

SHRI MOHAN SINGH (Deoria): There is a need for it because the Government has been repeating the process of introducing and then withdrawing the Bill in the House. Rajya Sabha had passed the Bill unanimously whereas in Lok Sabha the Government is seeking permission to withdraw it, and also wants the other House to do the same. I would like the Government to bring a comprehensive Bill in this session only or constitute a committee and introduce the Bill regarding electoral reforms in the next monsoon session, so that their commitment is realised and an effective electoral procedure is established.

SHRI H.R. BHARDWAJ: I would humbly request that the hon. Members may see that the RPA enlisted at item No. 8 in today's list of Business is the same which I had introduced in the House in 1993. I would like to introduce it just now. Members of neither state have raised objection on the Bill. The whole Bill has been consolidated into one and all the provisions have been squarely covered under clause 10.

[English]

There can be no objection when all the provisions of that Bill are incorporated there.

MR. SPEAKER: *The question is:*

"That leave be granted to withdraw a Bill further to amend the Representation of the People Act, 1951, as reported by the Joint Committee."

*The motion was adopted.*

SHRI H.R. BHARDWAJ: I withdraw the Bill.

12.42 hrs.

CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL

**As passed By Rajya Sabha**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): Sir, I beg to move:

"That this House recommends to Rajya Sabha that Rajya Sabha do agree to leave being granted by this House to withdraw the Bill further to amend the Constitution of India, which was passed by Rajya Sabha on the 29th April, 1992 and laid on the Table of this House on the 4th May, 1992."

MR. SPEAKER: Motion moved:

"That this House recommends to Rajya Sabha that Rajya Sabha do agree to leave being granted to this House to withdraw the Bill further to amend the Constitution of India, which was passed by Rajya Sabha on the 29th April, 1992 and laid on the Table of the House on the 4th May, 1992."

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, I rise to oppose the Bill presented in the House by the

Hon. Minister of Law and I urge upon the members of all the parties to understand its implications. The leave had been sought to withdraw the earlier Bill. My colleague Shri Guman Mal Lodhaji and Mohan Singhji has opposed it. They opposed it with a view to make the Government introduce an comprehensive Bill in regard to electoral reforms. Government should not adopt a policy of fix-and-start, or in other words, first introducing the Bill on an ad-hoc basis and then withdrawing it. I feel that the Bill presented last year in 1993 by the then hon. Minister of law was a wrong step and that is why it has been withdrawn and this is a welcome step. But the resolution which has just now been put up in the House to withdraw the Bill was introduced by Shri Dinesh Goswamy. This resolution is in connection with the important recommendations made by Dinesh Goswami Committee. This committee has considered certain points as to what is the total number of Members since de-limitation has not taken place in the country for a long time and whether the existing number of members is enough etc.

They were reminded of that also that at the time of de-limitation of constituencies in 1951, the average number of voters for one General seat of Lok Sabha was 7 lakh, it was more or less than that at different places. In today's Lok Sabha also there are some seats where the average number of voters is one lakh to one and a half lakh. But as in 1991 the average number of voters has gone upto 14 lakh ranging from 18 lakh in some place to 3-4 lakh in other places. That is why it was considered that de-limitation is very important. The Dinesh Goswami Committee had recommended that it should not be delayed. That is why, he had himself presented a Bill in 1990 but

Dinesh Goswami Committee had also recommended that there should be an arrangement for rotation because as there are some seats reserved for people belonging to Scheduled castes and Scheduled tribes, these have been reserved for them for years together irrespective of the fact that the neighbouring constituencies have an increased population belonging to Scheduled Castes and Scheduled Tribes though their number of reserved seats has decreased. Keeping this in view the Committee made a recommendation for an arrangement of rotation. The Government should keep in view that this Bill was not passed during the times of Dinesh Goswami Committee but in fact it was passed unanimously in Rajya Sabha during the times of the present Government when Shri Kumaramangalam who is present here, was the then Law Minister and Bhardwajji had some other portfolio and incidentally the leave is being sought today to withdraw the same Bill. But when it had been sent by Rajya Sabha after being passed, some of our Members developed a doubt that the provision for rotation would affect delimitation and wondered as to what would be the results and it was decided by Shri Kumaramanglam on behalf of the Government and in consultation with all the parties that though normally, when it is passed by Rajya Sabha, then we also pass it in Lok Sabha but this time we can constitute a Select Committee to have a consensus, and we had agreed. The Select Committee was constituted and when this matter was put before it, the unanimous opinion was that there should be delimitation. There was no difference of opinion on that. The difference of opinion was only regarding rotation. The Government was in favour of rotation but the Committee was not, yet the Government got it mentioned in the report that they were in its favour.

[Shri Lal K. Advani]

Our friend Shri Shahabuddin had some objections which he had brought out in the Dissent Note but there was no dispute as regards delimitation and an almost unanimous proposal had been presented before the Government in the form of a report.

