

12.35 hrs.

[English]

CONSTITUTION (SIXTY-SECOND AMENDMENT) BILL—*CONTD.*

MR. SPEAKER: The House will now take up further consideration of the following motion moved by Shri Ram Vilas Paswan, on the 22nd December, 1989, namely:-

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

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir, we had a discussion the other day in your Chamber, when the whips of the opposition were also there. You were kind enough to decide that the voting on the Constitution Amendment Bill will be held at 2 p.m. today. I would request you to regulate the number of speakers accordingly so that we can have the voting at 2 p.m. All the parties have also issued whips for the Members to be present at 2 p.m. (*Interruptions*)

[Translation]

MR. SPEAKER: He is saying that the reply will be given at 2 P.M.

[English]

SHRI K.S. RAO (Machilipatnam): Only thirty minutes are left before the lunch. It is a very important Bill and many Members want to speak...(*Interruptions*)

[Translation]

SHRI HAFISH RAWAT (Almora): You allow the members belonging to our side to speak. We are not concerned whether they press for being given an opportunity to their Members to speak or not.

SHRI JASWANT SINGH: With your permission, Sir, as a matter of fact and information, I would like to submit that when the discussion was held on Friday, a number of speakers from the opposition benches then protested that they did not want to participate in the discussion on Friday because it was late in the evening, and their speeches would not be covered by the press and that they would like to participate on Tuesday. Even then, I submitted to the whip of the opposition that this would not be possible; either the number of speakers be curtailed or the time allotted to each of them be curtailed in such a fashion so that the voting can take place at 2 p.m. today. I am communicating this to you so as to establish the facts of the matter.

SHRI K.S. RAO: It is maligning the opposition by saying that they said that their speeches would not be covered by the press. It is wrong.

SHRI P. UPENDRA: It is not maligning them.

SHRI JASWANT SINGH: I have only communicated the facts.

SHRI P. UPENDRA: We may continue to sit during the lunch time.

[Translation]

MR. SPEAKER: In fact, I will go by the will of the House.

SHRI L.K. ADVANI (New Delhi): Normally the House should have prior information as to when the voting will take place on the Constitution (Amendment) Bill. It may also be clarified whether there will be any lunch hour or not.

MR. SPEAKER: The reply by the Minister will start at 2 p.m.

SHRI L.K. ADVANI: Will there be any lunch hour or not?

MR. SPEAKER: I will go by your advice about the lunch-hour.

[*English*]

SHRI P. UPENDRA: the reply by the Minister will be at 2 p.m. and then the voting will take place.

SHRI SOMNATH CHATTERJEE (Bolpur): We may dispense with the lunch hour today.

MANY HON. MEMBERS: Yes, yes.

MR. SPEAKER: We will sit through the lunch hour and complete the job.

DR. ASIM BALA (Nabadwip): We did not get the opportunity to speak on Friday. We hope you will kindly give us opportunity to speak today.

[*Translation*]

MR. SPEAKER: As per the decision of the House, Members participating in the debate will be given 5 minutes each. The member allowed by me is requested to conclude his speech in 5 minutes time.

SHRI DILEEP SINGH BHURIA (Jhabua): Please give time to the Members belonging to our party. Only one Member from our party has so far been allowed to speak.

AN. HON. MEMBERS: He took 50 minutes.

MR. SPEAKER: I have done as per the decision arrived at with your party members.

SHRI RAM DHAN (Lalganj): Mr. Speaker, Sir, I thank you for the opportunity given to me to speak on this important issue. At the very outset, I would like to make it clear before the House and the country that reservation is not a charity. There is a wrong feeling in the country that reservation has been provided as a charity. In order to contradict this wrong notion, we should place all

the historical and other facts before the country.

While addressing the Minority Committee at the Round-Table Conference on 13th November, 1931, Mahatma Gandhi said that we did not want untouchables to be classified as a separate community in our society. Sikhs can remain as sikhs, Muslims can remain as Muslims and Christians as Christian for ever but the point is whether we want the untouchables to remain as untouchable for all time to come. He added that he would rather prefer extinction of Hinduism to continuance of untouchability in the society and if he had to sacrifice his life in opposing separate electoral provision for downtrodden, he would not mind it even if he might be alone in his pursuit. After his return from the Round Table Conference, Gandhiji tried to elicit public opinion on it but in the meantime he was arrested by the British Government and was kept in Yarvada jail at Poona. At that time question was agitating in his mind as to how the British Government's move to have separate electorate provision for the downtrodden could be thwarted as he was gravely hurt by that decision of the British Government. He wrote to the then Secretary of State for India that he is against this decision and if it was implement, he would go on fast unto death. You are aware that a demand of separate electorate provision was accepted in the Minority Committee on communal basis which was termed as communal award. Under that award, separate provision was made for Muslims. Dr. Ambedkar, the leader of the downtrodden had also made demand for separate electorate provision in the Minority Committee at Round-Table Conference. When Gandhiji started his fast unto-death at the Yarvada jail, the caste Hindu leaders and the people of the country became concerned about the life of Mahatma Gandhi and all the leaders, whether they were moderates or anyother, held a conference at Bombay and it was decided to find a solution to that problem. The British Government permitted the people to meet Gandhiji while he was imprisoned in the Yarvada jail. In view of time constraint, I would like to make by submission in brief. At

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that time a pact was entered into between the Harijan leaders and the cast Hindu leaders. Gandhiji also somewhat relaxed his earlier stand. He said that he could not accept the proposal for separate electorate but the demand for reservation of seats in Lok Sabha and State Assemblies could be acceded to and an agreement was signed in this regard by Dr. Ambedkar representing the harijans on one hand and Pt. Madan Mohan Malviya representing the caste Hindus on the other. Alongwith them other leaders, from both sides also signed. Under this pact, which was called the Poona Pact, 30 seats were reserved in the Madras Assembly, 25 seats were reserved in the Bombay-Sindh Assembly (Sindh was then part of Bombay Province), 8 seats in Punjab, 18 seats each in Bihar and Orissa, 20 seats in the Central Provinces, 7 seats in Assam, 20 in Bengal and 20 seats in the United Provinces. In this way reservation of seats was made in the different State Assemblies. A total of 148 seats were reserved and it was decided at that time that instead of the joint system of elections, a system of primary elections may be adopted. Under this system, the elections for reserved seats would be conducted first and the electorate would only consist of the downtroddens. In this way, 4 candidates for one reserved seat would be elected who would later participate in the general election process. Whoever comes out to be victorious in these elections would become the Member of the legislative assembly. This kind of arrangement was made when there was a provision for 18 per cent reservation in the Central Legislature. I am trying to say that this is the manner in which the whole process of reservation started and which appeared in the shape of an agreement before the country. At that time it was said and an assurance was given that this reservation would continue so long as discrimination is not done away with and Harijans are not treated on equal footing. Shri Kalpanath Rai seems to be smiling. Untouchability is practised even today. This is a bitter fact. No one can deny it. It was said that until this system prevails, reservation

will continue. Our constitution upholds socialism, secularism and democracy but even after 42 years of independence the Scheduled Castes and Scheduled Tribes have not been brought into the national mainstream. This is the hard fact. That is why demands are made again and again even today, for extending the reservation provisions of the constitution.

Article 46 of the constitution provides that the State shall promote with special care to educational and economic interests of the weaker sections of the people and, in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. In addition, certain other special provisions have been made to promote their interests and to protect them such as Article 15, 16, 17, 19, 29, 164, 244, 275, 330, 332, 334, 335., 338, 339, 341 and 342. These provisions contain such matters as ban on the practice of discrimination, reservation of posts in matters of appointment, removal of untouchability, administration and the control of Scheduled Tribe areas, reservation of seats in the Lok Sabha and Vidhan Sabhas, the appointment of the Commissioner of Scheduled Castes and Scheduled Tribes, the constitution of the Commission, notifying the list of Scheduled Castes and Scheduled Tribes etc. The hon. Minister has not referred to the lists at all. In this House, Committees were constituted in 1968 and in 1977 for the revision of the lists of Scheduled Castes and Scheduled Tribes. But the reports of both these committees could not be placed before Parliament. Neither could it be placed during the Janata Rule nor during that of the Congress. This revision is very necessary because today demands are being raised in the States that such and such new castes should be included in the lists of some other castes which are sub-castes should be excluded from these lists. For example, one of our ex-Prime Minister, Shri Morarji Desai wanted that the cobbler caste in Gujarat, which inspite of being backward was well-off, should be excluded from the said list. A committee was constituted for revision of the list but the matter is still pending. During the

last Lok Sabha I had requested the then Minister, Shrimati Rajendra Kumari Bajpai, who is not present in the House at the moment, to take immediate steps in this regard. It was an urgent demand of the country and of its weaker sections but the Congress Government did not pay any heed to the matter. The hon. Minister should consider it as well and either get the report of the said committee, which was headed by Shri Suraj Bhan, at the earliest or it should constitute another committee and get this matter finalised. About 16 per cent of the population consists of the Scheduled Castes and about 8 per cent of the Scheduled Tribes. Today 1/4 of the population is deprived of their rights and they are compelled to suffer silently. They cannot fight for their rights because they lack the necessary resources for this purpose. Mr. Speaker, Sir, you have observed during the various socialist agitations that this matter was taken up but the success was not achieved. You are aware that our country is agriculture oriented. Prof. Ranga refers to agriculture time and again. Out of the people engaged in agriculture, 52 per cent are agricultural labourers, 28 per cent are small and marginal farmers. There are certain occupations in which only one section of the people have been engaged for generations together. Scavenging is one such occupation in which has been earmarked for a particular class of people, generation after generation. Still we talk of human rights. We speak of human rights from the platform of the U.N.O. but in this country our own brethren carry might-sail on their heads. Nobody considers it a violation of human rights. Efforts are not being made today to do away with this system. Apart from this, the miserable condition of the farmers is often referred to and need to introduce land reforms is emphasised. But I would say that there are certain menial occupations such as tanning, which are reserved only for the harijans. No other section of the society takes up this work. Similarly, we are very backward in the matter of education. Therefore, I would like to say that the Government should pay attention to the harijans who are contributing to the progress of the country even under adverse

circumstances. Our socialist friend, hon. Shri Kalpanath Rai is present here and he had also raised the slogan during socialist movement that land and income should be equally distributed and there should be no unearned income. Where are those slogans today? Has equal distribution of land and income taken place? Are the tillers getting their due? This needs to be given serious thought. Therefore, I would like to say that little efforts are being made for their upliftment. But I would like to make one point that it will be said that Government has incurred considerable expenditure on their welfare. Funds are allotted by both the Central and the State Governments for the upliftment of these people and in this connection, I will not make any comment apart from reminding the House of the speech of the former Prime Minister in which he stated that only 15 per cent amount allotted is actually spent on the poor and the rest of 85 per cent is pocketed by middlemen and commission agents. This fact was accepted by the previous Government. Therefore, whatever funds are allotted for development do not reach the beneficiaries because of corruption. I would like to submit one more point. A provision has been made for the appointment of a special officer under Article 338 of the constitution. But what is the condition of the Special Officer? In 1978, the Janata Government has passed a proposal for setting up of the Scheduled Castes and Scheduled Tribes Commission. But I would like to submit that the Scheduled Castes and Scheduled Tribes Commission has no effective powers. What is the use of constituting such a Commission when it cannot even hold an enquiry into the atrocities committed on the weaker section in the rural areas?

I would also like to add that when the elections were announced certain people who could not be given tickets were assured of a position in that Commission. Such was the state of affairs. In my opinion, it is of no use to constitute such a Commission in this manner. Unless, it is given mandatory powers, the Commission cannot be effective.

I would like to submit one point in connection with untouchability. Untouchability is

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practised widely in our country. I would not like to go into it apart from giving one illustration. When the hon. Minister was a member of a Parliamentary Committee, conversions took place at Meenakshi Puram. Thereafter, the 'Virat Hindu Samaj' conference was organised at the Boat Club. A lot of hue and cry was raised on account of the conversions. But what is this all about? The hon. Minister and hon. Member from the other side, Smt. Chandrashekharan, who used to be a member of the Parliamentary Committee were there. They went to Meenakshipuram. A youngman, perhaps his name was Yusuf, who had already changed his religion met them. These people talked to him and questioned him as to why he had changed his religion. He did not give any reply. Pointing to a person, the youngman said that he was his father. He further told them that if they could have him take a cup of tea from the tea stall situated in front of them, he could come back to Hindu religion. These people had the force of weaponry with them. The police was with them. The entire state force was with them. They went to the tea stall. The youngman told them that that day they could have him take a cup of tea from that stall, but the stall would be closed the next day. In order to avoid such a thing to happen, the tea stall owner pointed to a cup kept outside the stall and asked the youngman to pick it up and have tea. This thing happened at the time when the whole country was exercised over the issue of conversion. Today, may I ask the big wigs of religion who are bent upon resorting to armed encounters on the Babri Masjid and Ram Janma bhoomi issue to let me know as to what steps they are taking to check the menace of conversion being resorted to just because of the practice of untouchability by the followers of Hindu religion in different parts of the country. Nobody is prepared to say a word against these events. That is, to this day, the truth in respect of the conversion of Hindus to other religions. I would like to remind Prof. Ranga the words of Gandhiji in this regard. During the freedom struggle we used to sing a song "Achchuton ko gale lagao, varna ye lal gai-

ron ke ghar jayenge. (Embrace the untouchables, otherwise they will convert). That was the song. But what is happening today? Today conversion is taking place. Neither the Central Government nor the Hindu Society and the bigwigs of Hindu religion are paying any heed to this situation. Under these circumstances, I urge upon the Government to take some measures against this permanent menace. Moreover, no action is taken in case a report to this effect is made. Here, I would like to make a submission in regard to entry in temples. The hon. Sanayasini Member is sitting here. She knows that in Chhatisgarh region, some Harijans had gone to enter the temple in Shri Keyur Bhushan's village. Three of them were gunned down. What happened in Shrinathji's temple in Rajasthan? A legislator belonging to a particular party launched an agitation against temple entry. The Government of Rajasthan was not able to do anything in it. Then ensued a drama and an announcement to this effect was also made in the Parliament. In this connection, I would like to say this much only that today the Harijans have no right of entry into the temples. The Shankaracharya of Puri had said in this regard that in case untouchability is removed from Hindu dharma, it would become meaningless. These are the views expressed by the Shankaracharya. Today we talk of atrocities. In our country, it has been accepted that atrocity on Scheduled Castes and Scheduled Tribes is a crime. But today, there is end to the atrocities being committed on Scheduled Castes and Scheduled Tribe in this country. Murders, rape and arson go on unabated and the police remains a silent spectator. Such atrocities on Scheduled Tribes and Adivasis are committed by the officials of forest Department and the Contractors. A campaign was launched in Madhya Pradesh, Bihar and Orissa locally called 'Lota' 'Sota' and Jhota. 'Lota' symbolises the Marwaris, 'Sota' stands for the contractors and the transporters keep 'Jhota' (a buffalo). These people have been exploiting the Adivasis. The Adivasis have been deprived of their right of collection of flowers, leaves and firewood from the forests. Since the day the forests were put under the con-

trol of the Government, the Adivasis have not been allowed to collect flowers, leaves and fuel from the forests. It has rendered them helpless and they are not able to eke out their living. Rapes and atrocities of various other types are being committed on their womenfolk day in and day out. I would like to remind Prof. Ranga that it was in this House when I was sitting on these benches and one of the hon. Members of the Lok Sabha had called me 'chamar ka Bachcha' (son of Chamar) and rushed to assault me. This incident took place in the Lok Sabha at that time. Today, that man is not in this House. He has not been able to retain his seat in this House. He has been punished. The electorate has punished him. But this House remained a silent spectator to the aforesaid event. People view the Mahabharat and disrobing of Draupadi. But this most important and noticeable thing goes unnoticed by the people as to how atrocities are committed on us in the Lok Sabha. Then how can I expect that a good treatment will be mented out to us outside? With an agonised heart, I would say that when we cannot be given any protection in the Lok Sabha, how is it possible that we will be protected outside...*(Interruptions)*.....I would like to make a submission about land reforms. What is happening today in respect of land reforms? In Bihar, the State from which the hon. Minister hails, thousands of acres of land stand in the fictitious names. Land records have not been corrected in that state to this day. No Government records have so far been corrected. That is why I say that if this Government wants to achieve success in the field of land reforms, atrocities on Harijans should be stopped.

