

The Lok Sabha reassembled after lunch at eight minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER : We resume discussion on the Presidential and Vice-Presidential Elections (Amendment) Bill

Shri P. G. Mavalankar to continue his speech.

SHRI P. G. MAVALANKAR (Ahmedabad) : Mr. Deputy-Speaker, Sir, as I was saying yesterday, this Bill is not only unnecessary and meaningless but is, unfortunately, a positive piece of an improper and harmful legislative enactment because, as I was trying to develop my points yesterday, this measure strikes at the root of democratic principles and practices, puts an obstacle in the path of an independent citizen's fundamental right to contest any, even the highest, elective public office.

The Minister, in his opening remarks yesterday, said that he wanted the unseemly spectacle of innumerable frivolous nominations being filed by persons in lighthearted manner and the equally unedifying spectacle of election petitions being filed in much the same lighthearted fashion to be avoided. But what are the facts? How many candidates have contested such elections in the past, even in the recent past? Some frivolity has to be accepted, if frivolity means more candidates contesting the post, as a price for democratic processes and democratic practices which we want to establish in this country.

If a little man with a little pencil can mark a little cross in a little ballot paper, in order that countless such men and women may bring about a great and peaceful transformation and even revolution, surely any one such little man or woman must be free, as of right, to contest the highest office with the minimum of restrictions and impediments. And what is

the guarantee that, if instead of one, you have ten or twenty persons to propose or second, it will necessarily mean that that nomination has become more weighty and serious and that those who propose and second will necessarily vote for the candidate they have proposed or seconded? I refer to the book on Constitution of India by Principal Trimbak Krishna Tope, the present Vice-Chancellor of Bombay University, in which he says :

"The success of Shri GILL was due to a revolt among the members of the Indian National Congress. Shri Reddy was the official candidate of the Congress party. But Prime Minister Shrimati Indira Gandhi and some of her colleagues in the Cabinet canvassed for freedom to vote."

It deserves to be noted that Shrimati Gandhi herself had seconded the candidature of Shri Reddy "

A little later, the same professor says :

"In the presidential elections five of the 16 candidates failed to secure even one vote . "

That means (1) the candidates were not many of innumerable. They were only 16 and even out of that number of 16, 5 did not get even one vote. Thus happened because proposers and seconders did not vote for their candidates. Even the Prime Minister opposed her own initially seconded candidate. Now take the case even with regard to Speaker's or the Prime Minister's post. When the Speaker or the Prime Minister goes back to the poll and wants to get re-elected. Would you say by the same logic that now in this particular election because the office of the Prime Minister or the office of the Speaker is so dignified, therefore, the same restriction like that proposed for the President will be there? You will not say it. If the Prime Minister's office is high and dignified, if the Speaker's office is high and dignified, so also all the democratically elected offices are high and dignified. The President's office must remain open to any candidate.

[Shri P. G. Mavalankar]

I would have liked the Minister to introduce another point instead, rather than making this distinction and restriction. I would like him to come and say, 'Well, it is enough if one MP or M.L.A. puts his signature but it should be verified.' Today, the difficulty is that an MP's or an M.L.A.'s signature is not necessarily verified because there is no specimen signature available. For that, if an amendment could be made, I would have welcomed it.

Then about the deposit of Rs. 2500, much has been said and I do not want to repeat. Only I want to say that, this increase will not make any material difference. To increase it at Rs. 2500 is really some difference, because you have raised the amount of deposit. But will it have any effect on frivolous nominations? The difficulty is that on the other hand, a citizen with integrity but with no or limited means will not be able to come forward, will not be able to contest, will be unable to spotlight his or her views on national issues. Why cannot a citizen be free to advocate his or her point of view through his or her candidature to the highest office and then focus the attention in a very sharp manner of the entire nation?