Now, what is this Government doing? If the Government is really interested in electoral reforms, then they should get the delimitation proposal passed as it is a very important aspect. After getting it passed, they should then consider Constitution (Amendment) Bill or Representation of the People (Amendment) Bill. But since the provision for rotation has been withdrawn from the unanimous report submitted by the Select Committee, now, it will have to be submitted to them. The Government will present and very likely it will be passed there also because most of the parties agree with it. The delimitation process should not be suspended due to dispute on rotation. No matter what kind of opinion you have about rotation you should start the process of delimitation because even this process takes one to one and a half years. First of all, a Delimitation Commission is constituted and only then the matters progress. That is why it should have been passed. They were going to make a provision for delimitation in the proposed Constitution (Amendment) Bill but it is yet to be presented and a new Article 324 (A) is being added regarding Election Commission which is disputed and different opinions have been expressed even publicly in the Chamber of Mr. Speaker also. When they are not unanimous, then, why do you want to jeopardise this also by adding it to the Bill? If we are really interested in electoral reforms, then, we should be interested in initiating delimitation on which

everybody is unanimous but you are withdrawing it and adding it to some other Bill.

I feel the reasons of withdrawal cited by you are completely unjustified. It is a deliberate attempt to hamper the process of delimitation because the other Bill may not get passed. This Bill is very likely to be passed with unanimity. But they are trying to withdraw a Bill which is going to be passed with unanimity. I urge upon the House to refuse to grant them the leave of the House to withdraw the Bill.

It is my submission that the report submitted by the Select Committee chaired by Shri Kumaramangalam, should be adopted as it is without any further dispute.

SHRI MOHAN SINGH (Deoria). Mr. Speaker, Sir, a Delimitation Commission used to be constituted for delimitation of seats after the census as per the provisions under the Constitution of India. As per the amendments to constitution passed during emergency the delimitation process is to be undertaken after this century comes to an end. But according to the census which took place in 1991, there has been a 3 per cent increase in the number of Scheduled Castes and Tribes etc. and consequently the questions have been raised in this Committee that the number of candidates in Lok Sabha and Rajya Sabha belonging to Scheduled Castes and Scheduled Tribes should be increased in proportion to the increase in their population.

It is their right and the Constitution ensures that. But the Central Government has stopped the delimitation process and the files are gathering dust. In the beginning of this Session itself, Rajya Sabha had taken up this question and

passed a unanimous Bill and then that Bill was presented here. The House should have passed it there and then but due to some apprehensions it had been referred to a Select Committee. It was referred to the Select Committee in May, 1992 with a view that this Bill would be passed in the forthcoming monsoon Session after quelling all the misconceptions and apprehensions. But the Central Government is withdrawing it even after the lapse of two years and in fact it has been linked with some other disputed Bill and which does not enjoy unanimous following in the House. I am of the opinion that this Bill should be passed in its original form and the other disputed Bill should be separately presented.

I, therefore, urge upon the Government that the leave to withdraw this Bill, which is in the interest of the advasis, scheduled castes and scheduled tribes of this country, should not be given.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, so far as delimitation is concerned, there is no dispute and everybody is in favour of it. But the question is, although the Rajya Sabha had adopted the Bill along with the recommendation of the late Dinesh Goswami Committee report, this House felt it necessary to refer it again to a Select Committee which has given its recommendation which, if adopted, will mean another consideration by the Rajya Sabha. It will not become the law with the President's consent, if we make changes in the Bill as adopted by the Rajya Sabha.

SHRI LAL K. ADVANI: Mr. Speaker, Sir, even the Motion that has been

moved by the Minister now, it would have to go to the Rajya Sabha and after the Rajya Sabha has approved of that Motion, then he will have to come once again to this House for withdrawal. So, the process has to be prolonged. It is not a question of process. I am talking of the substance and the content of it.

SHRI SOMNATH CHATTERJEE: I am coming to that. Therefore, today passing that earlier Constitution (Amendment) Bill by this hon. House does not end the process. It has to go to the Rajya Sabha for a proper consideration by the Rajya Sabha and approval of the changes. Then, it can go to the Respected Rashtrapatiji.

Sir, I am on a different point. This Session has been called for a purpose which has been known to all the hon. Members and the dates were also decided by the hon. leaders of different parties including my learned friend. I believe Vajpayeeji was there at that meeting in this very campus and it was known that a new Constitution (Amendment) Bill which has been circulated would be taken up for consideration—passing or not passing, that is a different thing—along with the Amendment to the Representation of the People Act. Now, certain further changes have been made. That Bill also has not been introduced. Therefore, one Constitution (Amendment) Bill will be introduced wherein provisions for delimitation will be contained along with other provisions plus a Representation of the People (Amendment) Bill will be taken up for consideration. These two Bills, at least, were in our hands although they were not formally introduced in the House. What we have solemnly decided that day, at least we should discuss that. That discussion is possible only if this Motion is adopted. Otherwise, we cannot discuss that. Therefore, what was the

[Shri Somnath Chatterjee]

solemn agreement that we arrived on that day?

