

PROF. SAIFUDDIN SOZ (Baramullah): You have clubbed me with Shri Shahabuddin.

SHRIMATI MOHSINA KIDWAI: I haven't done, so, Shahabuddin Sahib alone is there, that is why only he is to be seen here. Only he can be considered in the opposition.....

SHRI SYED SHAHABUDDIN: Don't you consider him a representative of the opposition?

SHRIMATI MOHSINA KIDWAI: Jointly with you, but I give more importance to you as the representative of the opposition.

What I was going to say is that whenever we propose a measure the members of the opposition allege that it is merely an election stunt. Elections are held after every 5 years, but does it mean that every work should be stopped till then. It took 2 to 2 1/2 years to discuss the Bill and it has been passed at the time when the elections are nearer. After all one or the other work has to be done when the elections are near. In this connection, I would like to quote from the speech of Shrimati Indira Gandhi which she had delivered in Bhubaneswar:

"When we raise our voice here, that is not only to support the Congress party. We speak on behalf of the people of India, the poor people of entire India, the women of India, the intellectuals of India and the youth of India in particular, because they are our future".

Therefore, I would like to point out that there is nothing in these two Bills presented in the House, which may be termed as objectionable. I would like to reiterate that unless and until the Bill reaches the stage of its implementation, its drawbacks or special features cannot be known. The Government always try to remove the drawbacks if any, noticed at the time of implementation.

My another submission is that Shri Shripati Mishra said that when the Congress

party was in power in Uttar Pradesh, all the Zila Parishads and both houses of the legislature were dissolved by him with a stroke of pen. They are the saviours of democratic traditions. Our hon. Prime Minister allowed the Chief Minister of Karnataka to resign and to continue with his caretaker Government. Such has been the basic training given by the Congress Party which clearly reflects in the working of the Congress party. Apparently, we stand for the ideals Gandhiji cherished i.e. the ideals of non-violence, brotherhood and peace. All these basic things reflect in the working of the Congress party. Mr. Speaker, Sir, I would like to quote a few lines from the last speech of the hon. Prime Minister which she delivered in Cuttack.

[English]

I quote:

"It is not an issue of Centre versus States. The issue is the question of the people, the development of the people, the strengthening of the nation, the removal of vested interests, the power brokers, corruption and exploitation at the local level, and this is how we must see the issue. We would like you to see the issue in this light and we stand up for the people. See it as people's issue, as a development issue. See it as a national issue."

Constitution (Sixty-Fourth Amendment) Bill

MR. SPEAKER: First we shall take up Constitution (Sixty-fourth) Amendment Bill. Before I put the motion for consideration to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division.

Let the Lobbies be cleared.

Now the Lobbies have been cleared.

The question is:

"That the Bill further to amend the

Constitution of India, be taken into Consideration."

The Lok Sabha divided

16.45 hrs.

Division No. 2

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmad, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Anjiah, Shrimati Manemma

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Bala Goud, Shri T.

Balaraman, Shri L.

Bali, Shrimati Vyjayanthaimala

Banatwalla, Shri G.M.

Banerjee, Kumari Mamata

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basheer, Shri T.

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhatia, Shri R.L.

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao B.

Bhoye, Shri R.M.

Bhoye, Shri S.S.

Bhumij, Shri Haren

Bhuria, Shri Dileep Singh

Birbal, Shri

Birinder Singh, Shri

Budania, Shri Narendra

Buta Singh, S.

Chandrakar, Shri Chandulal

Chandrasekhar, Shrimati M.

Chandrashekharappa, Shri T.V.

Chandresh Kumari, Shrimati

Charles, Shri A.

Chaturvedi, Shri Naresh Chandra

Chaturvedi, Shrimati Vidyavati

Chaudhary, Shri Manphool Singh

Chaudhry, Shri Kamal	Faleiro, Shri Eduardo
Chavan, Shri Ashok Shankarrao	Fernandes, Shri Oscar
Chavan, Shrimati Premalabai	Gadhvi, Shri B.K.
Chidambaram, Shri P.	Gaikwad, Shri Udaysingrao
Choudhari, Shrimati Usha	Gamit, Shri C.D.
Choudhary, Shri Jagannath	Gandhi, Shri Rajiv
Choudhary, Shri Nandlal	Ganga Ram, Shri
Choudhury, Shri Samar Brahma	Gavit, Shri Manikrao Hodlya
Dabhi, Shri Ajitsinh	Gehlot, Shri Ashok
Dalbir Singh, Shri	Gholap, Shri S.G.
Dalwai, Shri Hussain	Ghosal, Shri Debi
Damor, Shri Somjibhai	Ghosh, Shri Bimal Kanti
Das, Shri Bipin Pai	Gohil, Shri G.B.
Das, Shri Sudarsan	Gomango, Shri Giridhar
Dennis, Shri N.	Gounder, Shri A.S.
Deora, Shri Murli	Guha, Dr. Phulrenu
Dev, Shri Sontosh Mohan	Gupta, Shri Janak Raj
Dhariwal, Shri Shanti	Gupta, Shrimati Prabhawati
Dhillon, Dr. G.S.	Halder, Prof. M.R.
Digal, Shri Radhakanta	Jagannath Prasad, Shri
Dighe, Shri Sharad	Jain, Shri Dal Chander
Digvijay Sinh, Dr.	Jain, Shri Nihal Singh
Digvijaya Singh, Shri	Jain, Shri Virdhi Chander
Dikshit, Shrimati Sheila	Janarthanam, Shri Kadambur
Dinesh Singh, Shri	Jangde, Shri Khelan Ram
Dube, Shri Bishma Deo	Jatav, Shri Kammodilal
Engti, Shri Biren Singh	Jayamohan, Shri A.

Jeevarathnam, Shri R.

Kumaramangalam, Shri P.R.

Jena, Shri Chintamani

Kunjambu, Shri

Jhikram, Shri M.L.

Kunwar Ram, Shri

Jitendra Prasada, Shri

Kurien, Prof. P.J.

Jintendra Singh, Shri

Lachchi Ram, Shri

Jujhar Singh, Shri

Law, Shri Asutosh

Kabuli, Shri Abdul Rashid

Lowang, Shri Wangpha

Kamat, Shri Gurudas

Mahabir Prasad, Shri

Kamble, Shri Arvind Tulshiram

Mahajan, Shri Y.S.

Kamla Kumari, Kumari

Mahalingam, Shri M.

Kaul, Shrimati Sheila

Mahendra Singh, Shri

Kaushal, Shri Jagan Nath

Makwana, Shri Narsinh

Ken, Shri Lala Ram

Malik, Shri Dharampal Singh

Keyur Bhushan, Shri

Mallick, Shri Lakshman

Khan, Shri Aslam Sher

Malviya, Shri Bapulal

Khan, Shri Mohd. Ayub (Udham Pur)

Mane, Shri Murlidhar

Khattari, Shri Nirmal

Mane, Shri R.S.

Khirhar, Shri R.S.

Manorama Singh, Shrimati

Kidwai, Shrimati Mohsina

Mehra, Shri Haroobhai

Kinder Lal, Shri

Meira Kumar, Shrimati

Kisku, Shri Prithvi Chand

Mishra, Shri G.S.

Krishna Kumar, Shri S.

Mishra, Dr. Prabhat Kumar

Krishna Singh, Shri

Mishra, Shri Ram Nagina

Kshirsagar, Shrimati Kesharbai

Mishra, Shri Shripati

Kuchan, Shri Gangadhar S.