In conclusion I would suggest to the Minister in all seriousness and in all sincerity let the Government give a second thought to this matter and let him come forward and withdraw this Bill so that we are not compelled to oppose it at this stage. Moreover by first suggesting that election petitions be altogether removed on the question of corrupt practices and then to accept what the Joint Committee has said, instead of 'connivance' which was originally there there may be 'consent', it becomes very difficult to agree in this. 'Consent' is very difficult to prove in a court of law. Therefore, if this measure is passed, I suspect and I fear that we shall have given an impression in the country that we are condoning corruption. Let it not be forgotten that "Caesar's wife must be above suspicion" and, therefore, this position must be clearly stated in the constitutional provisions. Then, again if this

Bill had suggested that instead of 35, the age of the Presidential candidate should be minimum 30 and maximum 60, I would have welcomed it. It does not refer to these matters. It only refers to these frivolous matters.

I would conclude therefore by saying that this House should reject this Bill if the Minister is not ready to reconsider this measure on the points which my friends and I on this side as also some friends on the other side who spoke before me have raised.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) : Although a debate has been sought—I must confess that some of the speeches are quite eloquent—the points made were not unexpected and the debate was on expected lines. In fact, some of the points were discussed and thrashed out fully in the course of the discussion in the Joint Committee. Hon. Members know the form in which the Bill was first introduced in the House. They are also aware of the changed form which is now before the House after the Joint Committee's report. This shows, I think, beyond doubt that the Government has been completely receptive to the feelings of the various shades of opinion as expressed in the Joint Committee and as expressed in this House. In fact, one hon. Member to whom I have great respect, went to this extent as to say that the Bill has been so diluted that no purpose will be served. Now that is the other extreme of the comment on the Bill whereas the extreme comment on the other side on this Bill is that the Bill ought to be withdrawn.

Many things which were said are not really within the purview of the discussion connected with the present Bill. One hon. Member said, "Why do you not bring a proposal for elections to Parliament on the basis of proportional representation?"

Are we amending the Constitution by this Bill? No. We are simply concerned with making a law with reference to the elec-

tions to the posts of the President and the Vice-President and we are only changing the law which is there with reference to the election of the President and the Vice-President and therefore the question of amendment of the Constitution does not arise at this stage at all. If at all, this is to come with reference to the Representation of the People Act; that is where really it ought to come; and even then, there is no question of amendment of the Constitution at all. But the question, as to what method has to be adopted for Lok Sabha or Rajya Sabha might, if not directly, but indirectly, be attempted to be answered when we consider the Representation of the People Act, the Bill with regard to which, has already been introduced; notice for consideration has already been given, and time permitting, it will come up for consideration before this House in this session.

So many things have been said about the President unfortunately, they came from quarters from where I have least expected them to come. They said: The President acts only as a figure-head; what is the use of such President. In other words, in so many words, it was suggested that unless the President acts on his own, the dignity of the President will not be preserved a theory which, in my opinion is completely contrary to the accepted principles of parliamentary democracy which we have accepted as underlying the framework of our Constitution.

The founding fathers thought at that time, and we too think now that the President is not a figure-head in the sense in which that word is used. He acts on the advice of the Council of Ministers. If there is any criticism, I can understand that criticism being directed against the Government on whose advice the President acts. Government is chosen and elected by the people depending upon whether or not the criticism is valid or invalid or is judged as right or wrong by the people of the country. But to bring in the name of the President and to say that since he acts only on the aid and advice of the Council of Ministers he is

a figure-head, is to strike at the very root of the framework of our Constitution which is based on Parliamentary democracy. This is my respectful submission.

There were other criticism made. Somebody asked, why should there be a Vice-President? Why should there not be an independent Chairman elected by the Rajya Sabha itself? These are not germane to the present Bill. What am I to say on this, actually? These are not germane at all to the consideration of the present Bill. If really we were thinking of a complete restructuring of the Constitution, such matters may be germane at that time. I don't think I am called upon to give any elaborate reply on this point, when we are considering this Bill whose scope and ambit is very very narrow.