Sir, this unusual Session has been called in between the regular Budget Session and the Monsoon Session. Therefore, I submit that whatever may be our views about the merits of the Bill as and when they come, certainly we shall make our submission. There is no question of compulsion that anybody should agree or disagree. Therefore, at least let us take it up. Otherwise, the whole basis of calling this Session becomes useless and we would have, then, been indulging in futility, calling a Session of this House to discuss two Bills and then we do not do it on technicalities. I submit that this is not correct.

SHRI SYED SHAHABUDDIN (Kishanganj): I am on a very specific point.

The hon. Minister has said that the Bill that he proposes to introduce contains the same provisions as the Bill which he is seeking to withdraw.

I would like to bring to the notice of the House that the Bill that he is seeking to withdraw now contains an enabling provision in respect of article 327 of the Constitution, with regard to possibility of rotating the constituency for the purpose of reservation. The Bill which the Minister has now circulated does not contain this provision. Therefore, this is a different Bill altogether. This is one thing that has to be taken into consideration that the new Bill which he is seeking to introduce is new amendment Bill and its provisions are not exactly the same as the provisions contained in the previous Bill which is sought to be withdrawn.

SHRI CHANDRA SHEKHAR (Ballia): I did not want to say a word. But I was surprised by the speech made by my hon. friend, Shri Somnathji that because the hon. leaders decided something to have this Special Session in their wisdom, so we are duty bound to discuss something.

I have not been able to understand the wisdom to call this Special Session. What was the urgency? I have every respect for the leaders. But the Constitution should not be so lightly amended. The Constitution (Amendment) Bill should not be taken so non-seriously. I may be excused to use this word. The Government of India shows its own mind by proposing an amendment, withdrawing the amendment and all that. I do not want to go into it. That has been the nature of things in today's parliamentary practice which is alien to anybody who knows something about the parliamentary procedure and dignity of parliamentary functioning. But that apart, that has been the standard to which we have stood to. I have nothing to say but it only shows fickle mindedness of the Government—they can pass the Bill, withdraw the same Bill and introduce another Bill.

About the other thing that is going to be discussed in this House, about which Mr. Somnath Chatterjee is so particular, I think, this is an affront in the name of amendment of the Constitution. The Constitution should not be amended to favour an individual; the Constitution should not be amended to punish an individual. The Constitution should be amended in order to bring about social transformation, certain basic changes in the functioning of the whole system. I am sorry to say this, Mr Speaker. There are other provisions by which the Government could have taken a stand on those

matters and have punished a person, if they think that the person is doing something wrong. But instead of facing the facts in all fairness and boldness, the Government is trying to bring about such a thing which is not ideological, which is not a principled stand. But it is being done because of the indecision of the Government of India, because they are suffering from chronic indecision and they want to use Parliament to bring them out from that catastrophe. Parliament should not be used for this purpose. I see no reason why this House should discuss a Bill which they are proposing. Because it is not before the House, I do not want to make comments about it, but that was unnecessary.

Mr. Speaker, I shall tell you very humbly that you were advised by the Government and by the leaders of the Opposition for a matter...

SHRI SOMNATH CHATTERJEE: I said, a solemn decision has been taken. Even dates were fixed to accommodate the political parties.

MR. SPEAKER: In all fairness to Shri Vajpayee, I should say, he was reluctant.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, I had requested that the Session should not be called so early and if we had waited till the July Session it would not have made much difference but it was said that it had been decided. We were asked to give the dates which suited us. The dates, 7th and 8th June, were suggested. Any decision could have been taken when we were in Vadodra. Though we took part in giving suggestions but we

are not bound by any assurance. This Bill should immediately be withdrawn and should at least be post-poned till the July Session.

SHRI CHANDRA SHEKHAR: The Leader of the Opposition is sitting on the other side. It is not without any reason that I consider him my ideal. He sometimes strikes a point.

13.00 hrs.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I am his follower. If I do not always strike a point then it means that there is something wrong with the ideal.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, I would still like to make a submission to the Government that they should not introduce the proposed Bill to amend the Constitution. This way it would be in keeping with their dignity, the dignity of the Constitution and the dignity of the House.

It is my submission that you should consider what can be done with a unanimous decision and leave everything else. It would preserve the dignity and honour of the House.

[English]

SHRI GUMAN MAL LODHA (Pali): Sir, I rise to oppose the withdrawal of the Constitution (Seventy-first Amendment) Bill. The Constitution (Seventy-first Amendment) Bill, 1990 was introduced on 30th of May 1990 along with another Constitution Amendment Bill. Another Constitution Amendment Bill, on the same day, was introduced in the Rajya Sabha. So, the Seventieth and the Seventy-first Amendment Bills were introduced on the