It has been said that the provision of reservation for these categories in Lok Sabha and Legislative Assemblies is being extended. At the same time what I feel is that the Government should also appreciate the people by extending the same provisions to Rajya Sabha and the Legislative Councils. The Government should also implement the provisions of reservation in these bodies. When Pt. Bibhuti Narayan Mishra used to be a Member of Lok Sabha, he had time

and again moved a Resolution to the effect that either the institutions of the Rajya Sabha and the Legislative Councils should be abolished as it has been done in a number of States or the provisions of reservation for the downtrodden should be extended to these institutions also.

I would like to remind Prof. Ranga that I was there with him in the freedom struggle. In 1986, I was the General Secretary of the Congress (I) and I had told the Congress President in 1986 that since there was no reservation of seats for the Scheduled Castes and Scheduled Tribes in the Rajya Sabha, the sitting Members belonging to these categories from Uttar Pradesh, whose term was about to expire at that time, might be re-nominated for Rajya Sabha and if he was not satisfied with their performance other candidates might be selected in their place, but the number of such members should not be reduced. At that time instead of three persons only two were re-nominated. The decision of the Parliamentary Board was changed over-night. On that very day, as a protest, I resigned from the membership of All India Congress Committee and from the post of its General Secretary because I felt that if I could not safeguard the interests of the downtrodden while holding the charge as General Secretary, it was not desirable on my part to continue in that position.

I understand that the Congress Party is the largest party in the Rajya Sabha and it nominates the members of Scheduled Castes and Scheduled Tribes for Rajya Sabha. But the other parties do not have this practice. Thus I have placed these facts before you for your consideration.

I would like to tell you that when I became the national convener of the Jan Morcha and when the Congress Party did not re-nominate three of its members to Rajya Sabha in 1986, I had said at that time that the Congress Party would face a debacle and nobody would be able to check it. I would like to bring it on the record of Lok Sabha that in 1975 I had advised the then Prime Minister, Shrimati Indira Gandhi, to accept the court

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verdict. My friend Shri Sathe is sitting here. But Shrimati Gandhi did not honour the verdict of the court and everybody knows its result in 1977. Today, also I would like to make it clear that in case the downtrodden are not given their due under the present circumstances, which even Government might come to power, it cannot last long. ..(Interruptions)...

Our struggle started in 1986 and after one year, Shri V.P. Singh joined us. At that time, he was much perturbed. I encouraged him. Therefore, a public awareness campaign was launched by Jan Morcha for a year and it is the outcome of that campaign that they are now occupying the treasury benches.

Was it the Congress Government or the Janata Government which remained in power only for a period of 2 1/2 years, all of them have been expressing their concern for free and fair elections in Namibia. But I would like to ask whether we are having free and fair elections in this country? A Member of the I.P.F. said just now that 30 Harijans, who were trying to prevent booth capturing, were killed in Arrah. We are not able to excise our franchise the right of which was given to us by Baba Saheb Ambedkar. The idle talk of providing reservation or giving other rights is a fraud. I would like to go into the position prevailing in Government services. I would, therefore, urge the Government to constitute a committee to go into the causes of agitation being launched all over the country. Anti-reservation stir is going on in different parts which has claimed several lives. Under these circumstances the Government should constitute a committee to find out the causes of this agitation. Finally, I would like to call upon the hon. Minister to take immediate steps to revise the lists of SCs/STs which has not been done by the Congress Government during the last 5 years. There are a number of communities which want to be included in the SC/ST list. I would not dwell on the special component plan and Tribal Sub-plan as it requires a lot of time. How-

ever, I want that the list should be revised and it should cover all the Scheduled Castes and Scheduled Tribes under it.

I support the Bill.

13.13 hrs.

[SHRI JASWANT SINGH *in the Chair*]

SHRI MAHABIR PRASAD (Bansgaon): I am grateful to you for giving me an opportunity to speak on such an important issue. It is such an issue which deals with an historic moment of our past. When a need was felt to make reservations for the Scheduled Castes and Scheduled Tribes and about which many of the hon. Members, who have already spoken, and Shri Vasant Sathe have referred and which has also been referred to just now by Shri Ram Dhan. I will not take much time. But had Dr. B.R. Ambedkar's proposal to the British Government for the preparation of separate electoral rolls been accepted, it would have led to the division of the country. However, I would like to express my gratefulness to the eminent personality who provided leadership to the exploited masses, Dr. B.R. Ambedkar who withdrew his proposal after the fast unto death by Mahatma Gandhi. In this way, that great scholar, the founding father of the Indian Constitution, Dr. B.R. Ambedkar demonstrated before the people of the country and the world that the Scheduled Castes and Scheduled Tribes have full faith in the unity and integrity of the nation and would like to see India as one entity. Therefore, I would like to submit that the reasons, which compelled us in the past to provide for reservation for the persons belonging to the Scheduled Castes and Scheduled Tribes, still prevail. Today you are devoting your attention to communalism capitalism and other 'isms' but the need of the hour is to provide reservation to the Scheduled Castes and Scheduled Tribes.

In my capacity as a Member of Parliament, I would like to submit that the President of AICC, Shri Rajiv Gandhi while laying the foundations stone of Dr. B.R. Ambedkar

University on April 14, 1989, in Lucknow had made an announcement for the extension of the provision for reservation....(Interruptions)

MR. CHAIRMAN: Kindly address the Chair.

SHRI DAU DAYAL JOSHI (Kota): Mr. Chairman, Sir, the previous Government could not install the portrait of Dr. B.R. Ambedkar in the Parliament House and they are advocating his cause today.

SHRI MAHABIR PRASAD: Mr. Chairman, Sir, such are the people who do not seem to be interested in the welfare of the Scheduled Castes and Scheduled Tribes. I was saying that the well intentioned bill brought by the hon. Minister and to which my Congress party is prepared to render support but I....(Interruptions)....

MR. CHAIRMAN: The hon. Member may please address the Chair.

SHRI MAHABIR PRASAD: Mr. Chairman, Sir, the national poet Maithili Sharan Gupta had expressed it in following words.

"Peechhe pitar pristha poshak hain par bhavishya to aage,

Yadi apna parinam na dekhen to hum andh abhage".

(Interruptions)

I would like to submit only this much through you that we support the Bill which the Government has brought in order to set clear cut policy but I would also like to know one thing and the hon. Minister may clarify it in his reply. I also agree with this point that measures taken during the last 40 years for the welfare of the Scheduled Castes and Scheduled Tribes are not enough but as per our policy we are ready to support this Bill inside the House and outside as well. (Interruptions)

MR. CHAIRMAN: The time is limited.

SHRI MAHABIR PRASAD: Mr. Chairman, Sir, kindly stop them. They are new to the House.

(Interruptions)

Shri Ram Dhan has submitted that a committee should be Constituted and that Committee will look into it as to who is behind all these agitations. Mr. Chairman, Sir, I would like to know as to what is the policy of the Government? The hon. Prime Minister has stated that reservation would continue until food, cloth and shelter is provided to all. The Deputy Prime Minister Shri Devi Lal has said that there would be reservation on the basis of economic condition both inside and outside the House. Shri Chandra Shekhar has stated that he supports Shri Devi Lal's point of view. I would like the Government to clarify its stand in this regard. I would like to know as to what type of reservation do they want. Do they want the reservation to be based on economic conditions or on caste or social basis. The House may kindly be apprised about the nature of the reservation which is desired. Secondly, I would like the hon. Minister to state whether this amending bill has been brought with a view to extend the special provisions which have been made for the Members of the Parliament and the Legislative Assemblies. I would also like to know that in view of Article 15 (iv) and 16 (iv) of the Constitution which provide for the welfare of the entire community of the Scheduled Castes and Scheduled Tribes, what would be the Government's stand and direction in this regard? We support this amendment but I would like to submit that the agitation taking place at present is the result of the confusion which exists regarding this amendment. It is felt that this amendment has been made for the benefit of MPs and MLAs only. Article 15 (4) and 16 (4) of our Constitution are of special significance for making India a welfare state. I would like to urge the hon. Minister that we will render full support to the Bill but we will not allow it to have any lacuna. You will not have to act under anyone's pressure and no changes should be made whatsoever in this regard. One point which Shri Ram Dhan made is..

**MR. CHAIRMAN:** I shall not interrupt your speech but time is limited.

**SHRI MAHABIR PRASAD:** I was trying to tell the hon. Minister that article 17 of the Constitution is the most important article which deals with social injustice. As the hon. member was saying and I also think that 25 per cent of the Indian population consists of Scheduled Castes and Scheduled Tribes. Today, irrespective of the party to which a person may belong or he may uphold human rights in his speech, he does not give the respect to other human beings. It is a fact that untouchability has not been removed so far. Whosoever practises untouchability must be penalised. There should be no hesitation in awarding the stringent punishment to a person practising untouchability regardless of his party affiliations. As regards the agitations which are taking place today, to say that the Congress has a hand in these agitations is not a fact. On the contrary, all the people, having faith in any religion are behind it. This amendment relates to a serious issue. It is no less important issue than the Kashmir or the Punjab problem or that of Arunachal, Tripura and Srilanka. I would only like to submit that unless measures are taken immediately, it will be difficult to save the country from disaster which it is heading for in the name of religion, language and caste. Therefore, I would like the Government and the hon. Minister whom I have known for long and who is a socialist in his outlook to consider this matter and hope that the Government will not submit to any pressure howsoever strong it maybe. With these words, I render full support to this Bill.

**SHRI BHOGENDRA JHA (Madhubani):** Mr. Chairman, Sir, I support this Constitution Amendment Bill on the behalf of my party, the Communist Party of India. This measure is like taking quinine for the treatment of deadly disease like Malaria. The menace of untouchability deeply rooted in the society and it has assumed both social and economic dimensions. Even today, there are people in our society who strongly believe in and practise untouchability. They are conservative in their outlook. By these people, a

person is not considered untouchable when he is engaged by them as an agricultural labour or for the purpose of sowing, harvesting and storage of the produce. But he becomes untouchable or asked to keep away when it is the time of taking of the meals or serving foodstuffs to the people. Thus, such a treatment is meted out to a person who produces or grows foodgrains and who is virtually their 'annadata':

The same thing is true in the matter of construction of houses. One does not practise untouchability when it is a matter of cutting the woods and the bamboos or construction of houses to live in but when one starts living in that very house, he starts practising untouchability. What does this all mean? There are several other social and economic matters where untouchability is practised. In fact what I mean to say is that there are certain people who are not familiar with the ancient traditions and are concerned with present day circumstances or taking things according to the political thinking of their party. I do not want to take it as a political problem since this is not a problem concerned with any particular party. This menace is stigma on our entire Indian society which can not be removed unless we all are together to fight again it with full determination.

This was not so through the entire course of our history. People who speak of Hinduism, should know that the word 'Hindu' does not occur in any of the four Vedas. Upanishadas, the fundamentals of philosophy, the Ramayana by Valmiki or in the Mahabharata. When there was no word like Hindu, when there was no king or kingdom, rich and the poor, there was nothing like untouchability in our society. Even the sons born to a prostitute could attain the heights of a preceptor like Guru Vashisht. A shudra mother could have given birth to a son who could rise to the status of Maharshi Vyas. At that time the 'KARMA' was the basis of our society. When the concept of wealth and poverty took roots in the society and when the rich started exploiting the poor then the labourers, the producers of wealth were

termed as untouchables. This was done on one hand to deprive these people of the fruits of their labour and on the other to enable certain people to usurp the money earned by them. Thereafter, birth was made the deciding factor of the caste and ultimately the labour class was termed as untouchable. During the last few thousand years this evil has gone very deep and to remove it we will have to wage a war both on the economic as well as on the social born. In dealing with this issue great laxity has been shown till now and that attitude is still continue even today. I say so because the same situation is persisting and the matter is being raised here very strongly. The state mail made by Shri Ram Vilas Paswan, which I read in newspapers, was clearly worded in which he said that all this is happening owing to misunderstanding. This Bill is aimed at extending the reservation in Lok Sabha and in Legislative Assemblies for another 10 years. But under the present circumstances the problem can be solved if all the Members and all the Parties raise unitedly their voice inside as well as outside this House. It can take the form of a national movement as it has in those days when Gandhiji had to sit on a fast unto death for 21 days, hear abuses, was termed as the dafier of Vedas and was also shown black flags. I have been witness to it as I had gone there to support it in my childhood. We will have to face this evil with courage and determination because its grip is very strong on the society. The position has slightly improved in urban areas, but it is not the same in rural areas. When a person residing in an urban area goes to live in a village and there he engages labourers, then his behaviour with them is not the same as it was there in the urban area or at other places.