Having said this, let me come to four or five main points which were raised by hon. Members. Some hon. Members asked: Why this nomination should be supported by proposers and seconders? Why in the case of the President you require at least 10 Members to propose and 10 Members to second? It comes to this that the criticism can as will be against the present method of one seconder and one proposer also. The question is this: Do we follow the established parliamentary norms which are followed in all democratic elections? Then we come to the question whether it is to be 1 or 10, and what should be the method for a candidate to be sponsored by a certain number of persons who are members of the House or Members of Legislative Assemblies of the States. Experience in the past has shown us certain things. I have got figures with me since 1952 upto the last election. Some of them have made up their mind to stand for every election. I have got the names. It is unnecessary for me to mention those names. There have been candidates who have stood but did not receive a single vote. In every election there have been candidates who have received one or two votes. All these contests have been substantially between two candidates as it ought to be.

[Shri H. R. Gokhale]

It is an established fact which is also borne out by experience that those who have got some measure of support in the electoral college alone have some chance of succeeding or getting at least a respectable number of votes in the election. When a person stands for an election, he may win or he may lose. That is a different matter. But, surely, it is expected of a person who aspires to this high office that he should secure at least a certain minimum number of votes. First of all, let it be understood that nobody's right is taken away for standing as a candidate. Much was said about this that we are taking away the ordinary man's right to stand as a candidate for the Presidential or Vice-Presidential election. It is the essence of all rights, including fundamental rights of our Constitution that they are subject to reasonable restrictions; they are not absolute. Therefore, if you include in the law a regulation which has been reasonably regarded as a regulation, that would be regarded as reasonable. But, you cannot say that that right is taken away.

I, for example, do not have the image to be elected President of the country; nor have the image to be elected Vice-President of the country. Surely, I would not be stopped. At least, the minimum that I should expect is that, if not more, at least a reasonable number of people in the House of the People or in the Rajya Sabha or in the Legislative Assemblies should be in a position to sponsor the election of my candidature. Even that, I am not able to do, with what reasonableness, do I hope that I am going to get elected as President or Vice-President of India? This is not to deprive the ordinary people's right. I entirely agree that the common man must have the right to project himself. That common man's right is not taken away. That right is still there. There have been examples in the past that Independents who did not belong to any political party had secured quite a good number of votes because of this fact that in spite of their

being Independents, they had quite a measure of support in the House here and in the State Legislatures.

Therefore, I do not, with respect, agree with the criticism that anything which is so much non-conducive to democratic principles or so much which really takes away the ordinary man's right to contest the election, has been done by this Bill. The logic in the Act has been that the proposer and the seconder has to be there. The same logic operates now, excepting for this that you eliminate a certain thing. I would, on my own behalf and on behalf of those who have agreed with me in the Joint Committee, submit that this is a very salutary principle which has been brought out for the election to this highest office in the country—President and Vice-President.

Then, it was said that election petition has to be filed; why could it not be filed here by anybody? Again what was forgotten was that we have not made any basic change. Even the existing law provides for the election petition being filed by at least ten persons. Therefore, it was recognised from the very outset that the highest office should not be subjected to a litigation which will give rise to an unedifying spectacle where any individual goes to the court and says that this has been done or that has been done; the President has been corrupt; there has been bribery and there has been undue influence. At last quite a good number of people who are entitled to vote have felt that there was a basic reason for taking but the provision for challenge of election to this office from the law. This has been extended to the new Act, I do not know how what was prevailing till now can now be regarded as undemocratic when a minor change is made in the figure. Is it what we are doing is so undemocratic basically and contrary to the tenets of democracy that this should be withdrawn.

It was said why we have changed the word 'connivance' and substituted it by the

word 'consent'. I gave very anxious thought to it not only after I heard this criticism but even when this was discussed in the Joint Committee. I do not think I need quote either the dictionary dealing with the legal phraseology or the ordinary dictionary. The general impression seems to be that it is very difficult to prove consent implying thereby that it is not so difficult to prove connivance. I would respectfully submit that both are as easier or as difficult. Connivance means approval of a certain thing by tacit implication which had been done. Consent may be tacit or implied but also express.