[Shri Guman Mal Lodha]

same day by the then Law Minister Shri Dinesh Goswami. The dual purpose was that in the amendment which was moved as the Seventieth Constitution Amendment, all the powers regarding the processing or modalities of the Election Commissioner's appointment were mentioned; that the Chief Election Commissioner would be appointed by the President in consultation with the hon. Speaker, the Leader of the Opposition of this House and also the Chairman of the other House. That amendment was moved in the Lok Sabha on the same day. The Seventieth Constitution Amendment Bill was having far-reaching consequences relating to electoral reforms. The Seventy-first Constitution Amendment was for delimitation. As has been explained, it was long awaited. This delimitation process started for consideration on 30th May 1990 by the introduction of a Bill. Then, on 29th of April, 1992, it was passed in the Rajya Sabha. But it was referred to the Select Committee in the Lok Sabha on 7th May, 1992. The Report of the Select Committee also came on the 18th December, 1992. Today, the position is that we are considering the Constitutional Amendment and the Eighty-second Constitutional Amendment Bill was sought to be brought forward on 13th but it could not be done on account of a very bold Ruling given by your honour and that contains the provisions of Article 324A which is most controversial. As the hon. Member has said, this meant to just reduce in size, cut the powers and make the Election Commission, virtually the Chief Election Commissioner, defunct and the Election Commission would become a sort of a tool in the hands of the Government. Therefore, that process is going to be made. I am objecting to the withdrawal on this ground.

MR. SPEAKER: Why withdrawal should not be allowed? That is the moot point.

SHRI GUMA MAL LODHA: I am saying that it should not be withdrawn for the reasons which have already been given by the hon. Member Shri Lal K. Advani Saheb. The reason is that the withdrawal of the Constitution Amendment Bill should not be allowed like the changes in the nature of weather. It is not to be done like that. Today, in the morning they start doing one thing and in the evening they withdraw it and again they introduce something else. It is very unfortunate that Constitutional Amendments are taken so lightly. Even now it is not going to be a comprehensive amendment. The amendment which is sought to be made by the introduction of Article 324A, as has been said, is going to be most controversial. It is not going to be allowed because the entire country is against it. Nobody wants that the free and fair election which is the basic structure of the Constitution, which is the basic feature of the Constitution on which the entire democracy is based should be jeopardised.

MR. SPEAKER: At this stage, no dissertation is required.

SHRI GUMAN MAL LODHA: I submit that the Delimitation Commission's provisions sections 81, 82, 170 and 327—which are contained in this Bill should be passed. They moved that these sections should be passed. Then, where is the question of withdrawal? It would be a great injustice to the people of India to allow them to withdraw it.

[Translation]

SHRI CHANDRA JEET YADAV: (Azamgarh): Mr. Speaker, Sir, some big questions have been added to this small question. I would like to say that Janata Dal is in favour of electoral reforms. Our

experiences so far tell us that it is the need of the hour to go in for electoral reforms and we should have a proper discussion on that and try to have a unanimous decision on that. The only question left is that the Government wants to present a comprehensive Bill after withdrawing this Bill. It is correct that today the House is going to have a special sitting, no matter whether anybody has an objection to that. But eventually everybody would agree to that. This Session has been specifically called to discuss the electoral reforms.

That is why, we are of the opinion that the Bill introducing electoral reforms should be discussed. Several problems have cropped up and many a basic question has been raised such as election process has become a costly affair, and it is not fair, anybody can hold it up or hold elections as per their whims and fancies. The Bill regarding electoral reforms should be presented in the House and properly discussed and if the Government wants to introduce some other Bill after withdrawing this Bill, then, they should be given permission to do so and it should be discussed.

[English]

SHRI H.R. BHARDWAJ: Sir, may I, with your permission, remind the hon. Member Shri Advani that there are two constitutional Bills pending—Constitution (Seventieth Amendment) Bill and Constitution (Seventy-first Amendment) Bill. One relates to the delimitation and the other relates to the Chief Election Commissioner (Conditions of Service) Bill. They were based on the report of the Dinesh Goswami Committee and they were pending. After that the Joint Committee recommended that the rotation should be deleted and that was not pursued. You will find that provision incorporated in the

Bill which I have circulated, the 83rd amendment of the Constitution. That provision for re-adjustment of seats has been provided and delimitation is a commitment which this Government gives to the House. We are going ahead with the delimitation as proposed by the Joint Committee. So there is no going back on this issue. Only thing that the Committee recommended was that the Scheduled Castes and Scheduled Tribes seats will not be rotated. That aspect is neither presented nor was it recommended.

With regard to the Section of the Bill which was on the conditions of service in regard to multi-member Commission, you kindly recall that it is borne out of the proceedings of this House and press statements on that by all leaders suggests that it is unanimously adopted by this hon. House and the other House to have a multi-member Commission. With regard to conditions of service, it was examined and recommended that certain consultation process has to be given in the Bill. We have considered time and again and you will kindly bear me out that we have talked to all major political parties to satisfy as far as possible their viewpoints because this is not a partisan question where you want to make somebody a target. This is totally false. I deny it with all the vehemence at my command. I request most humbly that we are trying to consolidate these two measures in one Bill, that is, 83rd Amendment and you will find the desire of the Government to accommodate that viewpoint. We are still of the opinion that if you can give better formulation, we can still consider it with regard to the process of consultation because it affects all the political parties in the country and not our party alone. Everybody is interested in fair and free elections. So we should not be



[Shri H.R. Bhardwaj]

misunderstood on this issue. And to impute motives like this, I would like to resent because we have absolutely no motive. There is genuine difference of opinion between your thinking and our thinking. We are trying to narrow it down. We have done so. We have been able to do something. Our proposed amendment bears me out of this. Even you can go and talk to the Parliamentary Affairs Minister and others to see whether there is better formulation possible.