Mr. Chairman, Sir, there was a time when the sons of an individual were termed as brahmins, kshatriyas, vaishyas and shudras on the basis of the work allotted to them. I would not like to take the time of the House to illustrate it but I would like to submit that there have been some clumsy person was upgrading as learned people who gave their judgement without going into the root of

the problem. The problem of untouchability has been continuing from time immemorial. There was a time when the children of the same person could be termed as Brahmin, kshatriya viashya and shudra in the same way as the children of a person took up to different processions and were known as doctors teachers etc. Now when the feudal society came into being, man created untouchability and practised discrimination on the basis of birth with a view to protect himself against exploitation. In order to solve this problem, most of us have tried to fight against this evil ever since the days of independence struggle. Today, a person believing in untouchability is a wealthier person in the society. He is a rich landlord and is practising all kinds of illegal things in violation of the provisions of law. One, who should be behind the bars, is occupying leading positions in the society. There is not even a single village in our country, where money lending is not being practised openly. I am speaking about all the villages. I am not referring to the villages under any particular Government. I am speaking of India as a whole. If we want to do away with this evil of money lending for which we want to criticise the Government then we all, the poor, the labourers and those who have been termed untouchables or the backward classes and the so called swarnas will have to make collective efforts. Otherwise, we will not be able to make a dint in this regard. I am saying so because some of those who are wearing a sacred thread today have made fatal attempts on my life a number of times. But it is a fact that we can win this battle through the collective efforts of the backward classes, labourers and the swatnas etc. Provisions of the Constitution can also be met, if not fully, to a great extent. As Shri Ram Dhan has suggested, I would also like to request that the reservation facility should be extended to Rajya Sabha and the Legislative Councils keeping in view the requirement of our present circumstances. It has been said in the statement of objects and reasons that though we have made some progress in the post-independence era, yet it is not upto the desired extent. I feel that the Government should seriously consider the matter of ex-

[Sh. Bhogendra Jha]

tending this reservation facility to Rajya Sabha or the Legislative Councils so that their voice may also be heard. There are some tribes and castes which are backward and have not yet been included in the list of scheduled castes & scheduled tribes, like those of 'Khatway' and 'Tatma' in Bihar, 'Koli' in Uttar Pradesh, 'Pharu' and "Dhangar" in West Charuparan. They should be included in the list. I would request the hon. Minister to take action to this effect.

The affidavits submitted at the Gram Panchayat and higher levels should invariably include that untouchability would not be professed or practised action. Since this will percolate to the village-level, the 'pradhans' of the Gram Panchayat and members of the executive committee will also act upon it. This should not be limited to the Constitution alone but should be included in the oath-taking ceremonies for officials at all levels. As Members of Parliament, we should refuse to attend functions where invitees are segregated on the basis of caste. We should not attend because we are elected representatives of all people regardless of caste or creed. It is true that very few among us do so but I always adopt this line of action. The minimum, we can do is to boycott marriages, feasts or other such occasions where people of some castes are asked to sit and eat separately.

Lastly, I want to say a few words about the laws relating to land reforms. Implementation of these laws could not be successful unless Harijans are brought into the picture. Gifting them land through land-consolidation is not enough. The Harijans are not in a position to fight the oppression even though they may be in possession of the allotment slips. So a joint effort is required. There are also some areas where people of higher castes are complaining of attacks by Harijans. For making a cohesive society, it is necessary that the working class is associated with the implementation of land reforms.

[English]

MR. CHAIRMAN: Before I call other Members, I must in fact, emphasise that the time is extremely limited. Now most of the major Parties have had their intervention of two Members. I am, therefore, obliged to call some of the smaller groups whose Members have not got the chance to speak so far. Before I do so, there are two or three Members who were present here on Friday but could not participate. Now I would call upon Shri Laeta Umbrey to speak. I think he is not present.

Shri S. Sema.

SHRI INDRAJIT GUPTA (Midnapore): In view of what you have just said, I take it that voting cannot take place at 2 O'clock. I take it that the previous schedule which was fixed for voting to be taken at 2 p.m. would be automatically pushed back.

MR. CHAIRMAN: I am afraid, it would be so because what the hon. Speaker said was that his intention was to get the hon. Minister start his reply at 2 O'clock. It would be my endeavour to try and see that the Minister starts his reply at 2 O'clock.

Shri S. Sema.

SHRI SIKIHO SEMA (Nagaland): Mr. Chairman, Sir, I am grateful to you for giving me this opportunity.

While sharing the concern expressed in this House about the unanimity, I would like to draw the attention of the Hon. Members that tribal representative like me should also be given time to speak.

I would like to thank all of you on behalf of Scheduled Castes and Scheduled Tribes people for whom this Constitution (Amendment) Bill is under consideration. Extending reservation for Scheduled Castes and Scheduled Tribes is not at all affecting the unity and integrity of this nation. This measure would rather strengthen the national unity and vitality of the nation pooled together. Therefore I

would rather say that instead of limiting it to 10 years, it would be much desirable if the proviso is incorporated in such a way that till such time as socio-economic conditions of the Scheduled Castes and Scheduled Tribes so warrant the provisions should be in force.

MR. CHAIRMAN: Thank you for being so brief and to the point.

Shri P.L. Handoo.

13.44 hrs.

SHRI PIYARE LAL HANDOO (Anantrig): Hon. Chairman, Sir, in view of the absolute unanimity of the House on such a very important Constitutional amendment, a Member from a small Party like mine would not have taken courage to encroach upon the time available to the House. But in view of the special reference to the people from the State of Jammu and Kashmir, I think, I would only make one or two observations.

The first observation which I would like to make is that from a Government which has held the prospect of an alternative model of Government, something better was expected. Shri Ram Dhanji drew our attention to 1931 communal award and later to the Poona agreement which perhaps is the genesis of the kind and quality of the reservation we are embarking upon today. But we must not forget that we are today dealing with the organic law of the land which is the Constitution and are seeking to amend it 62nd time. Great Britain has no written Constitution and we cannot count the number of amendments made in their Constitution. America, which has a Constitution as old as the British Constitution, has not yet made even the tenth amendment. We may accuse the earlier rulers of having dealt with this Constitution in a manner as they have rushed so fast as to need a 62nd amendment. But in respect of the provision like the one we are enacting today perhaps thought should have been given, the objectives and realities should have been examined and one question answered and that is, will this reservation for next two general elections

suffice and help us to achieve what we want to achieve by making such a reservation at present? My categorical reply would be that we will not achieve by keeping the reservation alive for ten years alone and I agree with my friend when he says that something better should have been brought on the statute book but perhaps that way we would have overcome the difficulty of seeking an amendment and reaching the 100th amendment in less than 50 years of the adoption of the Constitution.

The second observation I would make is that till 1989 Kashmir State had not identified its Scheduled Tribes in the State which has very recently been done. Recently on the basis of special census conducted in 1985 certain tribes have been identified to be in existence in the State of Jammu and Kashmir and those have been scheduled. In respect of the scheduling, I would request the Prime Minister who is here, that there are some pending matters in respect of Jammu and Kashmir State arising out of that special census. These need attention.

One is that the special census report has not been published nor has it been made public. As a result of it, in respect of those tribes which are scheduled, certain things are not intelligible in respect of Jammu and Kashmir particularly in the districts of Ladakh and Kargil. You have seen recently an agitation in Ladakh and certain exclusion of tribes on the basis of special census has not been intelligible to the people. Particularly the tribe Argon has been excluded and that exclusion is being confined to a religious minority and it has created some tension spots. I would request Shri Ram Vilas Paswan, the hon. Minister who is in charge of the Bill, to go through all the memoranda which have been submitted by the State of Jammu and Kashmir in respect of publication of special census report in respect of exclusion which have taken place in the course of scheduling of tribes in the State of Jammu and Kashmir.

I thank you before I sit down and I again extend my fullest support on behalf of the

[Sh. Piyare Lal Handoo]

National Conference to the measure that you have brought and hope that it will bring something better in future.

MR. CHAIRMAN: Shri Amar Roypradhan. Kindly be as brief as you can.

SHRI AMAR ROYPRADHAN (Cooch Behar): I rise to support the 62nd Constitution Amendment Bill which has been moved by the young and energetic Minister Shri Ram Vilas Paswan who is very much vocal and very much eloquent and very much knowledgeable about the subject of SCST when he was in the Opposition.

I welcome the decision of the Government to extend the reservation period for ten years in the Lok Sabha and State Assemblies with the hope that in the meantime the development of the SCST will be so much that there will be no necessity of further extension of time as has been expressed by Shri Vasant Sathe for a period of 500 years. I hope there will be no need for further extension of this but, at the same time, it is a matter of great regret that some anti-reservation movement is going on in different parts of the country particularly in Uttar Pradesh and Rajasthan. I think, it is very sad that some of the youth are being deliberately misguided by some frustrated politicians and some vested interests. But at the same time the students and youth should know that this particular Amendment under Article 334 has got nothing to do with the seat reservation in the schools and colleges and in respect of job reservation. But all of us should know that we have got some duty in this regard under Articles 15 (4) and 16 (4) under Fundamental Rights; under Article 46 of Directive Principle of State Policy and under Articles 330, 332 and 335 of the Constitution under the Special Provisions. Let us go through the figures regarding job reservation. Let us go through the figures to find out how many Scheduled Caste and Scheduled Tribe people are employed. I would like to place before you the extracts from the Report of the Commissioner for Scheduled

Caste and Scheduled Tribes the 28th Report. The reservation for Scheduled Caste people is 15 per cent and in respect of the Scheduled Tribes it is 7 1/2 per cent. Here, I would like to place before you the actual persons employed so far in the Central Government Services. In respect of Scheduled Caste people, under 'A' Category it is 8.23 per cent; under 'B' Category it is 1.40 per cent; under 'C' Category it is 14.46 per cent; under 'D' Category it is 20.09 per cent. On the other hand, in respect of Scheduled Tribe people, when the reservation quota is 7 1/2 per cent, the number of people employed are: under 'A' Category it is 2.05; under 'B' Category it is 1.92; under 'C' Category it is 4.23 and under 'D' Category it is 5.84. In the case of Public Sector Undertakings, there is no full report available. It is shown only up to the level 211. Other particulars are not available. In the case of Scheduled Caste people, under 'A' Category, it is 4.86; under 'B' Category it is 6.17; under 'C' Category it is 18.54 and under 'D' Category it is 20.82. With regard to Scheduled Tribes, from Category 'A' to 'D' the figures are 1.17, 1.55, 8.82 and 17.7 respectively. In the case of nationalised banks, regarding Scheduled Castes in respect of officers it is 7.29, in the case of clerks it is 13.77 and in the case of subordinate staff it is 22.30. With regard to Scheduled Tribes, the figures are: 1.8, 3.77 and 4.61 respectively. If we go through the reservation quota in LIC, Food Cooperation of India, ONGC, Shipping Corporation of India and STC we find that the figures are very miserable in respect of these communities. If we go through the figures of these registered with the Employment Exchanges, three crores and thirty four lakh unemployed people are there. Out of this figures, we should know that there are about 31 lakh people belonging to the Scheduled Caste and Scheduled Tribe people who are standing in the queue for a job. There are also lakhs of graduates and post-graduates waiting for a job in respect of these communities. I would like to ask my friends who are sitting on the right side to me as to what they were doing for the last 42 years. This is time for them to say as to what they did for the Scheduled Caste and

Scheduled Tribes people during the course of 42 years. There was a massive recruitment recently. The Union Minister of State (Personnel) said on the 14th September in this august House that 26,048 vacancies out of the 35,647 vacancies had been filled up during the course of the three months' drive in the Central Ministries and Departments excluding Banking Sector, Insurance Corporation etc. Why didn't they conduct such a special drive in the case of Banking Service; Food Corporation of India and in the Insurance Corporation of India? There is so much of backlog. Who is responsible for that? Under Category 'A' and Category 'B' hardly one third of the total recruitment has been done. We should project this picture to the youth of the country. They should know as to what did the previous Governments do for the last 42 years for the Scheduled Caste and Scheduled Tribe people. They did nothing for those people.

Finally, I would like to end my speech. I support this Bill.

SHRI P.C. THOMAS (Muvattupuzha): Mr. Chairman Sir, Because of the time constraint, I would only like to make my points.

Firstly my party supports the Bill wholeheartedly.

Secondly, even in literate States like Kerala the oppression of Harijans and other backward classes are still in force. I can quote one example which took place about one and a half years ago in Kerala. There was an incident where one Krishnan Kutti, a Harijan youth, was taken into custody by the Kothamangalam Police Station which is in my constituency Muvattupuzha. The poor youth was tortured in the police station. In fact, when he at last uttered that he was a Harijan and that he will have to take some action, he was dealt with in such a way that he was forced to eat the human excreta. He was tortured and put to other difficulties also. The matter was taken up with the Kerala Government; but no serious action was taken against the police officials.

Again, this matter was taken up before the Central Government though this is purely a State subject. The local MLA took up the matter before the Union Home Minister and a petition was filed. Some kind of an enquiry took place; but I do not know what action has been taken. I would like to bring this aspect to the notice of the House.

Thirdly, I would also plead that when Scheduled Caste and Scheduled Tribe groups are enlisted, certain groups were not taken into account. For example, backward people who are Christians are plenty in number. But these backward Christians and such other groups are not enlisted in the Scheduled Caste or in the Scheduled Tribe. In a secular State they are free to follow any religious practice. But just because of the fact that they adhere to Christianity or their ancestors had adhered to Christianity, they are not enlisted in the Scheduled Caste or Scheduled Tribe. I would like to bring this fact also to the notice of the House.

Lastly, as stated by the learned friends on the other side, the anti-reservation agitation is going on. It is in fact for us to give serious notice to that strike. I am condemning the way in which the strike is going on and for the havoc that is being done in the areas where the strike is in vogue. But I would think that we have to give some thought to the demands which are being raised by them. There is a humanitarian aspect when people say that jobs should also be given on the basis of the economic backwardness and that educational facilities should be given on that count.

With these words, I conclude.

[Translation]

SHRI VAMANRAO MAHADIK (Bombay South Central): Mr. Chairman, Sir, on behalf of my party Shiv Sena and on my own behalf, I rise to support this Bill. The party which ruled the country, for 42 years, could not do much for scheduled castes and scheduled tribes because it failed in surmounting the impediments which has always been

[Sh. Yamanrao Mahadik]

there in the way of helping scheduled castes and scheduled tribes. The fact is that the assistance meant for these castes could not reach them. There is a proposal to extend the reservation facility for a further period of 10 years.

14.00 hrs.

We support this proposal in so far as giving representation in Gram Panchayats, Zila Parishads and Assemblies is concerned but other such facilities would involve expenditure. The erstwhile Government could not do anything for the poor in the last 42 years. The poor in this country have been an oppressed lot for the last 2-4 thousands years. According to Manu, society should be divided on the basis of caste. The current situation would not have come about had we kept in mind what Lord Krishna had said. Secondly, the Government should pay attention to the public reaction on this issue. By providing facilities to these people, the Government is ignoring the rest of the poor sections of society. Assurances were given that the economically backward sections of society would be provided assistance.