Mishra, Shri Umakant

Kujur, Shri Maurice

Misra, Shri Nityananda

Modi, Shri Vishnu	Panwar, Shri Satyanarayan
Mohandas, Shri K.	Parashar, Prof. Narain Chand
Mohanty, Shri Brajamohan	Paswan, Shri Ram Bhagat
Motilal Singh, Shri	Patel, Shri Ahmed M.
Murmu, Shri Sidha Lal	Patel, Shri C.D.
Murthy, Shri M.V. Chandrashekara	Patel, Shri G.I.
Mushran, Shri Ajay	Patel, Shri Mohanbhai
Naik, Shri G. Devaraya	Patel, Shri U.F.
Naik, Shri Shantaram	Patil, Shri Balasaheb Vikhe
Naikar, Shri D.K.	Patil, Shri H.B.
Namgyal, Shri P.	Patil, Shri Shivraj V.
Natarajan, Shri K.R.	Patil, Shri Uttamrao
Natwar Singh, Shri K.	Patil, Shri Veerendra
Nawal Prabhakar, Shrimati Sunderwati	Patil, Shri Vijay N.
Neekhra, Shri Rameshwar	Patnaik, Shrimati Jayanti
Notam, Shri Arvind	Pattanik, Shri Jagannath
Odeyar, Shri Channaiah	Peruman, Dr. P. Vallal
Oraon, Shrimati Sumati	Pilot, Shri Rajesh
Pakeer Mohamed, Shri E.S.M.	Poojary, Shri Janardhana
Pandey, Shri Damodar	Potdukhe, Shri Shantaram
Pandey, Shri Madan	Prabhu, Shri R.
Pandey, Shri Manoj	Pradhani, Shri K.
Panigrahi, Shri Sriballav	Prakash Chandra, Shri
Panika, Shri Ram Pyare	Puran Chandra, Shri
Panja, Shri A.K.	Purohit, Shri Banwari lal
Pant, Shri K.C.	Purushothaman, Shri Vakkom

Pushpa Devi, Kumari	Rathod, Shri Uttam
Qureshi, Shri Aziz	Raut, Shri Bhola
Raghuraj Singh, Chaudhary	Ravani, Shri Navin
Rai, Shri I. Rama	Rawat, Shri Harish
Rai, Shri Ramdeo	Rawat, Shri Kamla Prasad
Raj Karan Singh, Shri	Rawat, Shri Prabhu Lal
Rajeshwaran, Dr. V.	Sahi, Shrimati Krishna
Rajhans, Dr. G.S.	Sahu, Shri Shiv Prasad
Ram, Shri Ram Ratan	Sait, Shri Azeez
Ram Awadh Prasad, Shri	Sakargaym, Shri Kalicharan
Ram Dhan, Shri	Salahuddin, Shri
Ram Prakash, Ch.	Sankhawar, Shri Ashkaran
Ram Samujhawan, Shri	Satyendra Chandra, Shri
Ram Singh, Shri	Sathe, Shri Vasant
Ramachandran, Shri Mullappally	Sayeed, Shri P.M.
Ramamurthy, Shri K.	Scindia, Shri Madhavrao
Ramulu, Shri H.G.	Sen, Shri Bholanath
Rana Vir Singh, Shri	Sethi, Shri Ananta Prasad
Ranga, Prof. N.G.	Sethi, Shri P.C.
Ranganath, Shri K.H.	Shah, Shri Anoopchand
Rao, Shri J. Chokka	Shahabuddin, Shri Syed
Rao, Shri J. Vengala	Shankar La, Shri
Rao, Shri K.S.	Shankaranand, Shri B.
Rao, Shri V. Krishna	Shanmugam, Shri P.
Rath, Shri Somnath	Shanti Devi, Shrimati
Rathawa, Shri Amarsinh	Sharma, Shri Chiranji Lal

Sharma, Shri Nand Kishore	Sreenivasa Prasad, Shri V.
Sharma, Shri Nawal Kishore	Sukh Ram, Shri
Sharma, Shri Pratap Bhanu	Sukhbuns Kaur, Shrimati
Shastri, Shri Hari Krishna	Sultanpuri, Shri K.D.
Shervani, Shri Saleem I.	Suman, Shri R.P.
Shingda, Shri D.B.	Sundararaj, Shri N.
Shivendra Bahadur Singh, Shri	Sunder Singh, Ch.
Siddiq, Shri Hafiz Mohd.	Surendra Pal Singh, Shri
Sidnal, Shri S.B.	Suryawanshi, Shri Narsing
Singaravadivel, Shri S.	Swami Prasad Singh, Shri
Singh, Shri Bhanu Pratap	Tewary, Prof. K.K.
Singh, Shri Chandra Pratap Narain	Thakkar, Shrimati Usha
Singh, Shri D.G.	Thambi Durai, Shri M.
Singh, Shri K.N.	Thangaraju, Shri S.
Singh, Shri Kamla Prasad	Thomas, Prof. K.V.
Singh, Shri Krishna Pratap	Thorat, Shri Bhausaheb
Singh, Shri Lal Vijay Pratap	Thungon, Shri P.K.
Singh, Shri N. Tombi	Tigga, Shri Simon
Singh, Shri Santosh Kumar	Tomar, Shrimati Usha Rani
Singh Deo, Shri K.P.	Tripathi, Shrimati Chandra
Sinha, Shri Atish Chandra	Tripathi, Dr. Chandra Shekhar
Sodi, Shri Mankuram	Tyagi, Shri Dharamvir Singh
Solanki, Shri Kalyan Singh	Van, Shri Deep Narain
Soren, Shri Harihar	Vanakar, Shri Punam Chand Mithabhai
Soz, Prof. Salfuddin	Venkatesan, Shri P.R.S.
Sparrow, Shri R.S.	Verma, Dr. C.S.

Verma, Shrimati Usha

Members present and voting.

Vijayaraghavan, Shri V.S.

The motion was adopted

Vir Sen, Shri

MR. SPEAKER: We will now take up Clause by Clause consideration of the Bill. If the House agrees, we may take up all the three Clauses together.

Vyas, Shri Girdhari Lal

SEVERAL HON. MEMBERS: Yes, yes.

Wadiyar, Shri Srikanta Datta

Clause 2—Insertion of new Part IX

Wasnik, Shri Mukul

SHRI SYED SHAHABUDDIN (Kishanganj): Sir, I beg to move:

Yadav, Shri Kailash

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Page 2, line 44,—

Yadav, Shri Ram Singh

for "and at a level other than the village level"

Yadav, Shri Shyam Lal

substitute "at the district or the intermediate level respectively" (1)—

Yadav, Shri Subhash

Yadava, Shri Bal Ram Singh

Page 3, line 15,—

Yadava, Shri D.P.

for "at the Scheduled Tribes" substitute—

Yashpal Singh, Shri

"the Scheduled Tribes, the other backward classes and the religious minorities" (2)—

Yazdani, Dr. Golam

Yogesh, Shri Yogeshwar Prasad

Page 3, lines 18 and 19,—

Zainul Basher, Shri

for "the Scheduled Castes in that panchayat area or of the Scheduled Tribes"

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

AYES : 327

substitute "each social group" (3)—

NOES : Nil

Page 3,—

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

for lines 26 to 33, substitute—

"(2) As far as possible fifty per cent.

*The following Members also recorded their votes for Ayes: Shrimati Indubala Sukhadia, Shri Mohd. Ayub Khan (Jhunjhunu) Shri Abrul Hannan Ansari, Shri Sahebrao Patil Dongaonkar, Shri Kamal Nath, Shri Harpal Singh, Shri Ranjit Singh Gaekwad, Shri C.K. Kuppaswamy, Shri Tilakdhari Singh, Shri M.Y. Ghorpade, Shri Kali Prasad Pandey, and Begum Akbar Jahan Abdullah.

of the total number of seats reserved for various social groups under clause (1), shall be reserved for women belonging to the social group concerned." (4)—

lages" (44)—

Page 3, lines 36 and 37,—

Page 2,—

for "and women" substitute—

for lines 12 to 14, substitute—

"the other backward classes and the religious minorities" (5)—

"243A (1) The Legislature of every State shall, by law, constitute Panchayats at the village, intermediate and district levels" (45)—

Page 5,—

Page 3 lines 43,—

after line 7, insert—

for "thirty" substitute "fifty" (6)—

"Provided that the quantum of such grant-in-aid shall not be less than fifty per cent of the State's aggregate revenue resources." (46)—

Page 4 (i) line 2,

Page 5, line 21,—

for "five" substitute "two"

for "Governor" substitute "State Government" (47)—

(ii) lines 4, for 'five' substitute "two" (7)—

Page 4, lines 26 and 27,—

Page 5, line 26 and 27,—

for "including those in relation to the matters"

omit "Governor of the State, who shall cause them to be laid before the" (48)—

substitute "by the State Government in relation to the subjects" (8)—

Page 5, line 30,—

Page 1, lines 14 to 16,—

add at the end—

for "Governor of a State by public notification to be the intermediate level for the purposes of this Part"