My commitment to introduce this Bill, withdraw it then and bring in a comprehensive Bill is not at all motivated by any other considerations. And rule 110 (c) says that it covers all or either of the provisions:

SHRI LAL K. ADVANI: Mr. Speaker, Sir, the hon. Minister of State in the Ministry of Law has spoken in the nature of a dialogue practically and I respond to it accordingly. I would like to know from him as to why is he not allowing this Bill to be passed separately. What he does about the Election Commission matter can be separately considered. But regarding this particular Bill on which there is no difference—we are all unanimous—why is he jeopardising this by combining it with the Election Commission issue? On the Election Commission issue, we can agree to disagree or I can persuade him or he can persuade me. But on this particular matter on which there is unanimity, he is trying to withdraw that Bill. That is what I am objecting to.

SHRI H.R. BHARDWAJ: It is not withdrawing, it is incorporated in a separate Bill.

SHRI LAL K. ADVANI: The question of incorporating will come later. You have

sought permission to recommend to the Rajya Sabha that this Bill be withdrawn. The Bill is being withdrawn at the moment. You are only recommending through a Motion to the Rajya Sabha that they permit you to withdraw so that this also will have to go through these processes. But I would plead one thing with you. We can pass it today itself. This Bill would be passed if you move today that the Report of the Select Committee be taken into consideration. It can be passed today. And at least one thing in the direction of Electoral Reforms you would have achieved unanimously. Why are you denying yourself that opportunity. I would like to understand. Why are you jeopardising this?

SHRI H.R. BHARDWAJ: I can submit with all humility at my command that you have totally misunderstood me, that is, absolutely there is no desire not to discuss any point with you. We are keen to discuss with you. Kindly appreciate that. The whole Opposition—the major political party—should note our desire to discuss with you. We are requesting you to give your viewpoints on what type of consultation you want, what type of allocation or what type of transaction of business you want. After all, these issues...

SHRI LAL K. ADVANI: That is not my point.

SHRI CHANDRA SHEKHAR: Shri Advani made a positive suggestion. Why do you not move that the Report of the Select Committee be taken into consideration? This Bill will be passed today within a hour by both the Houses. It can be one minute more or whatever it is, it depends on the decision of the Speaker. What is the objection? Then you can move another Constitution Amendment Bill. Is there any constitutional bar on it?

SHRI H.R. BHARDWAJ: It is never done—one Constitution Amendment today and another Constitution Amendment tomorrow—in that manner.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, this cannot be a correct logic. One House passed the Bill and you had a Select Committee and you also got the Report of that Select Committee. The House is unanimous but because the Law Minister does not want, so the House should agree that he had the right to override the decision of the Rajya Sabha, the Law Minister has got the wisdom to bypass the decision of the Rajya Sabha, to bypass the decision of the Select Committee and to bypass all that time that was spent by both the Houses. Mr. Speaker, Sir, it cannot be acceptable that the Law Minister should have the last word. The House is ready to cooperate with him on 30 per cent or 50 per cent of the matter, but he does not want to take the cooperation of the House. And he wants that everybody should accept every comma and full stop of what he says. This is not going to happen.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, the Constitution (Seventy-First Amendment) Bill contains two aspects. One is relating to the rotation of seats and the other is relating to the delimitation. The Bill was referred to the Select Committee of this House alone and the Select Committee of this House had recommended only one of the two things, that is, the delimitation, and had given an opinion that the rotation part should be deleted. Since that matter was pending here, I suppose the right course is what has been adopted by the Government now, particularly when another provision was sought to be incorporated in the Constitution. And,

therefore, the right course, in fact, is what has been followed, that is, the provision relating to delimitation as reported by the Select Committee is incorporated in this Bill. When we are arguing that that Bill should be passed, I suppose there is some misplaced opinion as far as that is concerned. The right course is what we are following now.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I would like to draw the attention of the House to something said by the Law Minister. He said that it can not be done that today one constitution (Amendment) Bill is introduced and tomorrow it is some other constitution (Amendment) Bill whereas in this very House such a situation had arisen before also. In the tenth Lok Sabha 72nd and 73rd amendments were presented. Both the amendment were of the same nature one was regarding Panchayati Raj while the other pertained to urban bodies. In this House both the amendments were taken up one after the other. How can you say that we can not introduce one amendment today and the other tomorrow? Which law forbids us from doing that? I feel that Law Minister has developed a habit of saying anything without conviction.

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, I merely want one clarification. This Bill has been passed by Rajya Sabha almost unanimously. We are arguing upon Rajya Sabha to withdraw it. I would like to have a clarification as to whether the Government would be capable enough to retain the Bill concerning amendment to the Constitution which has been moved in case the Rajya Sabha does not accept our request and does not withdraw the Bill?

MR. SPEAKER : This is a legal point. You also can understand it.