[English]

I will quote only one example and finish, Sir.

[Translation]

When Newton was being troubled by a cat and her kittens in his house, he asked a carpenter to make a large house for the cat and a small house for the kittens but the carpenter made one very large house that could accommodate the cat and her kittens. Newton was angry but the carpenter explained that whenever the cat went into the house the kittens were bound to follow suit. Similarly, the poor sections of society should be given the same facilities as are being enjoyed by other sections of society. This is essential. So we favour that there should be new proposal of this nature for the next 10 years.

[English]

SHRI A.K. RAY (Dhanbad): Mr. Chairman, Sir, I support this Constitution Amendment Bill, on behalf of my Organisation, the Marxist Co-ordination and ask for more rigorous enforcement of all the socio-economic measures to fulfil the objectives.

Mr. Chairman, Sir, the article 295(A) of the original Constitution has now become article 334 in the new Constitution. This Amendment Bill is not a certificate of our success, but the admission of our failure. So, in this way, it deserves some serious consideration, despite the rationing of time. I do not want to go into unnecessary details. At the same time, we must note the real points. What is the point? The real point is to see how to correct the distortions of the past and how to prevent the perversion of the present. Here, not only the past is hurting, but the present is also hurting. That is why, our caste ridden society, which started the movement in 1947, could not develop into an egalitarian society and today caste has become more important in every sphere of our life and hurting us everywhere. So, even outside a movement has been started against reservation. So it is a serious phenomenon and we must go deep into it. We are definitely to go with the reservation and this question was raised even in the Constituent Assembly and Mr. Ambedkar, who was the father of our Constitution, had said that ten years time should be given so that the down-trodden class could come up to the level of the advanced class and also to shake up its historical backwardness. Now it is to be judged as to what extent we could progress on that line or whether we are going backward. Two criteria are there. One is the educational level and their position in respect to the other castes. Let us see what was their position in 1961; 1971 and 1981. Whether the gap is increasing or decreasing. That is more important. In answer to a Starred question in Rajya Sabha it was said that percentage of literacy in SC & ST in India in 1961, 1971 and 1981 was 10.11 and 8.06, 14.54 and 10.89 and 21.38 and 16.35 respectively while the same for the general

was 23.93, 29.48 and 36.23, that is, the gap is remaining the same at 15 per cent. We are not progressing at all towards the egalitarian society or decreasing the gap.

The second criteria is their economic position, that is, the population below the poverty line in the rural and urban area was 57.82 and 44.98 per cent in Bihar; 67.89 and 41.8 per cent in Orissa; 58.31 and 34.5 per cent in West Bengal and 51.2 and 38.4 per cent in All India while the percentage for the same period for scheduled castes was 77.75 and 63.88 in Bihar; 80.05 and 71.63 in Orissa; 70.75 and 54.50 in West Bengal and 64.69 and 54.25 in All India. The percentage for the same period for scheduled tribes was 68.20 and 51.40 in Bihar; 86.38 and 70.90 in Orissa; 75.42 and 56.64 in West Bengal and 72.93 and 52.59 in All India. In the latest figures available, that is, for the year 1983-884 the percentage below poverty line in the rural and urban areas in general was 51.35 and 37.04 in Bihar; 44.76 and 29.29 in Orissa; 43.84 and 26.52 in West Bengal and 40.4 and 18.1 in All India. The percentage for the same period of scheduled castes was 71.1 and 52.2 in Bihar; 54.9 and 40.3 in Orissa; 52.0 and 41.3 in West Bengal and 53.1 and 40.4 in All India whereas in respect of scheduled tribes the figures are 64.9 and 39.8 in Bihar; 60.9 and 52.0 in Orissa; 58.6 and 33.1 in West Bengal and 48.4 and 39.9 in All India. So in that span there was no progress in decreasing the gap. Why is it? It is because the whole thing is being conceived in an exploitative system. Unless this exploitative system is smashed and feudalism and capitalism are attacked and their fusion is destroyed, nothing could be done by merely putting the reservation, though we support it. We are giving simply Gibazol treatment to a serious and cancerous disease. That's why I want my friend, the Labour Minister, that while extending the reservation, he should also do something to bring out some sort of socio-political revolution, social revolution or some cultural revolution.

It should be started amongst the downtrodden in this country so that economic, social and educational backwardness could be

taken up together and removed, and we are able to usher in a new egalitarian society.

With these words, I again extend my support to this Bill.

SHRI NANDU THAPA (Sikkim): Sir, I am a lone Member from Sikkim. In Sikkim there are 13 seats for scheduled tribes and two seats for scheduled castes out of the total strength of 32 in the State Assembly. Such an arrangement was provided in Sikkim in view of the understanding which the Government of India had at the time of merger of Sikkim with the Indian Union in 1975. The reservation is provided to the scheduled castes for two seats and the scheduled tribes for 13 seats of Sikkimese origin only. It has been categorically mentioned that the reservation should have been provided to all the ethnic communities of Sikkim as was envisaged in the Constitution or the Representation of People Act. The people of Sikkim have tried for this restoration of seats, a number of times during the last ten years. They requested the Central Government to see that the understanding reached at the time of merger or thereafter is not ignored. Thus, the people in Sikkim have taken this with a hurt feeling.

I urge upon the present Government and the Prime Minister to look into this request in detail when the State Government or its Chief Minister approaches them.

Let it be known in this House that I fully support the Bill placed before the House.

[Translation]

SHRI MOHD. HASSAN COMMANDER (Ladakh): Mr. Chairman, Sir, I draw your attention towards Ladakh where an agitation has been going on for the last 10 years concerning Schedule Castes and Scheduled Tribes. 12% of the poor in Ladakh have not been given the status of Scheduled Tribes. I request the hon. Minister to include those 12% also. The weather is extremely cold in Ladakh, which is on Indo-Pak border and this leads to many problems. In Jammu

[Sh. Mohd. Hassan Commander]

and Kashmir, Gujars and Bakarwals are also included in Scheduled Tribes. Nomads are the most backward community in Jammu and Kashmir. The Jammu and Kashmir Government had recommended that this community too should be given the status of Scheduled Tribes. I request the hon. Minister to grant them the status of Scheduled Tribes. With these words, I support this Bill.

[English]

MR. CHAIRMAN: The Minister may reply now.

DR. ASIM BALA (Nabadwip): I as about to speak in this House but I could not get an opportunity.

MR. CHAIRMAN: I appreciate your concern. Time constraint has been placed upon me and I cannot break it.

SHRI JAGPAL SINGH (Hardwar): Sir, this is an important issue.

[Translation]

The list of our Members has been submitted to you.

MR. CHAIRMAN: Please sit down.

[English]

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Mr. Chairman Sir, it has been agreed upon more than once that we should go to voting at 2 PM and we have already exceeded the time: If they continue to speak, then there is a lot of business which will become pending. The should not extend the time every minute.

[Translation]

SHRI JAGPAL SINGH: Sir, you can, at least, call those, whose names have been

submitted on behalf of the party.

MR. CHAIRMAN: I cannot do that, please sit down. All of those, whose names have been submitted by the Party cannot be given an opportunity. This applies to all, not the opposition alone.

....(Interruptions)....

MR. CHAIRMAN: You cannot argue with the Chair, Please sit down.

[English]

I am on my legs. Please sit down. Time allotted to the respective parties has not been utilised by either the ruling party or the Opposition. There is no discrimination so far as calling the names of Members is concerned. There is a time constraint on the time available to the House and maximum accommodation has been shown. There were unattached Members whose views were necessary to be obtained and registered in the House. Every consideration has been shown. Every Member whose name has been given here cannot be asked to participate in the discussion.

[Translation]

14.19 hrs.

[SHRI NIRMAL KANTI CHATTERJEE *in the Chair*]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): Mr. Chairman, Sir, first of all I would like to thank and congratulate all the hon. Members of the ruling party and the opposition who gave valuable suggestions and supported this constitution Amendment Bill. Good suggestions have been offered by the hon. Members and I think almost all the proposals are receiving attention of our Government including the one which seeks statutory status for the Commission on Schedule Castes and Scheduled Tribes. Our friends have raised the issue of land reforms. The hon. Members know that on 6th December-the day on which

Baba Saheb Ambedkar achieved salvation—our Hon. Prime Minister had made an announcement to the effect that the laws relating to land reforms would be included in the Ninth Schedule of the Constitution so that the people belonging to weaker sections and scheduled castes and scheduled tribes could get the possession of the land or the house which is allotted to them on papers and the landlords who manage to take such cases to the courts could be debarred from doing so. Many of the hon. Members have drawn attention towards the problem of untouchability. Today everybody knows that untouchability is a blot on the nation. It is the duty not only of the Government but also of the society and the social workers to work unitedly to remove this stigma. The hon. Members are aware that the existing laws are very complicated and their implementation is a difficult task. However, the Government would make efforts in this regard. Directives have already been issued to the effect that the Untouchability Act and the Civil Protection Act should be enforced strictly.

The hon. Members have also demanded the revision of the lists of Schedule Castes and Scheduled Tribes. The House is aware that the lists in the states are notified through Presidential notification but subsequent revision in the list can be made only through a constitutional amendment. Committees were constituted for this purpose and suggestions were invited. The suggestions so received were placed before the cabinet but nothing came out of that exercise. The Government is reconsidering the matter. So far as the question of addition of some new scheduled tribes in the list is concerned, the Government will consider the matter. At present only 15 per cent reservation has been provided to the scheduled castes and 7 1/2 per cent to the scheduled tribes. But the point which needs to be given attention is that according to the 1981 census, their number has increased and if more names are added to the list, the number will further increase. The percentage of reservation for them will have to be increased whether it is in the Legislative Assemblies, Lok Sabha or in a Government jobs. These matters are of

great concern and the Government will have to consider all these points.

Some of the hon. Members have mentioned about the practice of carrying night soil. It is really a matter of disgrace for the country. Shri Sathé referred to Manu in this context. We do not want Baba Ambedkar's name to be mentioned in that sense. Baba Saheb Ambedkar provided reservation to the downtrodden of the society as against Manu who favoured higher castes in the society. Some of the Members want reservation to be provided to economically backward people also. Article 15 (4) of the Constitution clearly states that special opportunities would be provided to those who are socially and educationally backward. The present Constitution (Amendment) Bill, which seeks to amend section 334 of the Constitution would provide only political reservation, i.e. reservation in the Lok Sabha and Legislative Assemblies. This Bill has a limited objective. The economic, social and political condition of this section of the society has not improved even after 42 years of independence. This is with this end in view that this Bill has been introduced. Their number is negligible even today in the Rajya Sabha or in the Legislative Councils where no reservation has been provided for them. The reservation has been provided only in the elected bodies and their number in such bodies is proportionate to their actual population. We are proud that when our hon. Prime Minister was in the Jan Morcha and he was to select one person for the single seat in Rajya Sabha, he proposed the name of a scheduled caste candidate for the seat. The country neither lacks leaders nor policies. What it lacks is sincerity. Unless the Government is sincere in its efforts, weaker sections of the society cannot be uplifted. I feel that political will has been lacking somewhere, with the result that the people belonging to weaker sections, called scheduled castes and scheduled tribes, have been deprived of their due share in progress in the economic and other fields. The Constitutional provision is that in Government services, 15 per cent reservation will be provided to scheduled castes and 7 1/2 per cent reservation to

[Sh. Ram Vilas Paswan]

the scheduled tribes. But even this provision has not been fully implemented. Many of the hon. Members have suggested that the backlog of reserved posts should be cleared. I am of the considered view that if the erring officials are taken to task, the reserved seats would not be dereserved in future. Besides, if any officer deliberately declares an able candidate belonging to scheduled caste or scheduled tribe unfit even if he fulfils the criteria fixed for a particular post, the Government would take action against him. I am issuing instructions to my Ministry and other Ministries that they should ensure that no injustice is done deliberately to the people belonging to scheduled castes, scheduled tribes or weaker sections.

Some of our colleagues have demanded reservation in Rajya Sabha and Legislative Councils too. As I said earlier, this Bill is meant to provide reservation in Lok Sabha and Legislative Assemblies. On an earlier occasion also, I had made it clear to the hon. Members of all parties that the agitations that are being launched outside are based on one or the other misconception. We have been following a wrong policy even after 42 years of independence and the ill effect of that policy is that our youths are full of resentment. They are unable to get employment and if some section of the society is given a slight concession, they feel that their rights are being transgressed. The Constitution Amendment Bill which has been introduced in the House has nothing to do with the Government services. The matter regarding the Government services has been dealt with under section 15 (4) and 16 (4) of the Constitution, but no time limit has been fixed for that. A number of hon. Members have demanded reservation in Rajya Sabha and Legislative Councils too. The other day, I was going through a file and I found that a similar move was initiated long back. The Government would consider the matter. Right now, the matter relating to Legislative Assemblies and Lok Sabha is before the House.

Besides, I agree with the submission of

my friends who rightly said that reservation was not a charity, it was a constitutional right. I also agree with the view that neither reservation is a charity nor there is any conspiracy to create a separate class in the society. The framers of the Constitution felt that the castes and communities which had been deprived of their rights and social, economic and political justice for centuries should be brought to the mainstream of the society, and to achieve this objective there was only one way. Just as when a member of the family falls sick, the other members of the family see to it that medicines and fruits etc. are made available to him even if they have to go without food. Similarly, the poor and weaker sections of the society, the exploited and the oppressed should be provided special facilities. It was for this reason that reservation was provided. The provision of reservation was made in Government services, Legislative Assemblies and Lok Sabha.

So far as private sector is concerned, as you know, there is no provision of any reservation in this sector. Government wants that they should make progress in every field of life and should have reasonable representation in other fields also. Our efforts should not be confined to providing them reservation in Government jobs. It will be endeavour of the Government to bring them to the mainstream of life and to raise their standard of living. For this purpose, the Government will invite suggestions and place them before the House for consideration. As I said earlier, right now our objective is very limited and this Constitution Amendment Bill has been introduced for this purpose. Through this measure, section 334 is sought to be amended so as to extend the period of reservation in Legislatures i.e. Lok Sabha and Legislative assemblies for another 10 years. The reservation provision has been there for 40 years. Some of the hon. Members have suggested to make it a continuous process rather than extending it everytime for 10 years. A review shall be made after every 10 years but as you know there is very little time at our disposal. Reservation period is coming to an end on 26th of January. After the Bill is adopted by the Parliament it has to be ratified by the

State Assemblies. We could not go into greater details due to time constraints and so the Government has brought this Bill considering the unanimous support of Members from both sides for a 10 year extension. I thank all hon. Members for whole-heartedly supporting this Bill. While wanting that this Bill be passed unanimously, I would ask all hon. Members to work for the upliftment of the weaker sections of society. This deprived section should be brought into the mainstream of life. We should keep ourselves abreast with what is happening outside Parliament. I appeal to the people of this country that the anti-reservation agitation is weakening the country. It does not do the country any good if there is a sense of frustration among its poor. Therefore, all such agitations should be withdrawn and never launched again in future. I would like to inform the agitationists that the Government intends to combat problems like unemployment on a war footing... (*Interruptions*)....