Sometime what has to be proved by implication is far more difficult than what has to be proved by direct evidence. In fact, there have been cases where it has been said that the line between connivance and the consent is so thin that you cannot say that consent is very difficult to prove and connivance is very easy to prove. The only reason, if I may say so, for coming to the word consent, was this. If the hon. Member had looked at the Representation of the People's Act or looked at the debate when the Presidential and Vice-Presidential Act, 1962 was passed, they will find this.

I was trying to find out whether research would yield anything and tell me as to why in the case of the election of the President the word used was 'connivance' and why in the Representation of the People Act for the purpose of proving corrupt practice the word used was 'consent'. There was no indication at all who 'connivance' was used in one case and why 'consent' was used in the other. If at all there is a difference, it is very thin. In fact, if you keep the election in line with accepted normal phraseology which is already employed in existing legislation pertaining to elections, namely, the Representation of the People Act, I would submit that it is more reasonable that we use that word which has come in for interpretation from the time we got independence upto today at the hands of various courts. Everyone concerned knows that the interpretation of the word 'consent'

has comparatively become easy. And in spite of the Supreme Court judgment, to which reference was made, that was, with great respect, a very difficult position, that the President may not have connived, the President may not have consented to anything which could be called a corrupt practice, and yet somebody out of the 4000 or 3500 voters who are there has committed a corrupt practice and the President's election is bad. I could not think of such a thing. That was precisely what happened in the judgment which was referred to. In the judgment, they said there is no indication at all that the President either connived at any corrupt practice or bribery or undue influence was there capable of being proved.

Therefore, the submission which I am making is this. In fact, I have looked up the provisions in many other countries where a similar system of government exists. I have not been able to come across legislation specifically providing for challenge of election of a President. In America there have been cases—of course, they have been few and rare—where matters have been taken to ordinary courts after a Presidential election. But in the last several years, there has been no petition challenging the election of the President in the USA for the simple reason that when you are talking of a high office, you are talking of an electorate which is a special electorate. When the electorate itself consists of the elected representatives of the people, you expect that these things normally do not happen. But our Constitution did provide—I am not saying wrongly or rightly—for this and we are abiding by that position. We are not changing that position now. That position was that the Supreme Court would be the final arbiter as to whether a Presidential election is right or wrong and therefore we could make a law to lay down as to how and under what circumstances the Supreme Court would judge whether a Presidential election is right or wrong. Therefore, a regulatory measure of this type became necessary in 1952, and I would regard it as necessary even today.

[H. R. Gokhale]

Therefore, we are not departing from that. It is not as if we are doing something new or surprising which all over the world they never do, all over the world, they have not done anything of that type, that is what I would emphatically state; except in one or two very small countries, there has been no challenge to the highest office like this. Unfortunately, there are instances also of allegations being made—I would not mention the countries or the names—against the President and the President and the President still sticking on to office. Inquiries have been conducted. There is ample provision in the constitution itself that in certain circumstances there can be impeachment even after an election.

Therefore, there are adequate safeguards in the Constitution and the law where care can be taken of proved misbehaviour or proved misconduct in the case of the President or a dignitary holding that high office.

Reference was made to the deposit amount. There again, an impression is sought to be created which is not correct. I am going to request my hon. friend, Shri Daga, who has tabled two amendments to withdraw them. One of them pertains to deposit. It is not a question of the poor man being prevented from contesting. But the fact remains that in an election like this, a serious person, before he deposits a sum of money, would consider whether he has a reasonable chance of making at least a good show. And it is not a huge amount. People who have been supported by a good number of people in Parliament will not find it difficult at all to deposit Rs. 2,500. It is a curb, but a very ordinary, nominal curb, which will not prevent anybody from contesting the election.

It was said that there were frivolous petitions and there were frivolous candidatures. It was conceded, in fact, by most of the hon. Members who even criticised the Bill that in the past there had been cases like that. If that is the fact, that there had been cases like that,

what is wrong if the law takes care of it and ensures that there are no frivolous people? It is a positive step in the direction of attracting in the field of contest people who are genuine, who have a reasonable chance of getting support, who can project an image before the electorate and before the country and who can therefore be regarded as appropriate for being chosen for the high office of President or Vice-President. The sum and substance of the whole criticism was with regard to this.