[English]

SHRI H.R. BHARADWAJ: These two provisions are now contained in one Bill. I cannot bifurcate them now. I seek the withdrawal of this Bill. As Somnathji has said, both the 71st amendment to the Constitution and the other one are incorporated here. That is why I am seeking the withdrawal. (*Interruptions*)

SHRI RAM KAPSE (Thane): Wherever we have had discussions and are of the same opinion, it should be taken into account immediately. I belong to a constituency which is probably number one in India. Next time when we will go in for elections, probably twenty lakh voters will be voting from that constituency. Should we not expect justice from the House when we have unanimity on this subject? Why withdraw the Bill, come again and have some problems afterwards? Instead of that, you just accept Advaniji's suggestion, move the Bill and get it passed. About the other Bill we can have a discussion. Please do it urgently in the interest of the

constituencies which are having voters numbering 20 lakhs or more. Please do something.

MR. SPEAKER: I think we can put the motion moved by Shri Bharadwaj to the vote of the House.

SOME HON. MEMBERS: We want a division.

MR. SPEAKER: Let the Lobbies be cleared.

Now the Lobbies have been cleared.

The question is:

"That this House recommends to Rajya Sabha that Rajya Sabha do agree to leave being granted by this House to withdraw the Bill further to amend the Constitution of India, which was passed by Rajya Sabha on the 29th April, 1992 and laid on the Table of this House on the 4th May, 1992."

*The Lok Sabha divided:*

Division No. 1]

[13.21 hrs.

### AYES

Acharia, Shri Basudeb

Ahamed, Shri E.

Ahirwar, Shri Anand

Aiyar, Shri Mani Shankar

Ajit Singh, Shri

Akber Pasha, Shri B.

Antulay, Shri A.R.

Asokaraj, Shri A.

Ayub Khan, Shri

Bala, Dr. Asim

Baneerjee, Kumari Mamata

Bansal, Shri Pawan Kumar

Barman, Shri Palas

Barman, Shri Uddhab

Basu, Shri Anil	Damor, Shri Somjibhai
Basu, Shri Chitta	Das, Shri Jitendra Nath
Bhagat, Shri Vishweshwar	Datta, Shri Amal
Bhakta, Shri Manoranjan	Deka, Shri Probin
Bhardwaj, Shri Paras Ram	Delkar, Shri Mohan S.
Bhatia, Shri Raghunandan Lal	Dennis, Shri N.
Bhattacharya, Shrimati Malini	Dev, Shri Sontosh Mohan
Bhoi, Dr, Krupasindhu	Devarajan, Shri B.
Bhonsle, Shri Prataprao B.	Devi, Shrimati Bibhu Kumari
Bhonsle, Shri Tejsingh Rao	Dighe, Shri Sharad
Bhuria, Shri Dileep Singh	Diwan, Shri Pawan
Birbal, Shri	Farook, Shri M.O.H.
Brar, Shri Jagmeet Singh	Fernandes, Shri Oscar
Chakraborty, Prof. Susanta	Gaikwad, Shri Udaysingrao
Chandrakar, Shri Chandulal	Gajapathi, Shri Gopi Nath
Chandrasekhar, Shrimati Maragatham	Galib, Shri Gurcharan Singh
Charles, Shri A.	Gamit, Shri Chhitubhai
Chatterjee, Shri Nirmal Kanti	Gavit, Shri Manikrao Hodlya
Chatterjee, Shri Somnath	Gehlot, Shri Ashok
Chaudhary, Sqn. Ldr. Kamal	Ghangare, Shri Ramchandra Marotrao
Chaudhri, Shri Narain Singh	Ghatowar, Shri Paban Singh
Chaure, Shri Bapu Hari	Giri, Shri Sudhir
Chavan, Shri Prithviraj D.	Giriappa, Shri C.P. Mudala
Chennithala, Shri Ramesh	Gogoi, Shri Tarun
Choudhury, Shri Saifuddin,	Gomango, Shri Giridhar
Choudhary, Shrimati Santosh	Gopalan, Shrimati Suseela
Dadahoor, Shri Gurcharan Singh	Gundewar, Shri Vilasrao Nagnathrao
Dalbir Singh, Shri	Handique, Shri Bijoy Krishna

Harchand Singh, Shri

Kurien, Prof. P.J.

Hooda, Shri Bhupinder Singh

Lakshmanan, Prof. Savithri

Hossain, Shri Syed Masudal

Made Gowda, Shri G.

Imchalemba, Shri

Mahato, Shri Bir Singh

Inder Jit, Shri

Malik, Shri Dharampal Singh

Islam, Shri Nurul

Malik, Shri Purna Chandra

Jaffer Sharief, Shri C.K.

Mallu, Dr. R.

Janarthanan, Shri M.R. Kadambur

Mandal, Shri Sanat Kumar

Jangde, Shri Khelan Ram

Manphool Singh, Shri

Jeevarathinam, Shri R.

Marbaniang, Shri Peter G.

Kahandole, Shri Z.M.

Mathew, Shri Pala K.M.

Kaliaperumal, Shri P.P.

Mathur, Shri Shiv Charan

Kamble, Shri Arvind Tulshiram

Meena, Shri Bheru Lal

Kamson, Prof. M.