SHRI JAGPAL SINGH: Mr. Chairman,..... (*Interruptions*)... I am not expressing my views. Hon. Shri Devi Lal,..... (*Interruptions*)... the day a statement is given against it, the agitation will be withdrawn..... (*Interruptions*)....

SHRI RAM VILAS PASWAN: Our Government shall bring forward such pro-poor proposals and you will find it difficult to oppose them. I can understand your feelings, hon. Shri Jagpal. I am fully seized of the feelings of this august House feels, and the feelings of the people at large. We intend to do more than what everyone expects of us to do. Please have patience and extends us your whole-hearted support.

Lastly I thank all hon. Members who participated in the discussion and others who wanted to but could not. I would like this Constitutional Amendment to be passed without any alternations whatsoever.

SHRI SOMJIBHAI DAMOR (Dohad): May I know from the hon. Minister whether political reservations as in the Lok Sabha and Legislative Assemblies would be intro-

duced for the Rajya Sabha and Legislative Councils also?

SHRI RAM VILAS PASWAN: Mr. Chairman, Sir, as I said, at present this is only for Lok Sabha and Legislative Assemblies. Introducing it in the Rajya Sabha and Legislative Councils shall be considered as and when the need arises.

SHRIG. VENKATSWAMY (Peddapalli): Mr. Chairman, when the antireservation stir began, a statement was made that this measure has nothing to do with the reservation in government jobs. May I know from the hon. Minister whether reservation in government jobs will continue or not?

SHRI RAM VILAS PASWAN: Mr Chairman Sir, you may have heard the hon. Prime Minister saying in this House that reservation has been extended for the Lok Sabha and Legislative Assemblies only. As far as Article 15 (4) and 16(4) regarding government jobs are concerned, there is no time limit. It shall remain in force, as long as there is no improvement at the social, educational and economic levels.

SHRI UTTAM RATHOD (Hingoli): Mr. Chairman, Sir, I want to ask something about the revision of SC/ST lists.

SHRI RAM VILAS PASWAN: Sir, as I have said, the first revision of the SC/ST list is done under a Presidential order. As the SC/ST list has been made once for the entire country, it shall have to be presented before Parliament if a subsequent amendment is to be made. The suggestions were kept before the previous Government but it failed to act upon them. Our Government is now looking into the matter. (*Interruptions*)

[*English*]

MR. CHAIRMAN: Now I am on my legs; would you kindly listen to me?

Hon. Members, this being a Constitution Amendment Bill, under the provisions of the Constitution and the Rules of Procedure,

the motion for consideration of the Bill, both the clauses and the motion for passing the Bill, will have to be passed by the special majority, i.e. by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. Thus, four divisions will have to be held.

As you all know, Division Numbers have not so far been allotted to the hon. Members; it will not be possible to hold the divisions by the automatic vote recording system installed in the House, if you want the names to be recorded. Otherwise, divisions will thus have to be held under the provisions of Rule 367-AA by distribution of slips.

Normally, when a division is held, the names of the Members who vote for Ayes and Noes are specifically mentioned in the proceedings of the House. In case we hold the divisions today by operating the automatic vote recording system, it will not be possible to record the names of the hon. Members in the proceedings, just because the division numbers have not been given.

PROF. SAIFUDDIN SOZ (Baramulla): We are not pressing for a division.

MR. CHAIRMAN: Thank you. (*Interruptions*)

But, there has to be a division in order to ascertain whether as many Members as two-thirds of them have voted or not. I suggest, subject to the concurrence of the House, that we may hold the divisions by operating the automatic vote recording system and dispense with the practice of recording the names of the Members. That is one alternative, viz. that the names will not be listed. The other alternative is to distribute slips, if you want the names to be mentioned; and then record Ayes or Noes; and we collect them and then declare the total.

SHRISONTOSH MOHANDEV (Tripura West): Sir, you can request all the Members to sign the attendance registers. From there you can take the name of afterwards. We

want it to be by division.

MR. CHAIRMAN: No; if you want the names, the only alternative is that slips have to be issued. If you want to cut down on time, and if it is true, as the Minister was claiming a few minutes back, that the entire House has supported the amendments, then perhaps the names need not matter.

So, we can proceed to this automatic vote recording system.

(*Interruptions*)

MR. CHAIRMAN: Now let me explain the procedure.

SHRI A.K. ROY (Dhanbad): *rose*.

MR. CHAIRMAN: I am on my legs. Do you want me, Mr. Roy, to sit down?

SHRI A.K. ROY: Yes, Sir.

MR. CHAIRMAN: All right.

SHRI A K ROY: There are two matters here. So, we want that as the House is unanimous, with a voice vote also you can take it. (*Interruptions*)

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Thank you very much for the suggestion. But that is not acceptable.

(*Interruptions*)

SHRI RUPCHAND PAL (Hooghly): On such a very important discussion, the Leader of the Opposition is absent. (*Interruptions*)

MR. CHAIRMAN: Mr. Ranga, do you continue to be the Deputy Leader of the Opposition?

PROF. N.G. RANGA (Guntur): Yes.

MR. CHAIRMAN: He continues to be so.

You have seen in the papers that an overwhelming majority are new members. I saw it in the list and noticed that there are some 379 new members in the Lok Sabha. So, let me explain the procedure for operating the automatic vote recording equipment which is there installed before everybody's seat.

A push button set containing a pilot light and three push button—one of the colours is mustard button for 'Aye; red button for 'No' and a black for 'Abstention' together with a push switch suspended by a wire, have been provided at the seat of every member. Yes, both the hands are engaged his way so that no proxy is possible. With one hand you have to push a button and with the other you have the push switch. When the machine is made operational no announcement by the Chair, "Now Division"—a gong sounds which is the signal to the members to cast their votes. Each member has to press the push switch with one hand and then press one of the three buttons, i.e. for 'Aye', 'No' or 'Abstention', according to his own choice with the other hand. The push switch and the push button must be kept pressed simultaneously until the gong sounds for the second time after ten seconds. A pilot-lamp on the push button set will glow simultaneously, with the pressing of the button and the push switch, and the glowing of this light indicates that the vote has been recorded by the equipment.

If a member is not able to record his vote—in case the equipment is defective and the member has not been able to either record his vote—the member has failed to record—he may please stand up at his seat and record the vote through slips to be given to him by the Division Clerk.

And then, since we have agreed to this procedure, as only Members of this House are entitled to participate in the Division to be held, I request the Ministers who are not Members of Lok Sabha not to operate the machine.

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Can I stay, Sir?

MR. CHAIRMAN: You are permitted to stay, but by mistake do not use the machine.

Hon. Members, is it necessary, that I repeat the procedure?

SHRI VASANT SATHE (Wardha): May I make a request to you? I would suggest this. Because a large number of hon. members are new, if it is possible, we may have a sort of trial division, pressing that buttons once so that they know how to press it properly. If you can do that, it will facilitate matters.

SHRI INDRAJIT GUPTA (Midnapore): A rehearsal.

SHRI VASANT SATHE: Yes, a rehearsal, because many hon. members are new.

MR. CHAIRMAN: There seems to be a way out. It seems that it is permissible to have a trial operation once. It means that there will be one trial division followed by four real divisions.

The suggestion has come from the biggest party.

SHRI KAMAL CHAUDHRY (Hoshiarpur): The members can also cross-check from here whether the light is glowing or not.

MR. CHAIRMAN: Thank you very much. He is very correct. What he is suggesting is that you can sitting in your seat find out whether the light is properly glowing or not. In case you have operated a wrong switch or in case there is no light then you can use the slip given by the division clerk.

SHRI SUDARSAN RAYCHOUDHURI (Serampore): That number is not visible from here.

MR. CHAIRMAN: Now, let me proceed. Let us have a division. It is only a trial.

Let the Lobbies be cleared.

*The Lok Sabha divided*

MR. CHAIRMAN: Either some of the buttons are not working or some Members have mistakenly pressed them. There are two kinds of difficulties. One difficulty is that you are not doing it simultaneously and the other is that because of the high technology, some mistakes can be made. So, please sit down. We will give you slips.

*(Interruptions)*

SHRI VASANT SATHE: Mr. Chairman, I am on a point of order...*(Interruptions)*

Sir, as you have rightly pointed out, the constitutional requirement is that there should be simple majority of the total membership of the House and two thirds majority of Members present and voting. My fear is that—this machine may be defective—we may not have 270 Members present here today. We must ensure that first...*(Interruptions)*

MR. CHAIRMAN: I say, this machine is defective. Many votes have not been recorded. We shall find out now.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Chairman, the Division bell should be rung....*(Interruptions)*

SHRI VASANT SATHE: Sir, you must ensure that 270 Members are present. Only then, voting should be resorted to. *(Interruptions)*

PROF. SAIFUDDIN SOZ (Baramulla): Mr. Chairman, Sir, I want to remind this House of a very important convention....*(Interruptions)* I want you to listen to me...*(Interruptions)*

MR. CHAIRMAN: Please sit down.

PROF. SAIFUDDIN SOZ: Sir, I am on

a point of order. *(Interruptions)*

MR. CHAIRMAN: Would you not listen to me?

PROF. SAIFUDDIN SOZ: Yes, I will listen to you.

MR. CHAIRMAN: Then please listen to me. You see, the Lobbies have to be cleared. That has not yet been done...

*(Interruptions)*

PROF. SAIFUDDIN SOZ: Before that I want to remind the House of a very important convention. This is a Constitution Amendment Bill. The hon. Speaker should be in the Chair. That is the convention of this House. Let it go on record that this is a Constitution Amendment Bill and the Speaker should be in the Chair.

MR. CHAIRMAN: That is right. May I take it that this is not a No-Confidence against me?

PROF. SAIFUDDIN SOZ: No, not at all. I respect you, Sir.

MR. CHAIRMAN: O.K. Thank you very much. Then we can proceed. Now, first the Lobbies have to be cleared.

AN. HON. MEMBER: Correct the machine, Sir.

MR. CHAIRMAN: No, it is extremely difficult. This has been handed over from the past. So, now it is very difficult to correct it.

Now, let the Lobbies be cleared and let there be more hon. Members inside the House.

Now the lobbies are cleared. I shall now put the motion for consideration of the Constitution (Sixty-second amendment) Bill to the vote of the House.

The question is:

"That the Constitution-(Sixty-second Amendment) Bill as passed by Rajya Sabha, be taken into consideration."

Now Division.

*The Lok Sabha divided*

SHRI K.S. RAO: Sir, the point is, how can we rely on this voting machine? (*Interruptions*). The total numbers indicated by it is only 263. But now when you send the slips, the correct total number may be available. (*Interruptions*). So, it does not indicate the right trend. The total counted by the machine is only 263. (*Interruptions*)

SHRI RAJIV GANDHI (Amethi): There is a problem, Sir. Because Division Numbers have not been allotted, how can you know whether these who have voted already are not sending slips also? (*Interruptions*). You won't know because there is no Division Number. You won't know. How will you know it? (*Interruptions*)

15.00 hrs.

SHRI VAKKOM PURUSHOTHAMAN (Alleppey): Mr. Chairman, Sir, they are collecting some slips. We cannot be sure that the slips are coming from those who have not voted already. (*Interruptions*)

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): We are hon. Members. There will be no booth capturing. I assure you. (*Interruptions*)

SHRI VAKKOM PURUSHOTHAMAN: We are supporting this Amendment. but the procedure must be correct. (*Interruptions*)

SHRI VASANT SATHE: Sir, I am on a point of order. We are in a confusion. Basically it is a Constitution (Amendment) Bill. We do not want later on that any technical flaw will fault the voting on this very important Bill on which there is unanimity on all sides. But we cannot make any latitude as far as the requirement of Constitution stands. Now, Sir, under article 368, the wording is very

clear, No.1, it has to be absolute majority...(*Interruptions*)

MR. CHAIRMAN: For the benefit of the House, initially I read it out. I hope you were present at that time.

SHRI JASWANT SINGH: Mr. Chairman, there is a ruling that while the procedure of voting is going on, there shall not be a point of order. What he raised amounts to a point of order.

SHRI VASANT SATHE: I am not on the technicality of point of order.

SHRI JASWANT SINGH: The procedure of voting is going on.

15.06 hrs.

[MR. SPEAKER—in the Chair]

SHRI VASANT SATHE: Sir, I was pointing out that this is a Constitutional Amendment. Although on all sides, we are unanimous that this important amendment should be passed unanimously, we cannot do away with the Constitutional requirement. This is an elementary thing.

[*Translation*]

MR. SPEAKER: Now the voting process has started.

SHRI VASANT SATHE: It is being said in your interest.

MR. SPEAKER: There is no point of order in this.

[*English*]

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): When lobbies are cleared, no question is raised at all.

SHRI VASANT SATHE: I am not on technicality of point of order, I am on the fundamental point of passing this Bill.

[Sh. Vasant Sathe]

[*Translation*]

Tomorrow the entire thing may turn out to be wrong.

MR. SPEAKER: Please conclude in one sentence.

[*English*]

SHRI VASANT SATHE: Article 368 says:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House..."

The total number of membership of this House is mentioned in the rules.

MR. SPEAKER: The question of point of order does not arise.

SHRI VASANT SATHE: I am not on a point of order. My request is, you must know the total number of members and whether there is absolute majority. Unless that is known, this slip etc., is all wrong because what we are seeing is not absolute majority.

I would suggest in your interest, let us follow the traditionally known practice of going into the Lobbies so that everyone is counted. Then, we know the exact number in this voting. This is my request to you.

MR. SPEAKER: There is no point of order.

Subject to correction, the result of the division is:

Ayes: 314\*\*

Noes: Nil

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

*The motion was adopted*

MR. SPEAKER: Before I put clause 2 to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Now, the Lobbies are already cleared.

The question is:

"That clause 2 stand part of the Bill.

*The Lok Sabha divided:*

[*Translation*]

SHRI VASANT SATHE: What is all this? Do not take it so lightly. There are 260 members here and this is not the proper way to distribute the slips. What is the problem in going to the lobby?

