

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

श्री मृत्युंजय प्रसाद : मैं विधेयक को पेश करता हूँ ।

— — —

16.05 hrs.

CONSTITUTION (AMENDMENT) BILL—
Contd.

(Amendment of Article 164)

MR. DEPUTY-SPEAKER : The House will now take up further consideration of the motion moved by Shri P. K. Deo on the 24th April, 1970 Shri Manubhai Patel was on his legs on the last occasion. He is absent.

SARVASHRI SHIVA CHANDRA JHA
AND E. K. NAYANAR *rose*

MR. DEPUTY-SPEAKER : So many Members from the various parties have spoken. The time allotted for the Bill was 1½ hours and we have already taken 3 hours and 39 minutes. Anyway, I shall allow Sarvashri Jha and Nayanar. After that let this come to a conclusion.

श्री शिवशंकर झा (मधुबनी) : उपाध्यक्ष महोदय, मैं इस विधेयक का विरोध करता हूँ । इस विधेयक में श्री पी० के० देव कहते हैं कि :

"Within a week (i) after the results of each general election or mid term elections in a State are published, or (ii) after the office of Chief Minister otherwise falls vacant, the Governor shall summon the Legislative Assembly of the State to elect the Leader of the House who shall be appointed by him as the Chief Minister."

अब इस में है :

"The 'Leader of the House' means one who commands the absolute majority of the House for which a second or a third ballot may be held, if necessary, until the absolute majority is obtained."

अगर वह बैलट के जरिये चुना जायेगा तो भी डिक्टेटोरियल हुकूमत का रारता साफ हो जायेगा : मैं मानता हूँ कि हो सकता है मार्जिन पर या कम मैजोरिटी से कोई नेता चुन लिया गया, सम्भावना यह भी है कि उसकी सरकार स्टेबल न हो, जैसे कि बिहार में है, इसलिए वह टिक न सके। इससे भ्राम तौर पर यह उम्मीद की जाती है कि प्रान्तीय सरकार में स्टेबिलिटी आयेगी। यह उनकी आशा है और वह चाहते हैं कि प्रान्तीय सरकारों में स्टेबिलिटी आये, लेकिन बैलट के जरिये क्या होगा, यह भी तो सोचिए। मान लीजिये कि एक आदमी बैलट के जरिये लीडर चुन लिया गया और एम्बोल्यूट मैजोरिटी से लीडर हा गया। हमारे यहां जो पार्लियामेंटी डिमोक्रेसी का सिस्टम है उसमें यह होता है कि जो आदमी लीडर चुन लिया गया बैलट के जरिये गवर्नर उसी को चीफ मिनिस्टर बनाता है। लेकिन यदि वह आदमी अपनी पार्टी का लीडर नहीं रहता, यदि पार्टी की लीडरशिप से उसको हटा दिया गया, वह एम० एल० एज० का लीडर नहीं रहता, तब क्या परिस्थिति होगी। इस तरह से एक आदमी के हाथ में इंडिविजुअल डिक्टेटोरशिप की बात आती है, एक आदमी के हाथ में प्रान्त की सारी राजसत्ता देने की बात आती है और पार्लियामेंटी डिमोक्रेसी की जो बुनियादी बात है वह खत्म हो जाती है। अगर एक आदमी को बैलट के जरिये चुन लिया जाता है नेता, लेकिन अगर पार्टी के एम० एल० ए० उसको अपना नेता नहीं मानते हैं, तब क्या होगा ? उसके द्वारा इंडिविजुअलिज्म की डिक्टेटोरशिप की बात चल सकती है।

थोड़ी देर के लिये मैं इस पर विचार कर सकता हूँ कि अगर आपके गवर्नर पीपल के जरिये चुने जायें, जैसे अमरीका में है जहां गवर्नर डाइरेक्ट चुना जाता है, उनके द्वारा स्टेबिलिटी आ सकती है। गवर्नर जनता द्वारा चुने हुए होंगे और गवर्नर मिनिस्टर को सेक्रेट्री