"The reports of the Election Commission relating to the elections of the Panchayats shall be submitted to the Legislature of the State." (49)—

substitute "State Government" (42)—

PROF. SAIFUDDIN SOZ (Baramulla):
Sir, I beg to move:

Page 2, line 2,—

Page 1, line 14,—

omit "for the rural areas" (43)—

for "Governor" substitute "Government" (19)—

Page 2,—line 11,—

Page 2, line 19,—

add at the end—

"and may include a group of vil-

for "Governor" substitute "Government"

of a State" (20)—

", the Scheduled Tribes and religious and linguistic minorities"

Page 2,—

(ii) line 19,—

omit lines 15 to 17. (21)—

after "that Panchayat area" insert—

Page 3, line 11 and 12,—

omit "a majority of the total number of the elected members of the Panchayat and by" (22)—

"or of the religious and linguistic minorities of that Panchayat area" (28)—

Page 5, line 21,—

Page 4, line 41,—

for "Governor" substitute "Government of a State" (23)—

for "Governor of a State" substitute—

"State Government" (29)—

Page 5, line 26,—

Page 5, line 9,—

for "Governor of the state who" substitute "Government of a state which" (24)—

for "the Governor" substitute "State Government" (30)—

Page 5 line 30,—

Page 5, line 16,—

add at the end—

for "Governor" substitute "State Government" (31)—

"or the agency like Chief Electoral Officer of a State nominated by the Election Commission" (25)—

Page 5, line 21,—

for "Governor" substitute "State Government" (32)—

SHRI G.M. BANATWALLA (Ponnani):
Sir, I beg to move:

Page 3,—

Page 1, line 14,—

after line 25, insert—

for "the Governor of a State" substitute—

"Provided further that where the population of a religious or linguistic minority in a territorial constituency in the Panchayat area is thirty per cent or more of the total population in that constituency, then the said constituency shall not be treated as reserved save and except for that minority alone." (50)—

"State Government" (26)—

Page 2, line 9,—

for "Governor" substitute "State Government" (27)—

Page 3,—

THE MINISTER OF AGRICULTURE
(SHRI BHAJAN LAL): Sir I beg to move:

(i) line 15,—

Page 1, for line 10, substitute—

for "and the Scheduled Tribes" substitute—

"THE PANCHAYATS AND THE

**NAGARPALIKAS CHAPTER I—THE
PANCHAYATS" (35)—**

"Sixty-fourth, substitute "Sixty-second" (34)—

Page 1, line 12,—

omit "revenue" (36)—

Page 4, line 42—

for "Sixty-fourth", substitute "Sixty-second" (37)—

Page 6, line 13,—

for "Part", substitute "Chapter" (38)—

Page 6, line 23,—

for "Part", substitute "Chapter" (39)—

Page 6, line 31,—

for "Part", substitute "Chapter" (40)—

Page 6, line 35,—

for "Sixty-fourth", substitute "Sixty-second" (41)—

Clause 3—Addition of Eleventh Schedule

SHRI UTTAM RATHOD (Hingoli): Sir, I beg to move:

Page 7,—

for lines 32 and 33, substitute—

"26. Social Welfare.

26A. Welfare of the handicapped and mentally retarded to be restricted to Panchayats at the intermediate level and at the district level." (52)—

Clause 1—Short Title and Commencement

SHRI BHAJAN LAL: Sir, I beg to move:

Page 1, line 3,—

[Translation]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, I would like to speak on all the three amendments at the same time.

MR. SPEAKER: Yes please.

SHRI SYED SHAHABUDDIN: Mr. Speaker, Sir, I would like to propose a few amendments, some of which are of technical nature. The word 'Governor' has been repeatedly used in the Bill which creates a lot of confusion and doubt that by using the instrument of the Governor's powers, the Central Government is going to interfere in the field of the State Governments. Hence when Shri Bhajan Lal has made it clear that the intention of the Government is quite apparent and the Governor will not do anything against the wishes of the State Governments, there should be no harm in making a clear cut provision in this regard and substitute the word 'State Government' for the word 'Governor' as it would remove all the doubts and confusions. That is why I have proposed certain amendments at several places in the Bill.

Some proposed amendments are of technical nature, for example in the clause relating to definition, the word 'village' has been used but in certain cases the Revenue village covers a large area which includes group of villages. So technically this word is correct but it would be better if the words 'group of villages' are used in place of 'one village'. Then comes the main clause which is of utmost importance. 243 A (1) of the Bill reads as follows:—

[English]

"There shall be constituted in every state, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part."

[Sh. Syed Shahabuddin]

[*Translation*]

Thus it is quite clear that after the Bill is adopted, everything would be done in accordance with the provisions of the Constitution. At the same time we think that the State Governments would frame a number of detailed laws in respect of Panchayats. That is the reason for moving Amendment No. 45. Since the Government considers Panchayats to be the part of State administration and it is also true that guidelines have been given in the constitution which will be applicable to them as well, it should be also provided in the Act itself that since the laws are to be made at the state level, Panchayats shall be constituted by the legislature and that also in accordance with the constitution. In my opinion that is the only constitutional lacuna in this Bill which will be removed by the aforesaid provision because this Bill in its present form leaves the responsibility of constitution of panchayats to the State Legislature though it issues orders, gives instructions, but at the same time technically their responsibility has been shifted. Therefore, I said in my introductory speech that the Hon. Prime Minister and the hon. Minister should accept this amendment so as to remove this constitutional snag.

Similarly, I also submitted that in my opinion it should also be clarified that MPS were not allowed to attend all the meetings of Panchayats at all levels. The Central Government should not have provided it in the Bill itself and the responsibility of working out the details should have been left to the State Governments. But now when the Government have touched this issue, it would be better to say that the MP would attend the meeting of the Zila Panchayat and would be demand to be the member of it.

Then I come to a very important issue. I am glad that we propose to provide reservation facilities for the backward classes, and the exploited sections while constituting Panchayats. I had stated in my speech yesterday, that the old power structure was

retained in our villages. The Hon. Prime Minister has instructed that the remnants of power structure of the feudal order and vested interests should be demolished. So no high handedness will be allowed there and the weaker sections, scheduled castes and scheduled tribes, who have been exploited up till now, should be helped and supported through the provision of reservation. I would like to submit that in each and every state, besides scheduled castes and scheduled tribes, there is a weaker section in every community at the village level. They don't get their due rights because they are in a numerical minority and have no strength. They should also be paid attention. I would like to suggest that all those social groups who are in a minority at the Panchayat and village level, should be given the benefit of reservation like the people belonging to S.C. and S.T. I hope the Hon. Prime Minister will consider and accept this suggestion. Another important issue is related to the provision of reservation for women. I had stated earlier in the House that in principle, I am not against it. I fully agree with Shrimati Mohsina Kidwai that God has blessed women with the feeling of love, patience and sacrifice and definitely these feelings are not there in men. So I feel that all the Panchayat being run by women will take better care of the male population. They will serve us like mother, wife or daughter. I know that:

[*English*]

Women do not constitute a community;
 women do not constitute a class;
 women do not constitute a category;
 women do not constitute a social group;
 women and men together form a community;
 women and men together form a class.

They cannot be differentiated from each other.

[*Translator,*]

So when you talk of reservation on the class basis, it should be binding on every class that they will have at least fifty percent of their

representatives from amongst the women. Every social group should have their participation and representation, otherwise it won't work. In Bihar, provision of reservation was made for women and the weaker sections in the Panchayats and in the matter of employment, but it has not benefited women and the whole society. Instead only the persons belonging to the high or castes have got the benefit of it. They want to maintain their hold on the society. But the opinion of the Hon. Prime Minister is different.

[English]

There should be a 50% reservation for women in the quota of every community, every social group which is represented in the Panchayat.

[Translation]

Wherever reference has been made about the scheduled castes and scheduled tribes, other backward classes should be automatically covered thereunder. Hence I would not say anything in that regard. One more important point is there regarding the provision made under section 243 D (1) of the Bill in respect of the term of Panchayats which has been fixed at 5 years. On the basis of my personal experience, I would like to say that the Panchayats have their roots in the soil of this country and in the hearts of the people.

[English]

Panchayat at the village level is the best expression of direct democracy.