There is just one other point which remains, the one raised by Shri D.C. Goswami. It was comparatively a point of procedure and that was with regard to the certified copy to be produced. That is not a new addition in this Bill. It is not a part of this amendment, but it has been there already in the old Act. By producing a certified copy, anywhere in the country, any person can go and stand. The basic prerequisite of candidature for election to the office of President is that he must be qualified to be a Member of the House. He cannot be qualified to be a Member unless he is an elector and unless he is a voter. Everyone knows this. Therefore, before an election to the office of President takes place and a scrutiny of the candidature takes place, evidence must be there that he is an elector somewhere in the country. For that purpose, the requirement of a certified copy of the electoral roll is there. It is not something added in this Bill but it has always been there. Therefore, it is not an innovation. I was a voter in Delhi and I contested my election to Parliament in Bombay. I could not contest there unless I was a voter somewhere in the country. I had to produce a certified copy in Bombay to show that I was a voter in Delhi. I practice, it has not caused any hardship. It is not as if these copies are not supplied to those who want to contest elections. In fact, they are promptly supplied, particularly they will be more promptly supplied when the question of the election to the high office of President or Vice-President comes up.

I would, therefore, sum up and respectfully submit that the Bill has been thrashed out in the Joint Committee, and Government have made concessions, and most of the changes, let me tell the House, were made on my initiative; I moved amendments in the Joint Committee on behalf of Government and they were brought forward because we realised the feelings of the various shades of opinion in the country.

With these remarks, I would commend respectfully that the Bill may be taken into consideration.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill to amend the Presidential and Vice-Presidential Elections Act, 1952, as reported by the Joint Committee, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER : We shall now take up the clauses

The question is :

“That clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4 (Substitution of new sections for section 5).

SHRI M. C. DAGA (PAJI) : I beg to move :

Page 3, omit lines 25 to 38. (3)

उपाध्यक्ष महाशय, 25-26 साल के बाद यह प्रोप्रीसिब लीजिस्लेशन बना है लेकिन उसके बाद भी इसमें यह प्राविजन रख दिया गया है। आप जानते हैं इस देश में जो वार्षिक तथा साधु संत हैं वह अपने पास पैसा नहीं रखते हैं। आज भी हम हिन्दुस्तान में

वार्षिकों का राज चाहते हैं तो फिर इस लोकतन्त्र में हमारे यहां जो वार्षिक और साधु संत होंगे उनके पास 2500 रूपए कहां से आरोंगे ? उनके पास पैसा होता नहीं है। वे अपने पास पैसा रखते नहीं हैं। एक तरफ तो आपने इसमें यह प्राविजन रखा कि बीस आवृत्ती होने चाहिए—दस प्रपोजर और दस सेक्रेटरी और दूसरी तरफ आपने यह प्राविजन भी रख दिया कि 2500 रूपए की भी जरूरत होगी। मैं जानना चाहता हूँ आपके सामने कौन सी दिक्कत आई जिसकी वजह से यह प्राविजन आपको रखना पड़ा ? लोकसभा में चुनाव लड़ने के लिए 500 रुपया जमा कराना पड़ता है और जो शंङ्कलड कास्ट, शंङ्कलड ट्राइब्युनल कंडीडेट हैं उनको 250 रुपया ही जमा कराना पड़ता है। आप तो यह चाहते हैं कि लोकतन्त्र में जो जनता की बात है उसको सुनना चाहिए। मैं यह नहीं कहता ऐसा कानून बनाना चाहिए जिसमें जोकर भी आ जायें लेकिन यह बात भी नहीं होनी चाहिए कि पैसे के अभाव में किसी को चुनाव से ही वंचित कर दिया जायें। अगर किसी के पास साधन नहीं हैं, वह रुपया जमा नहीं करा सकता है तो वह चुनाव से डिबार हो जाता है—यह नहीं होना चाहिए। इस देश में कितने ही साधु महात्मा हैं जो अपने पास दौलत नहीं रखते हैं। मैं नहीं समझता इसको रखने की क्या आवश्यकता थी ? क्या इसके लिए जनता की आवाज उठी थी जिसके कारण आप को यह प्राविजन रखना पड़ा ? यही मेरा प्वाइन्ट है।

SHRI H. R. GOKHALI : I would request Mr. Daga to withdraw the amendment.