के रूप में बहाल करेंगे, तो इससे कुछ स्टे-बिलिटी का रास्ता खुल सकता है, लेकिन जिस तरह का सोशियो-एकानमिक सेंट अप है यहां पर उसमें इस विधेयक के रास्ते से डिक्टेटरशिप का रास्ता भी साफ होता है और वह बहुत खतरनाक है। जो गवर्नर जनता द्वारा चुने जाते हैं उनके द्वारा नियुक्त लोग ज्यादा मतलब रखते हैं, बनिस्वत उनके जो बैलट के जरिये नेता चुने जाते हैं। इसमें एक विश्वास सर्किल बन जाता है। मैं उदाहरण देता हूं। विलसन की इंग्लैंड में बहुत कम मैजोरिटी थी। फिर भी पूरे पांच साल या चार साल उन्होंने सरकार चलाई। यदि बैलट का प्रासेस लगा दिया जाता तो आप सोच सकते हैं ब्रिटेन की क्या हालत होती, वहां हुकूमत के कार्य की हालत क्या होती। यह विधेयक जो है यह सही रूप में नहीं है। यदि आप चाहते हैं कि डिफेंकशंस का सिलसिला जो शुरू हुआ है और उसकी बजह से स्टेबिलिटी सरकारों में नहीं आ पाती है और यह डिफेंकशंस का जो सिलसिला है इसको खत्म किया जाये तो इसके मुतालिक मैंने एक विधेयक सदन में पेश किया है जिसमें मैंने सुझाव दिया है कि आर्टिकल 329 जो संविधान का है, उसको एमेंड किया जाए और यह वस्था की जाए कि यदि कोई आदमी एक पार्टी से डिफेंकट करके दूसरी पार्टी में चला जाता है तो यदि इलैक्टोरेट चाहे तो उसके पास रिकाल का अधिकार होना चाहिए। रिटर्निंग आफिसर के पास इलैक्टोरेट का छूटवां हिस्सा लिखकर दे सकता है जिसमें वह मांग कर सकता है कि उसका जो रिप्रिजेंटेटिव है, उसको वह रिकाल करता है। मोटे तौर पर यह व्यवस्था मैंने अपने उस विधेयक में रखी है। इस प्रकार का यदि आप कोई संशोधन धारा 329 में करते हैं तब थोड़ी देर के लिए डिफेंकशंस की लहर पर रोक लग सकती है और इससे हो सकता है कि सरकारों में स्टे-बिलिटी भी आए।

लेकिन यहां आप बैलट की बात करते हैं। हम जानते हैं कि बैलट में क्या होता है। यह तो ताश का खेल होता है, इसमें मेरिट की गुंजाइश नहीं है। जरूरी नहीं जो मेहनत करता है उसको उसका फल भी मिल जाए। बैलट का रूप हम कार्लिंग एटेंशन के जो मोशन होते हैं या क्वेश्चंस होते हैं उनमें देख सकते हैं। चीफ मिनिस्टर का चुनाव अगर बैलट से हुआ तो वह जनतन्त्र के आदर्श के मुताबिक नहीं होगा। वह चांस की बात होगी, वह एक प्रकार का गैम्बलिंग होगा। जनतन्त्र को आपको मजबूत करना है, चीफ मिनिस्टर को मजबूत करना है, तो इसके ऊपर आपको सोचना होगा।

इन शब्दों के साथ मैं इसका विरोध करता हूं।

*SHRI E.K. NAYANAR (Palghat) : Mr. Deputy-Speaker, Sir, I am going to speak in my own language—Malayalam. Hon. Members who do not understand this language can bear the simultaneous interpretation for which arrangements already exist.

Sir, the conditions existing in our country today are entirely different from those that existed at the time when the Constitution was framed. If we do not amend the Constitution to suit the existing conditions we will not be able to usher in the socialistic pattern of society which we are aiming at. We have already adopted 23 amendments to the Constitution. But they are not sufficient to achieve our goal. Article 164 says "The Chief Minister shall be appointed by the Governor..." So far the Governors of States have acted on the advice of the Home Minister at the Centre. That is my experience. I can prove it by quoting certain incidents that took place in my State of Kerala.