[Translation]

So we can hold election there every year. If elections are held after a period of two or three years, the village heads will not become dishonest and misappropriate or embezzle the Panchayat funds, because he will have to face the public at the time of elections just after one year. In case the term of the Panchayat is fixed at five years, he will develop a new sort of power structure in the village with his friends and colleagues. With

the help of the people having their own vested interests, he will be able to dominate the masses and there will be no check on him. No mention has been made about the Gram Sabhas in this Bill. The reply given by Shri Bhajan Lal is also not enough. When you talk of direct democracy and principles, the Gram Sabhas should have been mentioned in the Bill and it should be provided that on all the decisions taken by the Pradhans or the Panchayats, concurrence of the general public will be compulsory. Only then it will be democracy in the real sense of the term. If the term of the Panchayat is fixed at five years, it will have the backing of the ruling party and will have power and money from it. It will vanquish the very ideal of direct democracy. I would like to submit one technical point. It has been mentioned in the subsection B of the section 243 E "To them," but by whom? All these things should also be made clear. This creates a doubt whether this thing will be done direct by the Central Government. So it should be clearly mentioned.

[English]

It shall be entrusted by the State Governments to them.

[Translation]

If it is made clear, there will be no scope for fault finding. In the end, I would like to point out that you have made a mention of the.

[English]

Grants-in-aid to the panchayats from the Consolidated Fund of the State.

[Translation]

It is correct that the Finance Commission will decide the matter, but there is no check on its working as to what it will do, how it will do and to what extent it will be allowed to grant money. On behalf of the weaker sections, and farmers, I would like to submit that States should get at least fifty per cent of their gross revenue receipts and it should be

[Sh. Syed Shahabuddin]

guaranteed through this Constitution Amendment Bill.

[English]

50 of the gross revenues of the State shall devolve as a matter of course and as a matter of State obligation to the rural India.

[Translation]

It cannot be left to the discretion of some particular individual. So I have given a very important suggestion. No one will raise any objection to it that the CA&G should conduct the audit of Panchayats or the Election Commission should keep a watch on the elections to be held at the Panchayat level, but there are two main points in it. These are not our central institutions, but the national institutions. I think that besides these amendments, there are a number of other amendments to be made in our Constitution. The report of the election conducted at a particular level should be presented at that very level. For example the report of the Assembly elections should be presented in the assembly itself and the report of Panchayat should be submitted to the district Collector. The CA&G report should be submitted to the Assembly so that the Government may take remedial measures in pursuance of it. It should not go in the hands of the Governor to be locked in his drawers. It has been our experience in this House that a report which was to be laid before the House, was blocked at some other level for a long time. It should not happen that way and the report should be sent to the Legislative Assembly. At one particular level, this report should be sent to the Parliament and on the other level, it should be sent to the Legislative Assemblies. These are the amendments proposed by me and I would like to request the Hon. Prime Minister to consider and accept all my amendments to this Bill to make it more effective.

[English]

PROF. SAIFUDDIN SOZ (Baramulla):

Mr. Speaker, Sir, I find that both these amendments are progressive measures. But as of now, I will deal only with the first 64th Amendment Bill. I am in total agreement on the question of devolution of powers to the panchayats. Panchayats needed to be rejuvenated. There is no financial viability, thereby no election, and we needed to bring about uniformity. I have seen the Objects and I support all these Objects. But I have moved seven Amendments, five relating to the position of the Governor. I want to say a couple of things about the Governor. Shrimati Mohsina Kidwai referred to Shri Syed Shahabuddin. He has not moved any Amendment so far as the Governor is concerned. Yesterday in my speech I quoted from the Constitution of India and the report of the Sarkaria Commission. I raise a Constitutional question right at this time. I will not press for this Amendment so that it gets rejected but I want to understand the situation. There is a need for the amendment of the Constitution itself on the qualification, position and powers of the Governor. As of now, I feel that Governor is an extra-constitutional authority. President of India can be impeached, Prime Minister can be impeached, the Speaker can be impeached but you cannot impeach the Governor and whatever he does in the State is final.

Sarkaria Commission has shown us a way. We must be conscious because Governor is neither answerable to the State Legislature nor is he answerable to the Parliament of India. Therefore, I raise an objection to giving very wide powers to the Governor. I was not present here when Shri P. Shankaranand said that this was the Constitutional language. I beg to differ from him.

17.00 hrs.

This should not be the Constitutional language. I want to understand from Shri Shankaranand or from anybody else that when we refer to the Government of the State, doesn't Governor get included? Or, when we refer to the Governor, does it mean Council of Minister also? It cannot be the position. I show two provisions in the Bill whereby I want to prove that you need to bind the

Governor to something, to the Council of Ministers. I invite the attention of the House of Page 4, Article 243 G of this Bill where the expression is this:

"43G. (1): The Governor of a State shall, as soon as may be within two years from the commencement of the Constitution (Sixty-fourth Amendment) Act, 1989, and thereafter at the expiration of every fifth year, constitute a Finance Commission....."

So far, the Finance Commission was not there, nor the Finance Commission will be constituted and the Governor has no necessity of consulting the Council of Ministers. There should be some expression saying that he will constitute the Finance Commission in consultation with the Council of Ministers... (*Interruptions*) That is not implied. That is what I want to understand. I am a student of Constitution without reading law in any University. I studied law on the basis of common sense. Sir, through you, I raise another question. On page 5, Article 243H of the Bill, it has been stated and I quote:

"243H (1): The accounts of the Panchayats shall be kept in such form as the Governor may, on the advice of the Comptroller and Auditor-General of India, prescribe...."

I have one objection that when the accounts will be audited by the CAG, why not it is audited by the Accountant General because he is an IA&AS man and he is a man on deputation invariably. This is my opinion. So, it should be done by the Accountant-General. If it is so, it will be a laudable thing and it will be a revolution made at the Panchayat level. But if it is done by the Comptroller and Auditor General, then the Governor will consult him and not the Council of Ministers. So, I want a definite answer to this question. I do not want the Governor to enjoy this power. The Governor should not enjoy the powers, as you have given him, because he

is not answerable to the Parliament whereas all other functionaries are answerable before us. This is one thing.

Secondly, I draw your attention to Page 3, lines 11 and 12.

Small wit great brag

I have corrected the language. You can consider that. I further draw your attention to page 5, line 30. I suggest that when we mention Election Commission, the impression goes that it is a matter of concentration of power. Why don't we add and say: "or its agency in the State such as the Chief Electoral Officer."? This is my suggestion.

SHRI G.M. BANATWALLA (Ponnani): Mr. Speaker, Sir, my amendments provide for the representation of the religious and the linguistic minorities. Sir, ours is a pluralistic society and the secret of the unity, integrity, progress and development of such a society lies in the balanced development of all sections of the society. It is, therefore, that I say that all the various sections must be duly represented in our various organisation and institutions.

Sir, I had already dealt with the subject at length while speaking on the Bill. I will not repeat all those arguments. But let us learn a lesson from the experience that we had in Karnataka. In Karnataka, there are the Panchayati Raj institutions. But the result was that in several districts—district after district—we failed to see the religious and linguistic minorities in these various institutions. That is a great defect and drawback in our democracy. It is, therefore, necessary that we have a very balanced approach and see that all the sections of our society are duly represented. There are several other arguments which I have covered while speaking on the Bill. I need not repeat all of them. I commend my amendments to the House and appeal to one and all to adopt them for the unity and integrity of the country and for the consolidation of the system that we propose to have.

SHRI UTTAM RATHOD (Hingoli): I have moved this amendment looking to the available funds at the disposal of the village Panchayat. You are aware that infirm persons will naturally be joining this institution—the handicapped, the blind and the mentally retarded—not from a single place but from different villages and the funds that will be available at the disposal of the village will be very meagre. They have to look after the development of their own village. So, I have suggested that we take up this particular task at the intermediate level and at the district level.

[Translation]

THE MINISTER OF AGRICULTURE (SHRIBHAJANLAL): Mr. Speaker, Sir, hon. Shri Shahabuddin said that 'State Government' should be substituted for 'Governor'. As I have explained in detail on earlier occasions also, 'Governor' means 'State Government' because the Governor acts on the advice of the State Government. This has been the factual position ever since the Constitution was framed. The Constitution clearly defines the position of the Governor and it is wrong to say that he acts on his own. The hon. Member should not have any doubts about this. Only at one point in the Constitution is the Governor's role given an additional dimension. The Governor can use his discretionary powers to issue a notification for tribal areas for their welfare. This role is limited to this extent only. Beyond that Governor in fact implies State Government. So it is not proper that 'Governor' be substituted by 'State Government'. Today, every notice is issued in the name of the Governor. Governor signs the notice before it is notified.