I appreciate his point of view. I hope he is not pressing it.

MR. DEPUTY-SPEAKER : What do you want to say, Mr. Daga ?

SHRI M. C. DAGA : I do not press it.

Amendment No. 3 was, by leave withdrawn.

MR. DEPUTY-SPEAKER: The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Clause 7.—(Amendment of section 18).

MR. DEPUTY-SPEAKER: Are you moving your amendment, Mr. Daga ?

SHRI M. C. DAGA: I move :

Page 5, line 42, for "consent" substitute "connivance" (4).

There is a lot of difference between the two. How can one prove the consent? I think it requires to be amended.

MR. DEPUTY-SPEAKER: He has replied to it.

SHRI M. C. DAGA: Has he satisfied you ?

MR. DEPUTY-SPEAKER: There is no question of my being satisfied.

श्री मूलचन्द्र डागा: इस देश में तो भगवान राम के हम बड़े भगत हैं जिन्होंने कहने पर ही सीताजी को घर से निकाल दिया था। हम चाहते हैं किसी भी प्रेसीडेंट को बंदीग रहने दिया जाय। अगर दाग हांगा तो वह धूल जायगा। आप कनाइवेंस का क्यों हटाना चाहते हैं ?

There is a lot of difference between the two words.

How can one prove by direct evidence?

SHRI H. R. GOKHALE: I appreciate the point of view. Therefore, I replied *in extenso*, and I request him not to press it.

SHRI M. C. DAGA: I am not pressing it

Amendment No. 4 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 and 9 were added to the Bill.

Clause 1 (short title)

SHRI H. R. GOKHALE: I move :

Page 1, line 4,—

for "1973" substitute "1974" (2)

MR. DEPUTY-SPEAKER: The question is :

Page 1, line 4,—

for "1973" substitute "1974" (2)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is :

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

The motion was adopted.

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

Enacting Formula

SHRI H. R. GOKHALE: I move :

Page 1, line 1,—

for "Twenty-fourth Year"
substitute—

"Twenty-fifth Year" (1)

MR. DEPUTY-SPEAKER: The question is :

Page 1, line 1,—

for "Twenty-fourth Year"
substitute—

"Twenty-fifth Year" (1)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI H. R. GOKHALE : Sir, I move; **Division No. 1] AYES [14.50 hrs.**

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

श्री रामावतार शास्त्री (पटना): उपाध्यक्ष जी, इस विधेयक का इस पक्ष के किसी भी सदस्य ने समर्थन नहीं किया है। और इतना ही नहीं शासक दल के भी एक सदस्य की भावनाओं का देखते हुए यह पता चलता है कि वह भी इस विधेयक की निरर्थकता का मानते हैं। इसीलिए यह बिल जनतंत्र पर चोट करने वाला है, उसे संकुचित बनाने वाला है और हमारे देश के 56 करोड़ नागरिकों के आत्म सम्मान पर धक्का पहुंचाने वाला है। और इस की निरर्थकता की तो बात कहनी ही नहीं; कोई भी अगर निरर्थक चीज है इस देश में तो यह विधेयक है। इस से राष्ट्रपति और उप-राष्ट्रपति के सम्मान में चार चांद नहीं लगते बल्कि उन के सम्मान पर धक्का लगता है। इसीलिए इन बातों की वजह से मैं इस विधेयक का पुरजोर विरोध करता हूँ और सरकार से निवेदन करता हूँ कि अभी भी इस विधेयक का वापस ले लें। इस की कोई भी जरूरत नहीं है। जनतंत्र को इतना संकुचित न कीजिये क्योंकि आप तो जनतंत्र के सबसे बड़े प्रहरी अपने को कहते हैं। लेकिन धीरे धीरे निम्न स्तर पर उतर रहे हैं और कल कहेंगे कि पार्लियामेंट के सदस्यों को भी हम ही मनोनीत करेंगे। तो यह खतरनाक बात है। इसीलिए मैं अनुरोध करूँगा कि इस विधेयक का विरोध कीजिये, इस की कोई जरूरत नहीं है और हमारे इतने बड़े सम्मान के पद को नीचे न गिराइये जो राष्ट्रपति और उप-राष्ट्रपति का है।

