earlier to extension of time for this Bill. It has never happened that there is postponement of Private Members' Business. It is a Constitutional right. (*Interruptions*)

Yadav, Shri Mitrasen

Yadav, Shri Ram Sharan

Yadav, Shri Ramendra Kumar Ravi

Yadav, Dr. S.P.

Yadav, Shri Sharad

Now, Sir, I want re-scheduling of the business. Earlier the discussion on the communal situation was to come up at 2 PM and discussion on Panama at 6 PM. I want the House to agree to the discussion on communal situation at 6 PM and Panama discussion later.

Yadav, Shri Ramjilal

Yadvendra Datt, Shri

Yazdani, Dr. Golam

Yuvraj, Shri

MR. CHAIRMAN: Discussion on communal situation will precede discussion on Panama. Now please sit down.

Zainal Abedin, Shri