SHRI SYED SHAHABUDDIN: Mr. Speaker, Sir, kindly allow me one minute. In a recent incident, the Governor appointed new Vice-Chancellors for eight Universities without consulting the State Government. May I know under which provision of the Constitution or the Act this step was taken?

SHRI BHAJAN LAL: Sir, as you know

the Governor appoints a Vice-Chancellor in consultation with the State Government. But he does not do this in his capacity of as Governor. The Governor is also Chancellor of the University and if he feels that the Vice-Chancellor is not performing his functions properly, he has the right to replace him by a new incumbent. So he did not do this in his capacity of a Governor but that of a Chancellor. (Interruptions) Mr. Speaker, Sir, the second point raised was that M.L.As, and M.Ps should be associated with the Panchayat Samitis and Zila Parishads. An M.L.A. should be a member of the Panchayat Samiti and an M.P. should be a member of the Zila Parishad. This is certainly a valid point but as you know we have left this matter for the State Government to decide. If they want to do so they may do it. As far as I understand, the State Governments would definitely want to include an M.P. in the Zila Parishad as the M.P. would be a spokesman for his constituency. Similarly an M.L.A. too can be a member of a Panchayat Samiti. Some state have been given this option so that they do not raise any objections. But your State will certainly adopt it as we have given them the right to do so. It has been said that the Governor has got vast powers and that he is not answerable to anyone. There are certain provisions in our Constitution. He has to act according to those provisions and thus he too becomes answerable.

A reference has also been made to the Finance Commission. I may tell your that Finance Commission may be appointed by the Governor on the advice of the State Government.

It was also said that all classes should have a representation. As far as this point is concerned we have provided reservation for Scheduled Caste and Scheduled Tribes and women. Earlier they were very poorly represented. It is true that the minorities and backward classes should have some representation. They are more or less represented by the normally elected representatives but we have taken this step to overcome the very poor representation of women. It was also said that 'Gram Sabhas' should be men-

tioned. Barring one or two States, all States have been given the right to hold a meeting of the 'Gram Sabha' every six months. No restricting have been imposed on them. Similarly a 50% share in the State revenue has been asked for. As you know the Finance Commission weighs all the pros and cons before determining the share to be given to each Panchayat. That would be the basis of calculating the share of each Panchayat and efforts would be made to give them as much as possible. A mention was made of the C.A.G.'s role as a watchdog. It was asked whether the C.A.G.'s Report has been presented or not. One should think carefully before one speaks. Our Government accepted all conditions including setting up of a committee. When the committee was set up the Opposition did not participate in it because they knew that it was a non-issue. Then they asked for the C.A.G.'s Report to be presented in the House. When that was done they wanted a discussion to be held on it. When the Government agreed to it they resigned their seats. They could have stayed and discussed it and expressed their opinion on it. But they chose to escape from the scene.

I have tried to clear the doubts that have been raised and now I request the House to pass this Bill.

MR. SPEAKER: Shri Shahabuddin, it is your amendment. Do you want to move it or not?

SHRI BHAJAN LAL: I would say that the amendments proposed by him be rejected if he does not withdraw them.

[English]

MR. SPEAKER: I shall now put the Government Amendment Nos. 35 to 41 to Clause 2 moved by Shri Bhajan Lal to the vote of the House.

The question is:

Page 1, for line 10, substitute—

"THE PANCHAYATS AND THE NAGARPALIKAS CHAPTER I—THE PANCHAYATS" (35)—

Page 1, line 12,

omit "revenue" (36)—

Page 4, line 42,

for "Sixty-fourth", substitute "Sixty-second" (37)—

Page 6, line 13,

for "Part", substitute "Chapter" (38)—

Page 6, line 23,

for "Part", substitute "Chapter" (39)—

Page 6, line 31,

for "Part", substitute "Chapter" (40)—

Page 6, line 35,

for "Sixty-fourth", substitute "Sixty-second" (41)—

The motion was adopted

MR. SPEAKER: I shall now put the amendments moved by Shri Syed Shahabuddin to the vote of the House.

Amendments Nos. 1 to 8 and 42 to 49 were put and negatived

MR. SPEAKER: Now, I come to the amendments moved by Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ: Sir, I would like to withdraw them.

MR. SPEAKER: Has the hon. Member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.
Amendments Nos. 19 to 25 were, by leave, withdrawn

MR. SPEAKER: I shall now put the amendments moved by Shri G.M. Banatwalla to the vote of the House.

Amendments Nos. 26 to 32 and 50 were put and negatived

MR. SPEAKER: Now, I come to the amendment to clause 3 moved by Shri Uttam Rathod.

SHRI UTTAM RATHOD: Sir, I would like to withdraw my amendment.

MR. SPEAKER: Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 52 was, by leave, withdrawn

MR. SPEAKER: I shall now put the Government No. 34 to Clause 1 moved by Shri Bhajan Lal to the vote of the House.

The question is:

Page 1, line 3,

for "Sixty-fourth", substitute

"Sixty-second". (34)—

The motion was adopted

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

Let the Lobbies be cleared.

Now, the lobbies have been cleared.

The question is:

"That Clauses 2, as amended, Clause 3 and Clause 1, as amended, stand part of the Bill."

The Lok Sabha divided

Division No. 3

17.25 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Anjiah, Shrimati Manemma

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Bala Goud, Shri T.

Balaraman, Shri L.	Chandrakar, Shri Chandulal
Bali, Shrimati Vyjayanthimala	Chandrasekhar, Shrimati M.
Banatwalla, Shri G.M.	Chandrashekarappa, Shri T.V.
Banerjee, Kumari Mamata	Chandresh Kumari, Shrimati
Basavarajeswari, Shrimati	Charles, Shri A.
Basavaraju, Shri G.S.	Chaturvedi, Shri Naresh Chandra
Basheer, Shri T.	Chaturvedi, Shrimati Vidyavati
Bhagat, Shri H.K.L.	Chaudhary, Shri Manphool Singh
Bhakta, Shri Manoranjan	Chaudhry, Shri Kamal
Bharat Singh, Shri	Chavan, Shri Ashok Shankarao
Bhardwaj, Shri Parasram	Chavan, Shrimati Premalabai
Bhatia, Shri R.L.	Chidambaram, Shri P.
Bhoi, Dr. Krupasindhu	Choudhari, Shrimati Usha
Bhosale, Shri Prataprao B.	Choudhary, Shri Jagannath
Bhoye, Shri R.M.	Choudhary, Shri Nandlal
Bhoye, Shri S.S.	Choudhury, Shri Samar Brahma
Bhumij, Shri Haren	Dabhi, Shri Ajitsinh
Bhumij, Shri Haren	Dalbir Singh, Shri
Bhuria, Shri Dileep Singh	Dalwai, Shri Hussain
Birbal, Shri	Damor, Shri Somjibhai
Birinder Singh, Shri	Das, Shri Bipin Pal
Brahma Dutt, Shri	Das, Shri Sudarsan
Budania, Shri Narendra	Das Munsif, Shri Priya Ranjan
Bula Singh, S.	Dennis, Shri N.