[*English*]

SHRI RAJIV GANDHI: Mr. Speaker, Sir, this is a very important issue. The Bill is a very important Bill and I would request that there should be no lacuna in voting which would be questioned at a later date. If there is problem in number which is coming on the voting machine, it may be better that we have a proper old pattern of division and go out of the doors into the Lobbies —Ayes on this side and Noes on that side. We can go out to the Lobbies and it can be counted in a proper manner. This way we can deal with it.

MR. SPEAKER: What about slips?

SHRI RAJIV GANDHI: There is a problem with the slip, Sir. The problem is we do not have Division No. Now. If I have voted from this seat, you do not know whether I have filled in a slip or not. If there are division

\*\*316 as corrected names of members who had recorded votes have not been included as division nos, had not been allotted to members till then.

numbers, then they can be cross-checked with the Division Nos. on the slips and the No. on the machine, when there is final correlation. But today there is no Division No. So, you will not be able to cross-check.

I would request that on an important issue like this, we should not leave any question that can be raised at a later date. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Obviously there can be either of the two things. The machine is not working properly; or...

SHRI G.M. BANATWALLA: The Members are not working properly.

SHRI SOMNATH CHATTERJEE: ...or many of the hon. Members have not been able to give their votes properly. Either of the two things must have happened. I am requesting that the voting be taken by distribution of slips because names have to be written. There is no question of duplication there, as it apprehended on that side. Therefore, let it be on slips.

*(Interruptions)*

[*Translation*]

AN HON. MEMBER: Are the slips to be distributed even for the Motion that has already been passed? I think it should not be done in its case it has already been passed. *(Interruptions)*

[*English*]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): How can it be a substitute? *(Interruptions)*

[*Translation*]

SHRI RAJIV GANDHI: Voting should be done by distributing the slips leaving no scope for doubt.

MR. SPEAKER: slips cannot be distrib-

uted for voting on the Motion which has already been passed. I shall go by the sense of the House in regard to the voting on the question now before the House.

[*English*]

PROF. MADHU DANAVATE: The ruling given by the Speaker is final. Courts cannot interfere with this...*(Interruptions)*

[*Translation*]

AN: HON. MEMBER: This procedure has never been adopted in the House. We cannot rethink and reconsider after the voting is over. If we do not have Division Numbers, we can use the I.C. number. Raising such doubts about voting is not good. *(Interruptions)*

[*English*]

MR. SPEAKER: For the information of the Members, I will read Rule 367AA.

"Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes shall be recorded by members on 'Aye' and 'No' slips, the Division Clerks shall supply to each member at his seat, an 'Aye' or 'No' slip, according to the choice indicated by him. A member shall record his Vote on the slip by signing and indicating his Division Number thereon."

*(Interruptions)*

[*Translation*]

MR. SPEAKER: You give the number of the seat, where you are sitting.

*(Interruptions)*

SHRI VASANT SATHE: There would be difficulty in distributing the slips. As Division Numbers have not been allotted to the Members, it will create confusion and also violate the rules. I am saying this in the interest of all. All of you should agree with the views of our leader. *(Interruptions)*

[English]

SHRI L.K. ADVANI (New Delhi): The Chairman who was in the Chair when the voting began, took the sense of the House and adopted certain procedure. In accordance with the procedure, the first voting is over. After that, we proceeded to the second voting on clause 2. A point has been raised by an hon. Member and another point was also raised. I wish to draw your attention to what *Kaul and Shakhder* says in this regard; on the basis of earlier ruling, it says:

"At the commencement of a new House, before seats and division numbers have been allotted to Members, the division is held by distributing "Ayes" and "Noes" slips to members, on which they are required to put their signature."

This is a ruling of the earlier Speaker even though there is no specific rule or direction in this regard. I would suggest that hereafter this procedure should be followed while the earlier voting should be regarded as valid in accordance with the sense of the House.

SHRI K.S. RAO: If the Speaker is to say that there is unanimity, does it mean that there is no doubt about it, even if the total number of votes is less than half? (*Interruptions*)

MR. SPEAKER: Before I put Clause 2 of the vote of the House, let the lobbies be cleared.

Now the Lobbies have been cleared.

I want to make an announcement.

As Division Numbers have not so far been allotted to Members, it is not possible to hold the Division by Automatic vote Recording Machine. Division will now take place under Rule 367AA by distribution of slips. Members will be supplied at their seats with 'Aye'/'No' printed slips for recording their votes. 'Aye' slip is printed on one side in

green, both in English and Hindi and 'No' in read on its reverse. On these slips, Members may kindly record votes of their choice by signing and writing their names, constituency and State/Union Territory and date eligibly at the places specified on the slip and also seat numbers where they are sitting. Members who desire to record 'Abstention' may ask for the 'Abstention' slip which is in yellow colour. Immediately after recording his vote, each Member should pass on his slip to the Division Clerk who will call upon his seat to collect the same for handing over to the Officers at the Table.

Now the Lobbies have already been cleared.

The question is:

"That clause 2 stand part of the Bill."

Now Division. Let the slips be distributed.

*The Lok Sabha divided:*

**Division No. 2**

## **AYES**

Abedya Nath, Mahant

Acharia, Shri Basudeb

Advani, Shri L.K.

Aher, Dr. Daulatrao Sonuji

Ajit Singh, Shri

Akbar, Shri M.J.

Ali, Shrimati Subhashini

Amat, Shri D.

Anand Singh, Shri

Anbarasu, Shri Era

Antony, Shri P.A.

Antulay, Shri A.R	Bhattacharya, Shri Nani
Anwar Ahmad, Shri	Bhoye, Shri Reshma Motiram
Argal, Shri Chhaviram	Bhuria, Shri Dileep Singh
Asokaraj, Shri A.	Brahm Bhatt, Shri Prakash Koko
Baig, Shri Arif	Brahm Dutt, Shri
Bais, Shri Ramesh	Chakravorty, Shri Susanta
Baitha, Shri Mahendra	Chandrasekhar, Shrimati M.
Bajpai, Dr. Rajendra Kumari	Chatterjee, Shri Nirmal Kanti
Bala, Dr. Asim	Chatterjee Shri Somnath
Bala Goud, Shri T	Chaudhary, Shri Ram Prasad
Banatwalla, Shri G.M	Chaudhary, Shri Rudra Sen
Banera, Shri Hemendra Singh	Chaudhary, Shri Kamal
Bankhele, Shri Kisanrao Baburao	Chauhan, Shri Prabhatsinh
Barman, Shri Palas	Chavda, Shri Khemchandbhai Somabhai
Basavaraj, Shri G.S	Chennupati, Shrimati Vidya
Basheer, Shri T.	Chinta Mohan, Dr.
Basu, Shri Anil	Choudhury, Shri Lokanath
Basu, Shri Chitta	Choudhury, Shri Saifuddin
Beg, Shri Yusuf	Chowdhary, Shri Dasai
Behera, Shri Bhajaman	Commander, Shri Mohd. Hassan
Benjaman, Shri S	Damor, Shri Somjibhai
Bhagey, Shri Gobardhan	Dandavate, Prof. Madhu
Bhajan Lal, Shri	Das, Shri Anadi Charan
Bhakta, Shri Manoranjan	Das, Shri Bhakta Charan
Bhargava, Shri Girdhari Lal	Dasgupta, Dr. Biplab
Bhartiya Shri Santosh	Datta, Shri Amal
Bhattacharya, Shrimati Malini	Delkar, Shri Mohanbhai Sanjibhai

Dennis, Shri N

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 Narsingh Rao

Dome, Dr. Ram Chandra

Dore, Shri Raja Ambanna Nayak

Fernandes, Shri George

Fernandes, Shri Oscar

Gaikwad, Shri Udaysing Rao Nanasahab

Gamit, Shri Chhitubhai Devjibhai

Gandhi Shrimati Maneka

Gandhi, Shri Rajiv

Gangadhar, Shri S.

Gangwar, Shri Santosh Kumar

Gavit, Shri Manikrao Hodlya

Giri, Shri Sudhir

Giriappa, Shri C.P.Mudala

Gokhle, Shri Vidyadhar

Gomango, Shri Giridhar

Gujral Shri I.K.

Gupta, Shri Dharampal Singh

Gupta, Shri Indrajit

Gupta, Shri Janak Raj

Handoo, Shri Piyare Lal

Hannan Mollah, Shri

Hansda, Shri Matilal

Heera Bhai, Shri

Hota, Shri Bhabani Shankar

Inder Ji, Shri

Jagpal Singh, Shri

Jamod, Shri Shashibhai

Jamuna, Shrimati J.

Jaswant Singh, Shri

Jatav, Shri Than Singh

Jena, Shri Srikanta

Jha, Shri Bhogendra

Jorawar Ram, Shri

Joshi, Shri Dau Dayal

Ju Deo, Shri Dilip Singh

Kabde, Dr. Venkatesh

Kalka Das, Shri

Kalvi, Shri Kalyan Singh

Kapse, Prof. Ram Ganesh

Kareddula, Kumari Kamala

Keshari Lal, Shri

Khan, Shri Arif Mohammad

Khan, Shri Sukhendu

Khandelwal, Shri Pyarelal

Khurana, Shri Madan Lal

Kirpal Singh, Shri	Meena, Dr. Kirodi Lal
Kodikkunnil, Shri Suresh	Meena, Shri Nandlal
Konthala, Shri Ramakrishna	Meghwal, Shri Kailash
Kotadia, Shri Manubhai	Mehta, Shrimati Jayawanti Navin Chandra
Kumaramangalam, Shri P.R.	Mewar, Mahendra Singh
Kundu, Shri Samarendra	Mirdha, Shri Nathu Ram
Kushwaha, Shri Jagdish Singh	Mishra, Shri Bal Gopal
Lakha, Shri Harbhajan	Mishra, Shri Janeshwar
Lakshmanan, Prof. Savithri	Misra, Shri Satyagopal
Lalu Prasad, Shri	Mohammed Shafi, Shri
Lodha, Shri Guman Mal	Mukherjee, Shrimati Geeta
Lodhi, Shri Gangacharan	Mukhopadhyay, Shri Ajoy
Mahadik, Shri Vamanrao	Multan Singh, Ch.
Mahajan, Shrimati Sumitra	Munda, Shri Govindachandra
Mahale, Shri Haribhau Shankar	Munnan Khan, Shri
Mahata, Shri Chita	Muraleedharan, Shri K.
Malhotra, Shri Vijay Kumar	Murthy, Shri M.V. Chandrashekara
Malik Shri Satya Pal	Muthiah, Shri R.
Mallik, Shri Mangaraj	Naik, Shri Ram
Mallu, Shri Anantha Ramulu	Narayanan Shri K.R
Mandal, Shri Sanat Kumar	Narayanan, Shri P.G
Manjay Lal, Shri	Nathu Singh, Shri
Manvendra Singh, Shri	Negi, Shri C.M
Marbaniang, Shri Peter G.	Nehru, Shri Arun Kumar
Masudal Hossain, Shri Syed	Netam, Shri Arvind
Mayawati, Kumari	Nitish Kumar, Shri
Mayekar, Shri Gopalrao	Odeyar, Shri Channaiah

Owaisi, Shri Sultan Salahuddin

Pramanik, Shri Radhika Ranjan

Pal, Dr. Debi Prasad

Prasad, Shri Hari Kewal

Pal, Shri M.S

Prasad, Shri R.S.

Pal, Shri Rupchand

Prem Pradeep, Shri

Pande, Shri Raj Mangal

Purushothaman, Shri Vakkom

Pandey, Prof. Yadunath

Raghavji, Shri

Pandeya, Dr. Laxminarayan

Rahi, Shri Ramlal

Pandian, Shri D.

Rai, Shri Kalpnath

Pani, Shri Ravi Narayan

Rai, Shri M. Ramanna

Paswan, Shri Chhedi

Raje, Shrimati Vasundhara

Paswan, Shri Ram Vilas

Rajeswari, Shrimati Basava

Paswan, Shri Sukhdeo

Raju, Shri Bh. Vijayakumar

Patel, Dr. A.K.

Raju, Shri M.M.Pallam

Patel, Shri Arjunbhai

Raju, Shri S. Vijayarama

Patel, Shri Chandresh

Rajveer Singh, Shri

Patel, Shri Maganbhai Manibhai

Rajesh, Shri R.N.

Patel, Shri Natubhai. M

Ram Awadh, Shri

Patel, Shri Prahlad Singh

Ram Babu, Shri A.G.S

Patel, Shri Ram Pujan

Ram Dhan, Shri

Patel, Shri Shantilal Purushottam Das

Ram Prakash, Ch.

Pathak, Shri Harin

Ram Sagar, Shri

Patil, Shri Shivraj, V.

Ram Sajiwan, Shri

Patil, Shri Uttamrao Lakmanrao

Ram Singh, Shri

Patnaik, Shri Sivaji

Ramachandran, Shri Mullappally

Penchalaiah, Shri P

Ramakrishna, Shri Y.

Potdukhe, Shri Shantaram

Rameshwar Prasad, Shri

Pradhani, Shri K.

Ranga, Prof. N.G.

Rao, Shri J. Chokka	Sai, Shri Nand Kumar
Rao, Shri J. Vengala	Saini, Shri Gurdial Singh
Rao, Shri J. Ramamohan	Sait, Shri Ibrahim Sulaiman
Rao, Shri K.S.	Saran, Shri Daulat Ram
Rao, Shri V.P. Narasimha	Saroj, Shri Sarju Prasad
Rao, Shri Srinivasa	Sartaj Singh, Shri
Rasheed Masood, Shri	Sathe, Shri Vasant
Rathva, Shri Narayanbhai Jamlabhai	Sayeed, Shri Mufti Mohammad
Rathod, Shri Uttam	Scindia, Shrimati Vijayaraje
Rathor, Dr. Bhagwan Dass	Sekhar, Shri M.G
Rawat, Shri Harish	Selvam, Shri Kanci Panneer
Rawat, Prof. Rasa Singh	Selvarasu, Shri M.
Ray, Dr. Sudhir	Sema, Shri Shikiho
Raychaudhuri, Shri Sudarsan	Shah, Shri Jayantilal Virchandbhai
Reddy, Shri A. Venkata	Shakeelur Rehman, Shri
Reddy, Shri B.N	Shanta Kumar, Shri
Reddy, Shri Kasu V.K.	Sharma, Shri Chiranji Lal
Reddy, Shri Kotla Vijaya Bhaskara	Sharma, Shri Dharam Pal
Reddy, Shri M.G	Shastri, Shri Kapil dev
Reddy, Shri P. Narsa	Shekhada, Shri Govindbhai Kanjibhai
Reddy, Shri R. Surender	Shiwankar, Prof. Mahadeo
Reddy, Shri Rajamohan	Shrivastava, Dr. Shailendranath
Routray, Shri Nilamani	Shukla, Shri Vidyacharan
Roy, Shri A.K.	Silvera, Dr. C
Roy, Shri Haradhan	Singam, Shri Basavapunnaiah
Roypradhan, Shri Amar	Singh, Shri Ajay
Sai, Shri Larang	Singh, Shri Dhanraj

Singh, Shri Har Govind

Singh, Shri Jagannath

Singh, Shri L.V.