इन शब्दों के साथ मैं फिर इस का पुरजोर विरोध करता हूँ।

MR. DEPUTY-SPEAKER : The question is:

"That the Bill, as amended, be passed"

The Lok Sabha divided :

Austin, Dr. Henry
Azad, Shri Bhagwat Jha
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Besra, Shri S. C.
Chikkalingaiyah, Shri K.
Daga, Shri M. C.
Das, Shri Dharnidhar
Daschowdhury, Shri B. K.
Dhamankar, Shri
Dube, Shri J. P.
Dumada, Shri L. K.
Engti Shri Biren
Ganesh, Shri K. R.
Gautam, Shri C. D
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Hari Kishore Singh, Shri
Hashim, Shri M. M.
Jha, Shri Chiranjib
Kadam, Shri J. G.
Kale, Shri
Kamakshaiyah, Shri D.
Lakshmikanthamma, Shrimati T.
Lambodar Baliyar, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Malhotra, Shri Inder J.
Mishra, Shri Bibhuti
Naik, Shri B. V.
Oraon, Shri Kartik
Palodkar, Shri Manikrao
Pandit, Shri S. T.
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao

Patil, Shri S. B.
 Patil, Shri T. A.
 Peje, Shri S. L.
 Qureshi, Shri Mohd. Shafi
 Raghuramaiah, Shri K.
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Reddi, Shri P. Antony
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Ganga
 Saini, Shri Mulki Raj
 Sanghi, Shri N. K.
 Sarkar, Shri Sakti Kumar
 Shafec, Shri A.
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Siddayya, Shri S. M.
 Sujanarayana, Shri K.
 Tulsiram, Shri V.
 Ukiy, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri

NOES

Bhagirath Bhanwar, Shri
 Bhattacharyya, Shri S. P.
 Deb, Shri Dasaratha
 Dutta, Shri Biren
 Giri, Shri S. B.
 *Gowda, Shri Pampan
 Goswami, Shrimati Bibha Ghosh
 Halder, Shri Krishna Chandra
 Hazra, Shri Monoranjan
 *Mandal, Shri Yamuna Prasad
 Mavalankar, Shri P. G.
 Mohammad Ismail, Shri
 Mukherjee, Shri Saroj

Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Sen, Dr. Ranen
 Shastri, Shri Ramavatar

MR. DEPUTY SPEAKER: The result* of the division is:

Ayes 63; Noes: 17.

The motion was adopted

14.52 hrs.

STATEMENT RE: RAILWAY ACCIDENT AT KATHGARH

MR. DEPUTY-SPEAKER: Before we take up the next item, we shall hear the Deputy Minister for Railways on the tragedy yesterday, resulting from the train collision.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI KURESHI): With a deep sense of sorrow and regret I have to inform the House of a serious accident that took place in the early hours of this morning near Moradabad on the Northern Railway.

At about 00.45 hours, 66 Down Dehradun-Varanasi Janata Express collided with a stationary Goods train at Kathgarh left Bank station on the Moradabad-Bareilly single line section.

As a result of the accident the engines of both the trains derailed. A Third class bogie marshalled next to the engine of the Express train also derailed and telescoped.

Immediately on receipt of the information about the accident the Railway Medical Van accompanied by Railway doctors and other medical staff was rushed to the site of the accident. Senior officers from Moradabad Division as well

*Wrongly voted for NOES.

NOES : Shrimati Roza Deshpande.

**The following Members also recorded their votes :

AYES : Sarvshri Kushok Bakula, Sheo Pujan Shastri, K. Lakkappa, Raja Kulkarni, Yamuna Prasad Mandal and Pampan Gowda;