Deora, Shri Murlī	Ghosh, Shri Tarun Kanti
Dev, Shri Sontosh Mohan	Gohil, Shri G.B.
Dhariwal, Shri Shanti	Gomango, Shri Giridhar
Dhillon, Dr. G.S.	Gounder, Shri A.S.
Digal, Shri Radhakanta	Guha, Dr. Phulrenu
Dighe, Shri Sharad	Gupta, Shri Janak Raj
Digvijay Singh, Dr.	Halder, Prof. M.R.
Digvijaya Singh, Shri	Harpal Singh, Shri
Dikshit, Shrimati Sheila	Jadeja, Shri D.P.
Dinesh Singh, Shri	Jagannath Prasad, Shri
Dongaonkar, Shri Sahebrao Patil	Jain, Shri Dal Chander
Dube, Shri Bhishma Deo	Jain, Shri Nihal Singh
Engti, Shri Biren Singh	Jain, Shri Virdhi Chander
Faleiro, Shri Eduardo	Janarthanan, Shri Kadambur
Fernandes, Shri Oscar	Jangde, Shri Khelan Ram
Gadhvi, Shri B.K.	Jatav, Shri Kammodilal
Gaekwad, Shri Ranjit Singh	Jayamohan, Shri A.
Gaikwad, Shri Udaysingrao	Jeevarathinam, Shri R.
Gandhi, Shri Rajiv	Jena, Shri Chintamani
Gavit, Shri Manikrao Hodlya	Jhikram, Shri M.L.
Gehlot, Shri Ashok	Jitendra Prasada, Shri
Gholap, Shri S.G.	Jitendra Singh, Shri
Ghorpade, Shri M.Y.	Jujhar Singh, Shri
Ghosal, Shri Debi	
Ghosh, Shri Bimal Kanti	Kabuli, Shri Abdul Rashid

Kamal Nath, Shri	Lachchhi Ram, Shri
Kamat, Shri Gurudas	Law, Shri Asutosh
Kamble, Shri Arvind Tulshiram	Lowang, Shri Wangpha
Kamal Kumar, Kumari	Mahabir Prasad, Shri
Kaul, Shrimati Sheila	Mahajan, Shri Y.S.
Kaushal, Shri Jagan Nath	Mahalingam, Shri M.
Ken, Shri Lala Ram	Mahendra Singh, Shri
Keyur Bhushan, Shri	Makwana, Shri Narsinh
Khan, Shri Aslam Sher	Malik, Shri Dharampal Singh
Khan, Shri Mohd. Ayub (Jhunjhunu)	Mallick, Shri Lakshman
Khan, Shri Mohd. Ayub (Udhampur)	Malviya, Shri Bapulal
Khatttri, Shri Nirmal	Mane, Shri Muralidhar
Khirhar, Shri R.S.	Mane, Shri R.S.
Kinder Lal, Shri	Manorama Singh, Shrimati
Kishku, Shri Prithvi Chand	Mehta, Shri Haroobhai
Krishna Kumar, Shri S.	Meira Kumar, Shrimati
Krishna Singh, Shri	Mishra, Shri G.S.
Kshirsagar, Shrimati Kesharbai	Mishra, Dr. Prabhat Kumar
Kuchan, Shri Gangadhar S.	Mishra, Shri Ram Nagina
Kujur, Shri Maurice	Mishra, Shri Shripati
Kumaramangalam, Shri P.R.	Mishra, Shri Umakant
Kunjambu, Shri	Misra, Shri Nityananda
Kunwar Ram, Shri	Modi, Shri Vishnu
Kurien, Prof. P.J.	Mohanty, Shri Brajamohan

Motilal Singh, Shri	Parashar, Prof. Narain Chand
Murmu, Shri Sidha Lal	Paswan, Shri Ram Bhagat
Murthy, Shri M.V. Chandrashekara	Patel, Shri Ahmed M.
Mushran, Shri Ajay	Patel, Shri C.D.
Muttemwar, Shri Vilas	Patel, Shri G.I.
Naik, Shri G. Devaraya	Patel, Shri Mohanbhai
Naik, Shri Shantaram	Patel, Shri U.H.
Namgyal, Shri P.	Pathak, Shri Chandra Kishore
Narayanan, Shri K.R.	Patil, Shri Balasaheb Vikhe
Natarajan, Shri K.R.	Patil, Shri H.B.
Natwar Singh, Shri K.	Patil, Shri Shivraj V.
Nawal Prabhakar, Shrimati Sunderwati	Patil, Shri Uttamrao
Neekhra, Shri Rameshwar	Patil, Shri Veerendra
Netam, Shri Arvind	Patil, Shri Vijay N.
Odeyar, Shri Channiah	Patnaik, Shrimati Jayanti
Oraon, Shrimati Sumati	Pattnaik, Shri Jagannath
Pakeer Mohamed, Shri E.S.M.	Peruman, Dr. P. Vallal
Pandey, Shri Damodar	Pilot, Shri Rajesh
Pandey, Shri Madan	Poojary, Shri Janardhana
Pandey, Shri Manoj	Potdukhe, Shri Shantaram
Panika, Shri Ram Pyare	Prabhu, Shri R.
Panja, Shri A.K.	Pradhani, Shri K.
Pant, Shri K.C.	Prakash Chandra, Shri
Panwar, Shri Satyanarayan	Puran Chandra, Shri

Purohit, Shri Banwari Lal	Rao, Shri K.S.
Purushothaman, Shri Vakkom	Rao, Shri V. Krishna
Pushpa Devi, Kumari	Rath, Shri Somnath
Qureshi, Shri Aziz	Rathawa, Shri Amarsingh
Raghuraj Singh, Chauḍhary	Rathod, Shri Uttam
Rai, Shri I. Rama	Raut, Shri Bhola
Rai, Shri Ramdeo	Ravani, Shri Navin
Raj Karan Singh, Shri	Rawat, Shri Harish
Rajeshwaran, Dr. V.	Rawat, Shri Prabhu Lal
Rajhans, Dr. G.S.	Sahi, Shrimati Krishna
Ram, Shri Ram Ratan	Sahu, Shri Shiv Prasad
Ram, Shri Ramswaroop	Sait, Shri Azeez
Ram Awadh Prasad, Shri	Sakargaym, Shri Kalicharan
Ram Dhan, Shri	Salahuddin, Shri
Ram Samujhawan, Shri	Sankhawar, Shri Ashkaran
Ram Singh, Shri	Satyendra Chandra, Shri
Ramachandran, Shri Mullappally	Sathe, Shri Vasant
Ramamurthy, Shri K.	Sayeed, Shri P.M.
Ramulu, Shri H.G.	Scindia, Shri Madhavrao
Rana Vir Singh, Shri	Sen, Shri Bholanath
Ranga, Prof. N.G.	Sethi, Shri Ananta Prasad
Ranganath, Shri K.H.	Sethi, Shri P.C.
Rao, Shri J. Chokka	Shah, Shri Anoopchand
Rao, Shri J. Vengala	Shaktawat, Prof, Nirmala Kumari

Shankarlal, Shri	Sodi, Shri Mankuram
Shanmugam, Shri P.	Solanki, Shri Kalyan Singh
Shanti Devi, Shrimati	Soren, Shri Harihar
Sharma, Shri Chiranji Lal	Soz, Prof. Saifuddin
Sharma, Shri Nand Kishore	Sparrow, Shri R.S.
Sharma, Shri Nawal Kishore	Sreenivasa Prasad, Shri V.
Sharma, Shri Pratap Bhanu	Sukh Ram, Shri
Shastri, Shri Hari Krishna	Sukhadia, Shrimati Indubala
Shervani, Shri Saleem I.	Sukhbuns Kaur, Shrimati
Shingda, Shri D.B.	Sultanpuri, Shri K.D.
Shivendra Bahadur Singh, Shri	Suman, Shri R.P.
Siddiq, Shri Hafiz Mohd.	Sundararaj, Shri N.
Sidnal, Shri S.B.	Sunder Singh, Ch.
Singh, Shri Bhanu Pratap	Surendra Pal Singh, Shri
Singh, Shri Chandra Pratap Narain	Suryawanshi, Shri Narsing
Singh, Shri D.G.	Tewary, Prof. K.K.
Singh, Shri K.N.	Thakkar, Shrimati Usha
Singh, Shri Kamla Prasad	Thakur, Shri C.P.
Singh, Shri Krishna Pratap	Thambi Durai, Shri M.
Singh, Shri Lal Vijay Pratap	Thangaraju, Shri S.
Singh, Shri N. Tombi	Thara Devi, Kumari D.K.
Singh, Shri Santosh Kumar	Thomas, Prof. K.V.
Singh Deo, Shri K.P.	Thorat, Shri Bhausahab
Sinha, Shri Atish Chandra	Thungon, Shri P.K.

Tigga, Shri Simon

Yadav, Shri Subhash

Tilakdhari Singh, Shri

Yadava, Shri Bal Ram Singh

Tomar, Shrimati Usha Rani

Yadava, Shri D.P.