We have found that Governors have been changed whenever there has been a change in the Council of Ministers. Under our Constitution there is no provision to recall the Governors. The Governor is responsible only to the President according to the Constitution. But if a Governor goes

[Shri E. K. Nayanar]

against the will of the people he cannot be recalled and he cannot be changed. Therefore, it is absolutely necessary that amendments to the Constitution are made to provide for recall of a Governor if he acts against the will of the people. If there is a Governor who does not act under the advice of the Chief Minister and who acts only under the advice of the Home Minister at the Centre, he can only do harm to democracy. If the Constitution is not amended to provide for recall of such a Governor, the people of the concerned State will not be able to do anything to remedy the State of affairs.

After the 1967 elections the position in India has changed. For over 20 years the Congress Party had the majority in all the States and also at the Centre. But in the 1967 elections the Congress did not get a majority in many of the States. During the period of 1967-70 the Central Government has tried to incite the people against the non-Congress Governments in the States and thereby topple those Governments on the plea that there is no law and order in those States.

According to the Constitution, the Governors are expected to act on the advice of the Council of Ministers in States. But there have been many instances, to which references have been made in this House before, where the Governors have not even consulted the Council of Ministers before taking a decision. Criticism on this account has been made in this House about Shri Dharama Vira of Bengal, Shri Gopala Reddy of Uttar Pradesh and Shri Nityanand Kanungo of Bihar. Here I would like to quote what happened in Kerala. In 1965 in Kerala the Congress did not have a majority. After the elections the Marxists had 20 of their elected MLA's in jail and when they were released they had 40 seats in the Assembly. They could have been easily called to form the Government because the other parties in the House were against the Congress. But the then Kerala Governor said that no party could command majority support in the House and on this plea he dissolved the Assembly and consequently President's rule was imposed on the people of Kerala. From 1957 to 1959 the then Council of Ministers in Kerala was not functioning according to the wishes of the

Governor and therefore the Governor dissolved the Assembly in 1959.

I can cite many instances like this. Now the Congress Party has split into two at the Centre. In some States it is divided even into three sections. In Orissa there are three sections of the Congress. It is now clear that the Congress as a single party cannot rule anywhere.

After 1967, seeing the attitude adopted by certain Governors, the then Speaker of Lok Sabha, Shri Sanjiva Reddy called an emergent conference of the Presiding Officers to discuss the action of Governors. A resolution was adopted in that conference to the effect that their action was not correct and that they should not take any decision in such matters without consulting the Council of Ministers. Shri Dhillon, our present Speaker, in Presiding Officers Conference held only a month back advocated that the leader of the House should be elected by the Assembly. From my experience I can say that Shri Vishwanathan, the Governor of Kerala, has not acted according to those resolutions and he has actually acted against the principles of democracy. In 1969, when Shri Achutha Menon became the Chief Minister a question was asked whether he could command a majority support in the Assembly. On 26th June, 1970, the Assembly was dissolved. According to the Constitution such a thing can be done only after consultation with the Council of Ministers. But on this particular occasion I have heard personally some of the Ministers saying that they were not consulted.

Sir, as I said earlier, when Governors act under the advice of the Home Minister at the Centre and not in consultation with the Council of Ministers it is against the principle of democracy. There is no provision in the Constitution for recall of such Governors. In my opinion Governors should be elected. Even though this Bill does not contain such a provision it envisages to enforce the principle that the Council of Ministers should be consulted by the Governor before taking any decision. Therefore the scope of the Bill is limited. I would suggest that a Committee should be set up consisting of representatives of all parties to discuss this matter fully and give its recommendations. If the Government is agreeable

to this, Sir, I support the Bill that is before the House.