Singh, Shri Lokendra

Singh, Shri Mandhata

Singh, Shri Maheshwar

Singh, Shri Pratap

Singh, Shri Ramashray Prasad

Singh, Shri Ram Naresh

Singh, Shri Ramdas

Singh, Shri Sukhendra

Singh, Shri Surya Narayan

Singh, Shri Vishwanath Pratap

Singh Deo, Shri A.N.

Sinha, Shrimati Usha

Sodhi, Shri Mankuram

Sonkar, Shri Kalpnath

Soz, Prof. Saifuddin

Srinivasan, Shri C

Subedar, Shri

Sultanpuri, Shri K.D

Suman, Shri Ramjilal

Sundararaj, Shri N.

Tandel, Shri D.J.

Tarif Singh, Shri

Thambi Durai, Dr.

Thapa, Shri Nandu

Thomas, Shri P.C

Thorat, Shri S.B.

Tiraky, Shri Piyus

Tiwari, Shri Brij Bhushan

Topdar, Shri Tarit Baran

Tyagi, Shri K.C.

Uma Bharati, Kumari

Umbrey, Shri Laeta

Unnikrishnan Shri K.P

Vaghela, Shri Shankarsinh

Varma, Shri Ratilal Kalidas

Vekaria, Shri S.N.

Venkatswamy, Shri G.

Verma, Shri Dharmesh Prasad

Verma, Shri Phoolchand

Verma, Shri Sheo Sharan

Verma, Shri Upendra Nath

Vijayaraghavan, Shri A.

Viswanathan, Dr.

Wadiyar, Shri Srikanta Datta Narasimharaja

Yadav, Shri Baleshwar

Yadav, Shri Chun Chun Prasad

Yadav, Shri Døvendra Prasad

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Janardan

Yadav, Shri Kailash Nath Singh

Yadav, Shri Mitrasen

Yadav, Shri Ram Krishan

Yadav, Shri Ram Sharàn

Yadav, Shri Sharad

Yadava, Shri Ramjilal

Yadvendra Datt, Shri

Yuvraj, Shri

Zainal Abedin, Shri

Mr. Speaker: Subject to correction the result of the Division is:

Ayes..... 342

Noes.....Nil

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

*The motion was adopted*

*Clause 2 was added to the Bill*

MR. SPEAKER: The Lobbies have already been cleared. The question is:

"That Clause 1 stand part of the Bill."

Now Division. Let the slips be distributed.

*The Lok Sabha divided*

## AYES

### Division No. 3

Abedya Nath, Mahant

Acharia, Shri Basudeb

Advani, Shri L.K.

Aher, Dr. Daulatrao Sonuji

Ajit Singh, Shri

Akbar, Shri M.J.

Ali, Shrimati Subhashini

Amat, Shri D.

Anand Singh, Shri

Anbarasu, Shri Era

Antony, Shri P.A.

Antulay, Shri A.R

Anwar Ahmad, Shri

Argal, Shri Chhaviram

Asokaraj, Shri A.

Baig, Shri Arif

Bais, Shri Ramesh

Baitha, Shri Mahendra

Bajpai, Dr. Rajendra Kumari

Bala, Dr. Asim

Bala Goud, Shri T

Banatwalla, Shri G.M

Banera, Shri Hemendra Singh

Bankhela, Shri Kisanrao Baburao

Barman, Shri Palas

Basavaraj, Shri G.S

Basheer, Shri T.

Basu, Shri Anil

Basu, Shri Chitta

Beg, Shri Yusuf

Behera, Shri Bhajaman

**Benjaman, Shri S**

**Bhagey, Shri Gobardhan**

**Bhajan Lal, Shri**

**Bhakta, Shri Manoranjan**

**Bhargava, Shri Girdhari Lal**

**Bhartiya Shri Santosh**

**Bhattacharya, Shrimati Malini**

**Bhattacharya, Shri Nani**

**Bhoye, Shri Reshma Motiram**

**Bhuria, Shri Dileep Singh**

**Brahm Bhatt, Shri Prakash Koko**

**Brahm Dutt, Shri**

**Chakravorty, Shri Susanta**

**Chandrasekhar, Shrimati M.**

**Chatterjee, Shri Nirmal Kanti**

**Chatterjee Shri Somnath**

**Chaudhary, Shri Ram Prasad**

**Chaudhary, Shri Rudra Sen**

**Chaudhary, Shri Kamal**

**Chauhan, Shri Prabhatsinh**

**Chavda, Shri Khemchandbhai Somabhai**

**Chennupati, Shrimati Vidya**

**Chinta Mohan, Dr.**

**Choudhury, Shri Lokanath**

**Choudhury, Shri Saifuddin**

**Chowdhary, Shri Dasai**

**Commander, Shri Mohd. Hassan**

**Damor, Shri Somjibhai**

**Dandavate, Prof. Madhu**

**Das, Shri Anadi Charan**

**Das, Shri Bhakta Charan**

**Dasgupta, Dr. Biplab**

**Datta, Shri Amal**

**Delkar, Shri Mohanbhai Sanjibhai**

**Dennis, Shri N.**

**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 Narsingh Rao**

**Dome, Dr. Ram Chandra**

**Dore, Shri Raja Ambanna Nayak**

**Fernandes, Shri George**

**Fernandes, Shri Oscar**

**Gaikwad, Shri Udaysingrao Nanasaheb**

**Gamit, Shri Chhitubhai Devjibhai**

**Gandhi, Shrimati Maneka**

**Gandhi, Shri Rajiv**

**Gangadhar, Shri S.**

**Gangwar, Shri Santosh Kumar**

**Gavit, Shri Manikrao Hodlya**

Giri, Shri Sudhir

Kalvi, Shri Kalyan Singh

Giriyappa, Shri C.P.Mudala

Kapse, Prof. Ram Ganesh

Gokhle, Shri Vidyadhar

Kareddula, Kumari Kamala

Gomango, Shri Giridhar

Keshari Lal, Shri

Gujral Shri I.K.

Khan, Shri Arif Mohammad

Gupta, Shri Dharampal Singh

Khan, Shri Sukhendu

Gupta, Shri Indrajit

Khandelwal, Shri Pyarelal

Gupta, Shri Janak Raj

Khurana, Shri Madan Lal

Handoo, Shri Piyare Lal

Kirpal Singh, Shri

Hannan Mollah, Shri

Kodikkunnil, Shri Suresh

Hansda, Shri Matilal

Konthala, Shri Ramakrishna

Heera Bhai, Shri

Kotadia, Shri Manubhai

Hota, Shri Bhabani Shankar

Kumaramangalam, Shri P.R.

Inder Jit, Shri

Kundu, Shri Samarendra

Jagpal Singh, Shri

Kushwaha, Shri Jagdish Singh

Jamod, Shri Shashibhai

Lakha, Shri Harbhajan

Jamuna, Shrimati J.

Lakshmanan, Prof. Savithri

Jaswant Singh, Shri

Lalu Prasad, Shri

Jatav, Shri Than Singh

Lodha, Shri Guman Mal

Jena, Shri Srikanta

Lodhi, Shri Gangacharan

Jha, Shri Bhogendra

Mahadik, Shri Vamanrao

Jorawar Ram, Shri

Mahajan, Shrimati Sumitra

Joshi, Shri Dau Dayal

Mahale, Shri Haribhau Shankar

Ju Deo, Shri Dilip Singh

Mahata, Shri Chita

Kabde, Dr. Venkatesh

Malhotra, Shri Vijay Kumar

Kalka Das, Shri

Malik Shri Satya Pal

Mallik, Shri Mangaraj	Naik, Shri Ram
Mallu, Shri Anantha Ramulu	Narayanan Shri K.R
Mandal, Shri Sanat Kumar	Narayanan, Shri P.G.
Manjay Lal, Shri	Nathu Singh, Shri
Manvendra Singh, Shri	Negi, Shri C.M
Marbaniang, Shri Peter G.	Nehru, Shri Arun Kumar
Masudal Hossain, Shri Syed	Netam, Shri Arvind
Mayawati, Kumari	Nitish Kumar, Shri
Mayekar, Shri Gopalrao	Odeyar, Shri Channaiah
Meena, Dr. Kirodi Lal	Owaisi, Shri Sultan Salahuddin
Meena, Shri Nandlal	Pal, Dr. Debi Prasad
Meghwal, Shri Kailash	Pal, Shri M.S
Mehta, Shrimati Jayawanti Navin Chandra	Pal, Shri Rupchand
Mewar, Mahendra Singh	Pande, Shri Raj Mangal
Mirdha, Shri Nathu Ram	Pandey, Prof. Yadunath
Mishra, Shri Bal Gopal	Pandeya, Dr. Laxminarayan
Mishra, Shri Janeshwar	Pandian, Shri D.
Misra, Shri Satyagopal	Pani, Shri Ravi Narayan
Mohammed Shafi, Shri	Paswan, Shri Chhedi
Mukherjee, Shrimati Geeta	Paswan, Shri Ram Vilas
Mukhopadhyay, Shri Ajoy	Paswan, Shri Sukhdeo
Multan Singh, Ch.	Patel, Dr. A.K.
Munda, Shri Govindachandra	Patel, Shri Arjunbhai
Munnan Khan, Shri	Patel, Shri Chandresh
Muraleedharan, Shri K.	Patel, Shri Maganbhai Manibhai
Murthy, Shri M.V. Chandrashekara	Patel, Shri Natubhai, M.
Muthiah, Shri R.	Patel, Shri Prahlad Singh

Patel, Shri Ram Pujan	Ram Dhan, Shri
Patel, Shri Shantilal Purushottam Das	Ram Prakash, Ch.
Pathak, Shri Harin	Ram Sagar, Shri
Patil, Shri Shivraj, V.	Ram Sajiwan, Shri
Patil, Shri Uttamrao Lakmanrao	Ram Singh, Shri
Patnaik, Shri Sivaji	Ramachandran, Shri Mullappally
Penchalaiah, Shri P.	Ramakrishna, Shri Y
Potdukhe, Shri Shantaram	Rameshwar Prasad, Shri
Pradhani, Shri K.	Ranga, Prof. N.G.
Pramanik, Shri Radhika Ranjan	Rao, Shri J. Chokka
Prasad, Shri Hari Kewal	Rao, Shri J. Vengala
Prasad, Shri R.S.	Rao, Shri K. Ramamohan
Prem Pradeep, Shri	Rao, Shri K.S.
Purushothaman, Shri Vakkom	Rao, Shri V.P. Narasimha
Raghavji, Shri	Rao, Shri Srinivasa
Rahi, Shri Ramlal	Rasheed Masood, Shri
Rai, Shri Kalpnath	Rathva, Shri Narayanbhai Jamlabhai
Rai, Shri M. Ramanna	Rathod, Shri Uttam
Raje, Shrimati Vasundhara	Rathor, Dr. Bhagwan Dass
Rajeswari, Shrimati Basava	Rawat, Shri Harish
Raju, Shri Bh. Vijayakumar	Rawat, Prof. Rasa Singh
Raju, Shri M.M.Pallam	Ray, Dr. Sudhir
Raju, Shri S. Vijayarama	Raychaudhuri, Shri Sudarsan
Rajveer Singh, Shri	Reddy, Shri A. Venkata
Rajesh, Shri R.N.	Reddy, Shri B.N
Ram Awadh, Shri	Reddy, Shri Kasu V.K.
Ram Babu, Shri A.G.S	Reddy, Shri Kotla Vijaya Bhaskara

Reddy, Shri M.G	Shastri, Shri Kapil dev
Reddy, Shri P. Narsa	Shekhada, Shri Govindbhai Kanjibhai
Reddy, Shri R. Surendra	Shiwankar, Prof. Mahadeo
Reddy, Shri Rajamohan	Shrivastava, Dr. Shailendranath
Routray, Shri Nilamani	Shukla, Shri Vidyacharan
Roy, Shri A.K.	Silvera, Dr. C
Roy, Shri Haradhan	Singam, Shri Basavapunnaiah
Roypradhan, Shri Amar	Singh, Shri Ajay
Sai, Shri Larang	Singh, Shri Dhanraj
Sai, Shri Nand Kumar	Singh, Shri Har Govind
Saini, Shri Gurdial Singh	Singh, Shri Jagannath
Sait, Shri Ibrahim Sulaiman	Singh, Shri L.V.
Saran, Shri Daulat Ram	Singh, Shri Lokendra
Saroj, Shri Sarju Prasad	Singh, Shri Mandhata
Sartaj Singh, Shri	Singh, Shri Maheshwar
Sathe, Shri Vasant	Singh, Shri Pratap
Sayeed, Shri Mufti Mohammad	Singh, Shri Ramashray Prasad
Scindia, Shrimati Vijayaraje	Singh, Shri Ram Naresh
Sekhar, Shri M.G	Singh, Shri Ramdas
Selvam, Shri Kanci Panneer	Singh, Shri Sukhendra
Selvarasu, Shri M.	Singh, Shri Surya Narayan
Sema, Shri Shikiho	Singh, Shri Vishwanath Pratap
Shah, Shri Jayantilal Virchandbhai	Singh Deo, Shri A.N.
Shakeelur Rehman, Shri	Sinha, Shrimati Usha
Shanta Kumar, Shri	Sodhi, Shri Mankuram
Sharma, Shri Chiranji Lal	Sonkar, Shri Kalpnath
Sharma, Shri Dharam Pal	Soz, Prof. Saifuddin

Srinivasan, Shri C	Vijayaraghavan, Shri A.
Subedar, Shri	Viswanathan, Dr.
Sultanpuri, Shri K.D	Wadiyar, Shri Srikanta Datta Narasimharaja
Suman, Shri Ramjilal	Yadav, Shri Baleshwar
Sundararaj, Shri N.	Yadav, Shri Chun Chun Prasad
Tandel, Shri D.J.	Yadav, Shri Devendra Prasad
Tarif Singh, Shri	Yadav, Shri Hukumdeo Narayan
Thambi Durai, Dr.	Yadav, Shri Janardan
Thapa, Shri Nandu	Yadav, Shri Kailash Nath Singh
Thomas, Shri P.C	Yadav, Shri Mitrasen
Thorat, Shri S.B.	Yadav, Shri Ram Krishan
Tiraky, Shri Piyus	Yadav, Shri Ram Sharan
Tiwari, Shri Brij Bhushan	Yadav, Shri Sharad
Topdar, Shri Tarit Baran	Yadava, Shri Ramjilal
Tyagi, Shri K.C.	Yadvendra Datt, Shri
Uma Bharati, Kumari	Yuvraj, Shri
Umbrey, Shri Laeta	Zainal Abedin, Shri
Unnikrishnan Shri K.P	MR. SPEAKER : Subject to correction, the result of the Division is:
Vaghela, Shri Shankarsinh	Ayes: 342
Varma, Shri Ratilal Kalidas	Noes: Nil
Vekaria, Shri S.N.	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 Mem- bers present and voting.
Venkatswamy, Shri G.	
Verma, Shri Dharmesh Prasad	
Verma, Shri Phoolchand	<i>The motion was adopted</i>
Verma, Shri Sheo Sharan	<i>Clause 1 was added to the Bill</i>
Verma, Shri Upendra Nath	MR. SPEAKER: The question is :

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

*The motion was adopted.*

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

SHRI RAM VILAS PASWAN: I beg to move:

"That the Bill be passed."