Mirdha, Shri Nathu Ram

Kanithi, Dr. Viswanatham

Mirdha, Shri Ram Niwas

Karreddula, Shrimati Kamala Kumari

Misra, Shri Satyagopal

Kaul, Shrimati Sheila

Mollah, Shri Hannan

Kewal Singh, Shri

Mujahid, Shri B.M.

Khan, Shri Aslam Sher

Muralee Dharan, Shri K.

Khan, Shri Ghulam Mohammad

Murmu, Shri Rup Chand

Khan, Shri Sukhendu

Nandi, Shri Yellaiah

Khursheed, Shri Salman

Narayanan, Shri P.G.

Konathala, Shri Rama Krishna

Nawale, Shri Vidura Vithoba

Krishnaswamy, Shri M.

Nayak, Shri Mrutyunjaya

Kshirsagar, Shrimati Kesharbai Sonaji

Nikam, Shri Govindrao

Kudumula, Kumari Padamasree

Nyamagouda, Shri S.B.

Kuli, Shri Balin

Odeyar, Shri Channaiah

Kumaramangalam, Shri Rangarajan

Pal, Dr. Debi Prosad

Kumarasamy, Shri P.

Pal, Shri Rupchand

Kuppuswamy, Shri C.K.

Panigrahi, Shri Sriballav

Patel, Shri Harilal Nanji	Reddaiah Yadav, Shri K.P.
Patel, Shri Praful	Reddy, Shri G. Ganga
Patel, Shri Shraavan Kumar	Reddy, Shri Magunta Subbarama
Patel, Shri Uttambhai Harjibhai	Reddy, Shri R. Surender
Patil, Shri Prakash V.	Rongpi, Dr. Jayanta
Patil, Shrimati Surya Kanta	Roy, Shri Haradhan
Patil, Shri Uttamrao Deorao	Sadul, Shri Dharmanna Mondayya
Patnaik, Shri Sivaji	Sahi, Shrimati Krishna
Pattanayak, Shri Sarat	Sai, Shri A. Prathap
Pawar, Dr. Vasant Niwruitti	Sanipalli, Shri Gangadhara
Peruman, Dr. P. Vallal	Sawant, Shri Sudhir
Pilot, Shri Rajesh	Sayeed, Shri P.M.
Prabhu, Shri R.	Scindia, Shri Madhavrao
Prabhu Zantye, Shri Harish Narayan	Selja, Kumari
Pradhani, Shri K.	Shankaranand, Shri B.
Pramanik, Shri R.R.	Sharma, Shri Chiranji Lal
Prasad, Shri V. Sreenivasa	Shingada, Shri D.B.
Rahi, Shri Ram Lal	Shivappa, Shri K.G.
Rai, Shri Kalp Nath	Shukla, Shri Vidyacharan
Rai, Shri M. Ramanna	Siddhartha, Shrimati D.K. Tharadevi
Rajaravivarma, Shri B,	Sidnal, Shri S.B.
Rajendra Kumar, Shri S.S.R.	Silvera, Dr. C.
Rajeshwaran, Dr. V.	Singh, Shri Arjun
Ram Awadh, Shri	Singh, Shri Motilal
Ramasamy, Shri R. Naidu	Singh, Kumari Pushpa Devi
Rao, Shri J. Chokka	Singla, Shri Sant Ram
Rao, Shri V. Krishna	Sivaraman, Shri S.
Rathva, Shri N.J.	Sodi, Shri Manku Ram
Rawat, Shri Prabhu Lal	Sridharan, Dr. R.
Raychaudhuri, Shri Sudarsan	Sukh Ram, Shri

Sukhbuns Kaur, Shrimati  
 Sultanpuri, Shri Krishan Dutt  
 Sundararaj, Shri N.  
 Tara Singh, Shri  
 Thangka Balu, Shri K.V.  
 Thomas, Shri P.C.  
 Thorat, Shri Sandipan Bhagwan  
 Thungon, Shri P.K.  
 Tindivanam, Shri K. Ramamurthee  
 Topdar, Shri Tarit Baran  
 Tope, Shri Ankushrao Raosaheb  
 Topno, Kumari Frida  
 Tytler, Shri Jagdish  
 Umbrey, Shri Laeta

Umrao Singh, Shri  
 Unnikrishnan, Shri K.P.  
 Upadhyay, Shri Swarup  
 Urs, Shrimati Chandra Prabha  
 Verma, Shri Bhawani Lal  
 Verma, Shri Shiv Sharan  
 Verma, Kumari Vimla  
 Vijayaraghavan, Shri V.S.  
 Wasnik, Shri Mukul  
 Williams, Maj. Genl.  
 Yadav, Shri Surya Narayan  
 Yumnam, Shri Yaima Singh  
 Zainal Abedin, Shri