MR. DEPUTY-SPEAKER : The hon. Minister.

SHRI P. K. DEO (Kalahandi) : The amendment is there, Sir.

MR. DEPUTY-SPEAKER : I thought you would like to hear the Minister.

SHRI P. K. DEO : Before the Minister speaks, I want to raise a point of order. He has already participated in the consideration stage as a private member. Can he again participate as a Minister ?

MR. DEPUTY-SPEAKER : Now he is speaking on behalf of the Government.

SHRI P. K. DEO : He has expressed a different opinion as the Chairman of the Administrative Reforms Commission.

MR. DEPUTY-SPEAKER : As far as I am concerned, he is the Minister of Law.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K. HANUMANTHAIYA) : My hon. friend need not doubt that I change from time to time merely because I happen to occupy one office or the other. I take a view because it is good on its own merits.

What I have said previously is not at all a departure from the well established constitutional conventions and practices prevailing throughout the world in democratic countries.

SHRI P. K. DEO : Question. Not throughout the world.

SHRI K. HANUMANTHAIYA : You have mentioned the instance of Ireland and of West Germany.

Now, they do not exactly follow the British system of Parliamentary democracy. As you have known, they have got some variations.

It is true, in many places Constitutional conventions have been either followed or distorted. I do not want to enter into any argument with you on the question of the prevailing malpractices. The malpractices,

one should know, emanate from the professions and the practices of unscrupulous political people. Merely because some people take recourse to it, we cannot change the whole Constitution for that purpose. Even if we change, we cannot change their nature.

Sir, this Constitution (Amendment) Bill affects in a substantial manner the very system of Parliamentary Democracy.

If the Bill is accepted, you will have neither a Presidential system of Government nor will you have a Parliamentary system of Government. I do not know how to define the new system that is being brought into existence under this Bill.

I would therefore appeal to the hon. Member to adopt the line taken by the Administrative Reforms Commission. We had recommended that certain guidelines should be laid down for the Governor to act upon. All the suggestions that you have in mind could be brought into practice through such guidelines. Guidelines are more advisable than constitutional amendments. Changing situations may require variation and these guidelines may be formulated to suit the nature and need of the times.

These guidelines, as I have recommended should be formed by the Inter-State Council which should be composed of the representatives of the political parties.

The very composition, the very approach is such that it will make for evolution of guidelines on impartial basis.

Therefore, I am not in a position to help and support my hon. friend Mr. Deo. It is better that he withdraws this Bill and works for the evolution of guidelines which I have suggested.

SHRI K. P. SINGH DEO (Dhenkanal) : My amendment for referring the Bill to a Select Committee consisting of 20 Members has already been placed before the House.

When the Bill was piloted last time, the Minister in charge of Home Affairs, Mr. V. C. Shukla was representing the Government. Now that the Law Minister has come today, I do not know who is really in charge of the Bill on the Government side.

The purpose of my moving this amendment is this. The points raised by my hon.

[Shri K. P. Singh Deo]

friend Shri P. K. Deo are very fundamental in nature.

You know, Sir, after the 1967 General Elections, the role of the Governors came into disrepute and they agitated the minds of Parliament and publicmen throughout the country. We know the role they played in appointing Chief Ministers and such cases came up where no single party had any absolute majority.

Shri Hanumanthaiya himself, when he was chairman of the Administrative Reforms Commission, had in a note, at page 5, on the role of Governors, said :

"The Constitution envisages the people to be sovereign and this sovereign authority is exercised by the elected representatives, who in turn make and unmake Ministers."

The then Home Minister Shri Y. B. Chavan had requested five leading jurists of this country, namely the late Mr. Mehr Chand Mahajan, Mr. Justice Sarkar, Mr. Justice Gajendragadkar, and Mr. Setalvad and Mr. Seervai to go into this question of the role of Governors and the question of recognising Chief Ministers in cases where no absolute majority is obtained by any party.