Tripathi, Shrimati Chandra

Yashpal Singh, Shri

Tripathi, Dr. Chandra Shekhar

Yazdani, Dr. Golam

Tyagi, Shri Dharamvir Singh

Yogesh, Shri Yogeshwar Prasad

Van, Shri Deep Narain

Zainul Basher, Shri

Vanakar, Shri Punam Chand Mithabhai

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

Venkatesan, Shri P.R.S.

AYES: 338

Verma, Dr. C.S.

NOES: Nil

Verma, Shrimati Usha

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

Vijayaraghavan, Shri V.S.

Vir Sen, Shri

Vyas, Shri Girdhari Lal

The motion was adopted.

Wadiyar, Shri Srikanta Datta

Clause 2, as amended, Clause 3 and Clause 1, as amended, were added to the Bill.

Wasnik, Shri Mukul

Yadav, Shri Kailash

MR. SPEAKER: The question is:

Yadav, Shri Mahabir Prasad

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

Yadav, Shri R.N.

The motion was adopted

Yadav, Shri Ram Singh

The Enacting Formula and the Title were added to the Bill

Yadav, Shri Shyam Lal

*The following Members also recorded their votes for Ayes:

Shrimati Mohsina Kidwai, Ch. Ram Parkash, Shri Kamla Prasad Rawat, Shri Sriballav Panigrahi, Shrimati Prabhawati Gupta, Shri Swami Prasad Singh, Shri C.K. Kuppaswamy, Shri S. Singaravadivel, Shri K. Mohan Das, Shri Kali Prasad Pandey, Shri Ganga Ram, Prof. Mijinlung Kamson, and Begum Akbar Jahan Abdullah.

**The result of this Division applies to each of the clauses 2, 3 and 1 separately.

THE PRIME MINISTER (SHRI RAJIV GANDHI): I beg to move:

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

MR. SPEAKER: Motion moved:

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

SHRI SYED SHAHABUDDIN: Mr. Speaker, there are situations where there is a conflict between the heart and the head. So, my heart is for the spirit of the Bill and my head is against the letter of the Bill. But there is a beautiful couplet by Iqbal which says:

"Aechha hai dil ke paas rahe, paas-bane akil,
Lekin kabhi-kabhi use tanha bhee chhod do."

SHRI G.M.BANATWALLA: You are about to set up a parliamentary museum and archives also. Is it a fact?

MR. SPEAKER: Yes.

SHRI G.M.BANATWALLA: I think, it will be required by some here.

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

Let the Lobbies be cleared—

Now, the Lobbies have been cleared.

The question is:

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

Division No. 4

17.29 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Abdullah, Begum Akbar Jahan

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Bala Goud, Shri T.

The Lok Sabha divided:

Balaraman, Shri L.	Chandrasekhar, Shrimati M.
Bali, Shrimati Vyjayanthimal	Chandrashekarappa, Shri T.V.
Banatwall, Shri G.M.	Chandresh Kumari, Shrimati
Banerjee, Kumari Mamata	Charles, Shri A.
Basavarajeswari, Shrimati	Chaturvedi, Shri Naresh Chandra
Basavaraju, Shri G.S.	Chaturvedi, Shrimati Vidyavati
Basheer, Shri T.	Chaudhary, Shri Manphool Singh
Bhagat, Shri H.K.L.	Chaudhry, Shri Kamal
Bhakta, Shri Manoranjan	Chavan, Shri Ashok Shankarrao
Bharat Singh, Shri	Chavan, Shrimati Premalabai
Bhardwaj, Shri Parasram	Chidambaram, Shri P.
Bhatia, Shri R.L.	Choudhari, Shrimati Usha
Bhoi, Dr. Krupasindhu	Choudhary, Shri Jagannath
Bhosale, Shri Prataprao B.	Choudhary, Shri Nandlal
Bhoye, Shri R.M.	Choudhury, Shri Samar Brahma
Bhoye, Shri S.S.	Dabhi, Shri Ajitsinh
Bhumij, Shri Haren	Dalbir Singh, Shri
Bhuria, Shri Dileep Singh	Dalwai, Shri Hussain
Birbal, Shri	Damor, Shri Somjibhai
Birinder Singh, Shri	Das, Shri Bipin Pal
Brahma Dutt, Shri	Das, Shri Sudarsan
Budania, Shri Narendra	Das Munsi, Shri Priya Ranjan
Buta Singh, S.	Dennis, Shri N.
Chandrakar, Shri Chandulal	Deora, Shri Murli

Dev. Shri Sontosh Mohan	Ghosh, Shri Bimal Kanti
Dhariwal, Shri Shanti	Ghosh, Shri Tarun Kanti
Dhillon, Dr. G.S.	Gohil, Shri G.B.
Digal, Shri Radhakanta	Gomango, Shri Giridhar
Dighe, Shri Sharad	Gounder, Shri A.S.
Digvijay Sinh, Dr.	Guha, Dr. Phulrenu
Digvijaya Singh, Shri	Gupta, Shri Janak Raj
Dikshit, Shrimati Sheila	Gupta, Shrimati Prabhawat
Dinesh Singh, Shri	Halder, Prof. M.R.
Dongaonkar, Shri Sahebrao Patil	Harpal Singh, Shri
Dube, Shri Bhishma Deo	Jadeja, Shri D.P.
Engti, Shri Biren Singh	Jagannath Prasad, Shri
Faleiro, Shri Eduardo	Jain, Shri Dal Chander
Fernandes, Shri Oscar	Jain, Shri Nihal Singh
Gadhvi, Shri B.K.	Jain, Shri Virdhi Chander
Gaekwad, Shri Ranjit Singh	Janarthanam, Shri Kadambur
Gaikwad, Shri Udaysingrao	Jangde, Shri Khelan Ram
Gandhi, Shri Rajiv	Jatav, Shri Kammodilal
Ganga Ram, Shri	Jayamohan, Shri A.
Gavit, Shri Manikrao Hodlya	Jeevarathinam, Shri R.
Gehlot, Shri Ashok	Jena, Shri Chintamani
Gholap, Shri S.G.	Jitendra Prasada, Shri
Ghorpade, Shri M.Y.	Jitendra Singh, Shri
Ghosal, Shri Debi	Jujhar Singh, Shri

Kamal Nath, Shri	Kuppuswamy, Shri C.K.
Kamat, Shri Gurudas	Kurien, Prof. P.J.
Kamal Kumari, Kumari	Lachchhi Ram, Shri
Kamson, Prof. Meijinlung	Law, Shri Asutosh
Kaul, Shrimati Sheila	Lowang, Shri Wangpha
Kaushal, Shri Jagan Nath	Mahabir Prasad, Shri
Ken, Shri Lala Ram	Mahajan, Shri Y.S.
Keyur Bhushan, Shri	Mahalingam, Shri M.
Khan, Shri Aslam Sher	Mahendra Singh, Shri
Khan, Shri Mohd. Ayub (Jhunjhunu)	Makwana, Shri Narsinh
Khan, Shri Mohd. Ayub (Udhampur)	Malik, Shri Dharampal Singh
Khattari, Shri Nirmal	Mallick, Shri Lakshman
Khirhar, Shri R.S.	Malviya, Shri Bapulal
Kidwai, Shrimati Mohsina	Mane, Shri Murlidhar
Kinder Lal, Shri	Mane, Shri R.S.
Kishku, Shri Prithvi Chand	Manorama Singh, Shrimati
Krishna Kumar, Shri S.	Mehta, Shri Haroobhai
Krishna Singh, Shri	Meira Kumar, Shrimati
Kshirsagar, Shrimati Kesharbai	Mishra, Shri G.S.
Kuchan, Shri Gangadhar S.	Mishra, Dr. Prabhat Kumar
Kujur, Shri Maurice	Mishra, Shri Ram Nagina
Kumaramangalam, Shri P.R.	Mishra, Shri Shripati
Kunjambu, Shri	Mishra, Shri Umakant
Kuppuswamy, Shri C.K.	Misra, Shri Nityananda
Kunwar Ram, Shri	