#### NOES

Advani, Shri Lal K.  
 Agnihotri, Shri Rajendra  
 Baliyan, Shri N.K.  
 Bandaru, Shri Dattatraya  
 Berwa, Shri Ram Narain  
 Bhargava, Shri Girdhari Lal  
 Chandra Shekhar, Shri  
 Chaudhary, Shri Rudarsen  
 Chauhan, Shri Chetan P.S.  
 Chauhan, Shri Shivraj Singh  
 Chhatwal, Shri Sartaj Singh  
 Chhotey Lal, Shri  
 Chikhliia, Shrimati Bhavna  
 Choudhary, Shri Ram Tahal  
 Choudhury, Shri Lokanath

Chowdhary, Shri Pankaj  
 Das, Shri Dwaraka Nath  
 Dharmabhiksham, Shri  
 Dhumal, Prof. Prem  
 Dikshit, Shri Shreesh Chandra  
 Drona, Shri Jagat Vir Singh  
 Fernandes, Shri George  
 Gangwar, Shri Santosh Kumar  
 Gautam, Shrimati Sheela  
 Gowda, Prof. K. Venkatagiri  
 Gupta, Shri Indrajit  
 Jai Prakash, Shri  
 Jatiya, Shri Satynarayan  
 Jeswani, Dr. K.D.  
 Joshi, Shri Dau Dayal

Kalka Das, Shri	Purkayastha, Shri Kabindra
Kamal, Shri Shyam Lal	Raj Narain, Shri
Kanaujia, Dr. G.L.	Raje, Shrimati Vasundhra
Kanodia, Shri Mahesh	Ram Singh, Shri
Kashwan, Shri Ram Singh	Ramdew Ram, Shri
Katheria, Shri Prabhu Dayal	Rana, Shri Kashiram
Katiyar, Shri Vinay	Rao, Shri D. Venkateswara
Khanduri, Maj. Gen. (Retd.) Bhuwan Chandra	Rawal, Dr. Lal Bahadur
Koli, Shri Ganga Ram	Rawat, Prof. Rasa Singh
Kori, Shri Gaya Prasad	Reddy, Shri G. Ganga
Krishendra Kaur (Deepa), Shrimati	Saikia, Shri Muhi Ram
Kusmaria, Shri Ramkrishna	Sakshiji, Dr.
Laljan Basha, Shri S.M.	Scindia, Shrimati Vijayaraje
Lodha, Shri Guman Mal	Shakya, Dr. Mahadeepak Singh
Mahajan, Shrimati Sumitra	Sharma, Shri Jeewan
Mallikarjunaiah, Shri S.	Sharma, Shri Rajendra Kumar
Mandal, Shri Brahmanand	Shastri, Shri Vishwanath
Mehta, Shri Bhubaneshwar Prasad	Shukla, Shri Astbhuja Prasad
Misra, Shri Shyam Bihari	Singh, Shri Brijbhushan Sharan
Mukherjee, Shrimati Geeta	Singh, Shri Rajveer
Munda, Shri Kariya	Singh, Shri Ramashray Prasad
Murthy, Shri M.V.V.S.	Singh, Shri Rampal
Oraon, Shri Lalit	Singh, Shri Satya Deo
Pandeya, Dr. Laxminarayan	Singh, Shri Surya Narayan
Patel, Dr. Amrit Lal Kalidas	Sur, Shri Monoranjan
Patel, Shri Chandresh	Swami, Shri Sureshanand
Patel, Shri Somabhai	Tej Narayan Singh, Shri
Pathak, Shri Harin	Tomar, Dr. Ramesh Chand
Pathak, Shri Surendra Pal	Topiwala, Shrimati Dipika H.
Patidar, Shri Rameshwar	Tripathi, Shri Lakshmi Narain Mani



Ummareddy Venkateswarlu, Prof.

Varma, Shri Sushil Chandra

Vadde, Shri Sobhanadreeswara Rao

Verma, Shri Phool Chand

Vaghela, Shri Shankersinh

Verma, Prof. Rita

Vajpayee, Shri Atal Bihari

Verma, Kumari Vimla

Yadav, Shri Vijoy Kumar

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

**Ayes : 218**

**Noes : 99**

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.*

13.28 hrs.

REPRESENTATION OF THE  
PEOPLE (SECOND AMENDMENT)  
BILL\*\*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951."

[Translation]

SHRI GUMAN MAL LODHA (Pali): I rise to oppose the introduction of this Bill. This Bill seeks to amend People Representation Act, 1950.....

[English]

MR. SPEAKER: Mr. Lodha, just a minute please. If there are many Members who want to oppose the introduction of the Bill, should we continue now or should we take it up after lunch?

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Please see that it is over in ten minutes' time.

\*The following Members also recorded their votes:

**AYES:** S/Shri Jangbir Singh, Jaya Surya Prakash Reddy Kotla, Kartikeshwar Patra, Lakshman Singh, Ram Sharan Yaav, Roshan Lal, Maruti Deoram Shelke, Bapusahib Thite, Pramothesh Mukherjee.

**NOES:** Shri Balraj Passi, Dr. P.R. Gangwar, Sarvashri Anna Joshi, Ram Nagina Mishra, Amar Pal Singh, V. Dhanajay Kumar, Yogananda Saraswati, Kunjee Lal, Arvind Trivedi and Prakash Narain Tripathi.

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