MR. SPEAKER : The lobbies have already been cleared. The question is:

"That the Bill be passed."

Now Division .

Let the slips be distributed.

*The Lok Sabha divided*

## AYES

### Division No. 4

Abedya Nath, Mahant

Acharia, Shri Basudeb

Advani, Shri L.K.

Aher, Dr. Daulatrao Sonuji

Ajit Singh, Shri

Akbar, Shri M.J.

Ali, Shrimati Subhashini

Amat, Shri D.

Anand Singh, Shri

Anbarasu, Shri Era

Antony, Shri P.A.

Antulay, Shri A.R

Anwar Ahmad, Shri

Argal, Shri Chhaviram

Asokaraj, Shri A.

Baig, Shri Arif

Bais, Shri Ramesh

Baitha, Shri Mahendra

Bajpai, Dr. Rajendra Kumari

Bala, Dr. Asim

Bala Goud, Shri T

Banatwalla, Shri G.M

Banera, Shri Hemendra Singh

Bankhela, Shri Kisanrao Baburao

Barman, Shri Palas

Basavaraj, Shri G.S

Basheer, Shri T.

Basu, Shri Anil

Basu, Shri Chitta

Beg, Shri Yusuf

Behera, Shri Bhajaman

Benjaman, Shri S

Bhagey, Shri Gobardhan

Bhajan Lal, Shri

Bhakta, Shri Manoranjan

Bhargava, Shri Girdhari Lal

Bhartiya Shri Santosh

Bhattacharya, Shrimati Malini

Bhattacharya, Shri Nani

Bhoye, Shri Reshma Motiram	Deshmukh, Shri Ashok Anandrao
Bhuria, Shri Dileep Singh	Deshmukh, Shri Sudam Dattatrya
Brahm Bhatt, Shri Prakash Koko	Dev. Shri Sontosh Mohan
Brahm Dutt, Shri	Devi Lal, Shri
Chakravorty, Shri Susanta	Dhakane, Shri Babanrao
Chandrasekhar, Shrimati M.	Dhankhar, Ch. Jagdeep
Chatterjee, Shri Nirmal Kanti	Dhumal, Prof Prem Kumar
Chatterjee Shri Somnath	Dikshit, Shri Narsingh Rao
Chaudhary, Shri Ram Prasad	Dome, Dr. Ram Chandra
Chaudhary, Shri Rudra Sen	Dore, Shri Raja Ambanna Nayak
Chaudhry, Shri Kamal	Fernandes, Shri George
Chauhan, Shri Prabhatsinh	Fernandes, Shri Oscar
Chavda, Shri Khemchandbhai Somabhai	Gaikwad, Shri Udaysingrao Nanasaheb
Chennupati, Shrimati Vidya	Gamit, Shri Chhitubhai Devjibhai
Chinta Mohan, Dr.	Gandhi Shrimati Maneka
Choudhury, Shri Lokanath	Gandhi, Shri Rajiv
Choudhury, Shri Saifuddin	Gangadhar, Shri S.
Chowdhary, Shri Dasai	Gangwar, Shri Santosh Kumar
Commander, Shri Mohd. Hassan	Gavit, Shri Manikrao Hodlya
Damor, Shri Somjibhai	Giri, Shri Sudhir
Dandavate, Prof. Madhu	Giriappa, Shri C.P.Mudala
Das, Shri Anadi Charan	Gokhle, Shri Vidyadhar
Das, Shri Bhakta Charan	Gomango, Shri Giridhar
Dasgupta, Dr. Biplab	Gujral Shri I.K.
Datta, Shri Amal	Gupta, Shri Dharampal Singh
Delkar, Shri Mohanbhai Sanjibhai	Gupta, Shri Indrajit
Dennis, Shri N.	Gupta, Shri Janak Raj

Handoo, Shri Piyare Lal	Kodikkunnil, Shri Suresh
Hannan Mollah, Shri	Konthala, Shri Ramakrishna
Hansda, Shri Matilal	Kotadia, Shri Manubhai
Heera Bhai, Shri	Kumaramangalam, Shri P.R.
Hota, Shri Bhabani Shankar	Kundu, Shri Samarendra
Inder Jit, Shri	Kushwaha, Shri Jagdish Singh
Jagpal Singh, Shri	Lakha, Shri Harbhajan
Jamod, Shri Shashibhai	Lakshmanan, Prof. Savithri
Jamuna, Shrimati J.	Lalu Prasad, Shri
Jaswant Singh, Shri	Lodha, Shri Guman Mal
Jatav, Shri Than Singh	Lodhi, Shri Gangacharan
Jena, Shri Srikanta	Mahadik, Shri Vamanrao
Jha, Shri Bhogendra	Mahajan, Shrimati Sumitra
Jorawar Ram, Shri	Mahale, Shri Haribhau Shankar
Joshi, Shri Dau Dayal	Mahata, Shri Chita
Ju Deo, Shri Dilip Singh	Malhotra, Shri Vijay Kumar
Kabde, Dr. Venkatesh	Malik Shri Satya Pal
Kalka Das, Shri	Mallik, Shri Mangaraj
Kalvi, Shri Kalyan Singh	Mallu, Shri Anantha Ramulu
Kapse, Prof. Ram Ganesh	Mandal, Shri Sanat Kumar
Kareddula, Kumari Kamala	Manjay Lal, Shri
Keshari Lal, Shri	Manvendra Singh, Shri
Khan, Shri Arif Mohammad	Marbaniang, Shri Peter G.
Khan, Shri Sukhendu	Masudal Hossain, Shri Syed
Khandelwal, Shri Pyarelal	Mayawati, Kumari
Khurana, Shri Madan Lal	Mayekar, Shri Gopalrao
Kirpal Singh, Shri	Meena, Dr. Kirodi Lal

Meena, Shri Nandlal	Pal, Dr. Debi Prosad
Meghwal, Shri Kailash	Pal, Shri M.S
Mehta, Shrimati Jayawanti Navin Chandra	Pal, Shri Rupchand
Mewar, Mahendra Singh	Pande, Shri Raj Mangal
Mirdha, Shri Nathu Ram	Pandey, Prof. Yadunath
Mishra, Shri Bal Gopal	Pandeya, Dr. Laxminarayan
Mishra, Shri Janeshwar	Pandian, Shri D.
Misra, Shri Satyagopal	Pani, Shri Ravi Narayan
Mohammed Shafi, Shri	Paswan, Shri Chhedi
Mukherjee, Shrimati Geeta	Paswan, Shri Ram Vilas
Mukhopadhyay, Shri Ajoy	Paswan, Shri Sukhdeo
Multan Singh, Ch.	Patel, Dr. A.K.
Munda, Shri Govindachandra	Patel, Shri Arjunbhai
Munnan Khan, Shri	Patel, Shri Chandresh
Muraleedharan, Shri K:	Patel, Shri Maganbhai Manibhai
Murthy, Shri M.V. Chandrashekara	Patel, Shri Natubhai. M
Muthiah, Shri R.	Patel, Shri Prahlad Singh
Naik, Shri Ram	Patel, Shri Ram Pujan
Narayanan, Shri K.R	Patel, Shri Shantilal Purushottam Das
Narayanan, Shri P.G	Pathak, Shri Harin
Nathu Singh, Shri	Patil, Shri Shivraj, V.
Negi, Shri C.M	Patil, Shri Uttamrao Lakmanrao
Nehru, Shri Arun Kumar	Patnaik, Shri Sivaji
Netam, Shri Arvind	Penchalaiah, Shri P.
Nitish Kumar, Shri	Potdukhe, Shri Shantaram
Odeyar, Shri Channaiah	Pradhani, Shri K.
Owaisi, Shri Sultan Salahuddin	Pramanik, Shri Radhika Ranjan

Prasad, Shri Hari Kewal

Prasad, Shri R.S.

Prem Pradeep, Shri

Purushothaman, Shri Vakkom

Raghavji, Shri

Rahi, Shri Ramlal

Rai, Shri Kalpnath

Rai, Shri M. Ramanna

Raje, Shrimati Vasundhara

Rajeswari, Shrimati Basava

Raju, Shri Bh. Vijayakumar

Raju, Shri M.M.Pallam

Raju, Shri S. Vijayarama

Rajveer Singh, Shri

Rajesh, Shri R.N.

Ram Awadh, Shri

Ram Babu, Shri A.G.S.

Ram Dhan, Shri

Ram Prakash, Ch.

Ram Sagar, Shri

Ram Saiwan, Shri

Ram Singh, Shri

Ramachandran, Shri Mullappally

Ramakrishna, Shri Y.

Rameshwar Prasad, Shri

Ranga, Prof., N.G.

Rao, Shri J. Chokka

Rao, Shri J. Vengala

Rao, Shri J. Ramamohan

Rao, Shri K.S.

Rao, Shri V.P. Narasimha

Rao, Shri Srinivasa

Rasheed Masood, Shri

Rathva, Shri Narayanbhai Jamlabhai

Rathod, Shri Uttam

Rathor, Dr. Bhagwan Dass

Rawat, Shri Harish

Rawat, Prof. Rasa Singh

Ray, Dr. Sudhir

Raychaudhuri, Shri Sudarsan

Reddy, Shri A. Venkata

Reddy, Shri B.N

Reddy, Shri Kasu V.K.

Reddy, Shri Kotla Vijaya Bhaskara

Reddy, Shri M.G

Reddy, Shri P. Narsa

Reddy, Shri R. Surendra

Reddy, Shri Rajamohan

Routray, Shri Nilamani

Roy, Shri A.K.

Roy, Shri Haradhan

Roypradhan, Shri Amar

Sai, Shri Larang

Sai, Shri Nand Kumar

Saini, Shri Gurdial Singh	Singh, Shri Jagannath
Sait, Shri Ibrahim Sulaiman	Singh, Shri L.V.
Saran, Shri Daulat Ram	Singh, Shri Lokendra
Saroj, Shri Sarju Prasad	Singh, Shri Mandhata
Sartaj Singh, Shri	Singh, Shri Maheshwar
Sathe, Shri Vasant	Singh, Shri Pratap
Sayeed, Shri Mufti Mohammad	Singh, Shri Ramashray Prasad
Scindia, Shrimati Vijayaraje	Singh, Shri Ram Naresh
Sekhar, Shri M.G	Singh, Shri Ramdas
Selvam, Shri Kanci Panneer	Singh, Shri Sukhendra
Selvarasu, Shri M.	Singh, Shri Surya Narayan
Sema, Shri Shikiho	Singh, Shri Vishwanath Pratap
Shah, Shri Jayantilal Virchandbhai	Singh Deo, Shri A.N.
Shakeelur Rehman, Shri	Sinha, Shrimati Usha
Shanta Kumar, Shri	Sodhi, Shri Mankuram
Sharma, Shri Chiranji Lal	Sonkar, Shri Kalpnath
Sharma, Shri Dharam Pal	Soz, Prof. Saifuddin
Shastri, Shri Kapil dev	Srinivasan, Shri C.
Shekhada, Shri Govindbhai Kanjibhai	Subedar, Shri
Shiwankar, Prof. Mahadeo	Sultanpuri, Shri K.D.
Shrivastava, Dr. Shailendranath	Suman, Shri Ramjilal
Shukla, Shri Vidyacharan	Sundararaj, Shri N.
Silvera, Dr. C.	Tandel, Shri D.J.
Singam, Shri Basavapunnaiah	Tarif Singh, Shri
Singh, Shri Ajay	Thambi Durai, Dr.
Singh, Shri Dhanraj	Thapa, Shri Nandu
Singh, Shri Har Govind	Thomas, Shri P.C

Thorat, Shri S.B.

Yadav, Shri Ram Krishan

Tiraky, Shri Piyus

Yadav, Shri Ram Sharan

Tiwari, Shri Brij Bhushan

Yadav, Shri Sharad

Topdar, Shri Tarit Baran

Yadava, Shri Ramjilal

Tyagi, Shri K.C.

Yadvendra Datt, Shri

Uma Bharati, Kumari

Yuvraj, Shri

Umbrey, Shri Laeta

Zainal Abedin, Shri

Unnikrishnan Shri K.P.

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

Vaghela, Shri Shankarsinh

Ayes 342

Varma, Shri Ratilal Kalidas

Noes Nil

Vekaria, Shri S.N.

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

Venkatswamy, Shri G.

Verma, Shri Dharmesh Prasad

The Bill is passed by the requisite ma-  
jority, in accordance with the provisions of  
Article 368 of the Constitution.

Verma, Shri Phoolchand

Verma, Shri Sheo Sharan

Verma, Shri Upendra Nath

Vijayaraghavan, Shri A.

Viswanathan, Dr.

Wadiyar, Shri Srikanta Datta Narasimharaja

Yadav, Shri Baleshwar

Yadav, Shri Chun Chun Prasad

Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Janardan

Yadav, Shri Kailash Nath Singh

Yadav, Shri Mitrasen

*The motion was adopted.*

16.10 hrs

[DR. THAMBI DURAI *in the Chair*]STATUTORY RESOLUTION *RE*: DISAP-  
PROVAL OF REPRESENTATION OF  
THE PEOPLE (AMENDMENT) ORDI-  
NANCE 1989  
AND  
REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL.

MR. CHAIRMAN: Mr. Soz.

PROF. SAIFUDDIN SOZ: (Baramulla):  
Sir, I beg to move:"This House disapproves of the  
Representation of the People  
(Amendment) Ordinance, 1989