Modi, Shri Vishnu	Panigrahi, Shri Sriballav
Mohandas, Shri K.	Panika, Shri Ram Pyare
Mohanty, Shri Brajamohan	Panja, Shri A.K.
Motilal Singh, Shri	Pant, Shri K.C.
Murmu, Shri Sidha Lal	Panwar, Shri Satyanarayan
Murthy, Shri M.V. Chandrashekara	Parashar, Prof. Narain Chand
Mushran, Shri Ajay	Paswan, Shri Ram Bhagat
Muttemwar, Shri Vilas	Patel, Shri Ahmed M.
Naik, Shri G. Devaraya	Patel, Shri C.D.
Naik, Shri Sharitaram	Patel, Shri G.I.
Namgyal, Shri P	Patel, Shri Mohanbhai
Narayanan, Shri K.R.	Patel, Shri U.H.
Natarajan, Shri K.R.	Pathak, Shri Chandra Kishore
Natwar Singh, Shri K.	Patil, Shri Balasaheb Vikhe
Nawal Prabhakar, Shrimati Sunderwati	Patil, Shri H.B.
Neekhra, Shri Rameshwar	Patil, Shri Shivraj V.
Netam, Shri Arvind	Patil, Shri Uttamrao
Odeyar, Shri Channaiah	Patil, Shri Veerendra
Oraon, Shrimati Sumati	Patil, Shri Vijay N.
Pakeer Mohamed, Shri E.S.M.	Patnaik, Shrimati Jayanti
Pandey, Shri Damodar	Pattnaik, Shri Jagannath
Pandey, Shri Kali Prasad	Peruman, Dr. P. Vallal
Pandey, Shri Madan	Pilot, Shri Rajesh
Pandey, Shri Manoj	Poojary, Shri Janardhana

Potdukhe, Shri Shantaram	Rana Vir Singh, Shri
Prabhu, Shri R.	Ranga, Prof. N.G.
Pradhani, Shri K.	Ranganath, Shri K.H.
Prakash Chandra, Shri	Rao, Shri J. Chokka
Puran Chandra, Shri	Rao, Shri J. Vengala
Purohit, Shri Banwari Lal	Rao, Shri K.S.
Purushothaman, Shri Vakkom	Rao, Shri V. Krishna
Pushpa Devi, Kumari	Rath, Shri Somnath
Qureshi, Shri Aziz	Rathawa, Shri Amarsingh
Raghuraj Singh, Chaudhary	Rathod, Shri Uttam
Rai, Shri I. Rama	Raut, Shri Bhola
Rai, Shri Ramdeo	Ravani, Shri Navin
Raj Karan Singh, Shri	Rawat, Shri Harish
Rajeshwaran, Dr. V.	Rawat, Shri Kamla Prasad
Rajhans, Dr. G.S.	Sahi, Shrimati Krishna
Ram, Shri Ram Ratan	Sahu, Shri Shiv Prasad
Ram, Shri Ramswaroop	Sait, Shri Azeez
Ram Awadh Prasad, Shri	Sakargaym, Shri Kalicharan
Ram Dhan, Shri	Salahuddin, Shri
Ram Prakash, Ch.	Sankhawar, Shri Ashkaran
Ram Singh, Shri	Satyendra Chandra, Shri
Ramachandran, Shri Mullappally	Sathe, Shri Vasant
Ramamurthy, Shri K.	Sayeed, Shri P.M.
Ramulu, Shri H.G.	Scindia, Shri Madhavrao

Sen, Shri Bholanath	Singh, Shri K.N.
Sethi, Shri Ananta Prasad	Singh, Shri Kamla Prasad
Sethi, Shri P.C.	Singh, Shri Krishna Pratap
Shah, Shri Anoopchand	Singh, Shri Lal Vijay Pratap
Shahabuddin, Shri Syed	Singh, Shri N. Tombi
Shaktawat, Prof, Nirmala Kumari	Singh, Shri Santosh Kumar
Shankarlal, Shri	Singh Deo, Shri K.P.
Shankaranand, Shri B.	Sinha, Shri Atish Chandra
Shanmugam, Shri P.	Solanki, Shri Kalyan Singh
Shanti Devi, Shrimati	Soren, Shri Harihar
Sharma, Shri Chiranji Lal	Soz, Prof. Saifuddin
Sharma, Shri Nand Kishore	Sparrow, Shri R.S.
Sharma, Shri Nawal Kishore	Sreenivasa Prasad, Shri V.
Sharma, Shri Pratap Bhanu	Sukh Ram, Shri
Shastri, Shri Hari Krishna	Sukhadia, Shrimati Indubala
Shervani, Shri Saleem I.	Sukhbuns Kaur, Shrimati
Shingda, Shri D.B.	Sultanpuri, Shri K.D.
Shivendra Bahadur Singh, Shri	Suman, Shri R.P.
Siddiq, Shri Hafiz Mohd.	Sundararaj, Shri N.
Sidnal, Shri S.B.	Surendra Pal Singh, Shri
Singaravadivel, Shri S.	Suryawanshi, Shri Narsing
Singh, Shri Bhanu Pratap	Swami Prasad Singh, Shri
Singh, Shri Chandra Pratap Narain	Tewary, Prof. K.K.
Singh, Shri D.G.	Thakkar, Shrimati Usha

Thakur, Shri C.P.	Wasnik, Shri Mukul
Thambi Durai, Shri M.	Yadav, Shri Kailash
Thangaraju, Shri S.	Yadav, Shri Mahabir Prasad
Thara Devi, Kumari D.K.	Yadav, Shri R.N.
Thomas, Prof. K.V.	Yadav, Shri Ram Singh
Thorat, Shri Bhausaeheb	Yadav, Shri Shyam Lal
Thungon, Shri P.K.	Yadava, Shri Bal Ram Singh
Tigga, Shri Simon	Yadava, Shri D.P.
Tilakdhari Singh, Shri	Yashpal Singh, Shri
Tomar, Shrimati Usha Rani	Yazdani, Dr. Golam
Tripathi, Dr. Chandra Shekhar	Yogesh, Shri Yogeshwar Prasad
Tyagi, Shri Dharamvir Singh	Zainul Basher, Shri

Van. Shri Deep Narain

NOES

Vanakar, Shri Punam Chand Mithabhai

*Rawat, Shri Prabhu Lal

Venkatesan, Shri P.R.S.

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

Verma, Dr. C.S.

Ayes: 343

Verma, Shrimati Usha

Noes: 1

Vijayaraghavan, Shri V.S.

Vir Sen, Shri

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.

Vyas, Shri Girdhari Lal

Wadiyar, Shri Srikanta Datta

The Bill, as amended, is passed by the

**The following Members also recorded their votes for Ayes. Shri Subhash Yadav, Ch. Sunder Singh, Shrimati Chandra Tripathi, Shri Arvind T. Kamble, Shri Prabhu Lal Rawat, Shrimati Manemma Anjiah, Shri M.L. Jhikram, Shri Abdul Rashid Kabuli and Shri Manku Ram Sodi.

*Wrongly voted for Noes.

requisite majority, in accordance with the provisions of Article 368 of the Constitution.

The motion was adopted.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur): Mr. Speaker, Sir, I would like to read out two of my couplets on this occasion.

MR. SPEAKER: Read them out. The second Bill is going to be introduced.

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, the Hon. Prime Minister has taken a historic step by introducing this Bill in the House. On behalf of the entire House, on behalf of my voters and the whole country, I would like to congratulate him and read out 4 lines of my poem. (Interruptions) Why do you make haste. It does not matter whether you keep it on record or keep it in your heart.

MR. SPEAKER: Is there any object if it finds place in both.

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, my submission is:-

"Ab satta seemit nahin rahegi,
dilli aur Bhopal tak,

Lok raj ka rath pahunchega,
gaon, gali, chaupal tak,

Rajiv raj is kranti sudha ko
jan jan tak pahunchae ga,

Nayi diwali, naya dussehra,
mera desh manaye ga."

SHRI UTTAMRAO PATIL (Yavatmal): Mr. Speaker, Sir, my submission is:

"Shabash Rajiv Bhaiya tumne Kamaai
Kiya,

Aise hi aap aage chalo, hum
tumhare saath ha in."

Constitution (Sixty-fifth Amendment) Bill

MR. SPEAKER: Now, we will take up Constitution (Sixty-fifth Amendment) Bill, 1989. Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The Lobbies have already been cleared.

The question:

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

The Lok Sabha divided

Division No. 5

17.32 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Anand Singh, Shri

Anjiah, Shrimati Manemma

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.