The first thing which we must consider is the stability of the Government. Stability is a three pronged thing ; political, economic and social stability are a vicious circle. These five eminent jurists have given their considered and learned opinions which I think the Select Committee would be able to go into in greater detail and come to a considered conclusion rather than that we should hurriedly pass this Bill here in this House.

Then, we saw the spectacle of Shri Shiva Chandra Jha opposing his own leader Shri Rabi Ray who had given wholehearted support to this Bill. Therefore, I would request the hon. Law Minister to agree to my amendment so that the Bill may be referred to a Select Committee.

SHRI P. K. DEO : I am extremely grateful to the 18 Members who have participated in this debate. The whole purpose of my Bill is to provide a guideline to the Governor, because of the compulsion of circumstances that have lately developed after the 1967 elections.

If you go through the various speeches that have been made during the consideration stage, you will find that except six Members out of 18, the others have all given their wholehearted support to this Bill. Even among those six who have opposed this Bill, their opposition has only been a lukewarm opposition. Of these six, Shri Shiva Chandra Jha is one. As has been pointed out by the previous speaker, his leader Shri Rabi Ray had given wholehearted support to this Bill though Shri Shive Chandra Jha had expressed a note of dissent. The DMK was also blowing hot and cold, for, while Shri S. Kandappan has opposed the Bill, Shri V. Krishnamoorthi has given his wholehearted support.

There was a symposium on 2nd May, 1970 under the auspices of the Indian Parliamentary Association. There also you will find that the consensus was that some sort of guideline should be given to the Governor. There are no two opinions on this question at all. So, the question is what sort of guideline should be given. The Government of India Act, 1935, provided a guideline, called the Instrument of Instructions. Probably, the Law Minister has not forgotten the legacy of the colonial rule, and he thinks that executive guideline will serve the purpose. Since the Governors are not elected and cannot be impeached but hold office at the pleasure of the President and the President for all purposes is guided by the Home Ministry, we cannot expect any independence of judgment on the part of Governors. Recent events have also corroborated this fact. As I have pointed out, in some progressive countries of the world they have provided such a system, as envisaged in the Bill.

In this connection, I would like to quote a passage from a very interesting article on the role of Governors by A. K. Sen published in *Svarajya*. He says :

"Whenever *vox populi* collide with the interest of the ruling party in the Centre, some bizarre perversions of democratic practice have resulted".

I do not like to waste the time of the House as we are all acquainted with the facts and circumstances which brought Shri Sukhadia in to power, even though he was rejected at the polls. Shri Hanumanthaiya speaks

of democracy. Had it been Britain, what would have happened? In 1929, when Mr. Baldwin was returned as the leader of the largest single party in the House of Commons, he refused to form the Government when called upon by the Queen because he did not have the absolute majority. As a result, Mr. MacDonald, Leader of the Opposition, was called by the Queen to form the Government.

The Governor functioning as the constitutional head of a State has to give concrete shape to the will of the electorate. But we find even minority governments being installed in the country. Governors play partisan roles. We know how Shri A. P. Jain, when he was Governor of Kerala, took active part in the struggle for succession at the Centre after the death of Shri Lal Bahadur Shastri. We know how while remaining Governor, of Bihar, Shri Kanungo applied for a Rajya Sabha ticket to the PCC of Orissa.

All these things confirm that because of their past affiliations, you cannot expect Governors to hold independent views. Nor is it possible for them to do so. So there are no two opinions as to the need for a guideline. What sort of guideline should it be? It should be a statutory and constitutional one. In the Constitution, there is no such provision now. The matter has been entirely left to the discretion of Governors in calling a particular person to form the Ministry. My suggestion is that the Constitution has to be amended to include this guideline. Hence my Bill.

My Bill has received unanimous support outside the House and inside it. Taking all things into account, I again appeal to Government to accept it. My whole purpose is that when the Assembly has got the power to vote out the Government, it should have the power to vote in the Government also. The House should elect its leader and it should be obligatory on the part of the Governor to call upon him and nobody else

to form the Government. That will put an end to all malpractices.

I do not accept the proposal that I should withdraw the Bill. I accept the amendment of my hon friend, Shri K. P. Singh Deo, for reference to a Select Committee

MR. DEPUTY SPEAKER: There are two amendments to the motion for consideration, one moved by Shri Imam and the other by Shri K. P. Singh Deo.

I put Amendment No. 1 to the House.

Amendment No. 1 was put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 20 members, namely:

Shri P. K. Deo
Shri Kanwer Lal Gupta
Dr Karni Singh
Shri Samarendra Kundu
Shri D. K. Kunte
H. H. Maharaja Mankya Bhadur
of Tripura
Shri Muzasoli Maran
Shri Mohammad Ismail
Shri H. N. Mukerjee
Shri N. P. C. Naidu
Shri P. K. Vasudevan Nair
Shri K. Ananda Nambiar
Shrimati Nirlep Kaur
Cnauthuri Randhir Singh
Shri Rabi Ray
Shri B. Shankaranand
Shri Vidya Charan Shukla
Shri Devendra Vijal Singh
Shri S. Supakar; and
Shri K. P. Singh Deo

with instructions to report by the last day of the first week of the next session" (3)

The Lok Sabha divided

Division No. 5]

AYES

[16.40 hrs.

Abraham, Shri K. M.
Bisua, Shri Kolai
Chakrapani, Shri C. K.
Chauhan, Shri Bharat Singh
Daschowdhury, Shri B. K.
Dass, Shri C.

Deo, Shri K. P. Singh
Deo, Shri P. K.
Gopalan, Shri P.
Gopalan, Shrimati Suseela
Himatsingka, Shri
Jena, Shri D. D.

Jha, Shri Shiva Chandra
 Joshi, Shri Jagannath Rao
 Kripalani, Shri J. B.
 Kripalani, Shrimati Sucheta
 Madhok, Shri Bal Raj
 Majhi, Shri Mahendra
 Menon, Shri Vishwanatha
 Modak, Shri B. K.
 Mody, Shri Piloo
 Mohammad Ismail, Shri
 Molahu Prasad, Shri
 Mrityunjay Prasad, Shri
 Mulla, Shri A. N.
 Naik, Shri G. C.
 Nambiar, Shri
 Nayanar, Shri E. K.
 Onkar Singh, Shri

Parmar, Shri Bhaljibhai
 Rajasekharan, Shri
 Raju, Shri D. B.
 Sanji Rupji, Shri
 Sezhiyan, Shri
 Shah, Shrimati Jayaben
 Sharma, Shri Narayan Swaroop
 Sheo Narain, Shri
 Singh, Shri D. N.
 Singh, Shri J. B.
 Sondhi, Shri M. L.
 Supakar, Shri Sradhakar
 Suraj Bhan, Shri
 Venkatasubbaiah, Shri P.
 Vidyarthi, Shri Ram Swaroop
 Vishwanathan, Shri G.

NOES

Aga, Shri Ahmed
 Ahmed, Shri F. A.
 Amin, Shri Ramchandra J.
 Aza, Shri Bhagwat Jha
 Babuath Singh, Shri
 Besra, Shri S. C.
 Bhattacharyya, Shri C. K.
 Brahmanandji, Shri Swami
 Chavan, Shri Y. B.
 Dhuleshwar Meena, Shri
 Dixit, Shri G. C.
 Gavit, Shri Tukaram
 Ghosh, Shri P. K.
 Hanumanthaiya, Shri K.
 Heerji Bhai, Shri
 Jadhav, Shri V. N.
 Kapoor, Shri Lakhna Lal
 Karan Singh, Dr.
 Kinder Lal, Shri
 Krishna, Shri M. R.
 Krishna, Shri S. M.
 Kureel, Shri B. N.
 Lutfal Haque, Shri
 Maharaj Singh, Shri
 Mandal, Shri Yamuna, Prasad
 Marandi, Shri
 Master, Shri Bholu Nath
 Mishra, Shri Bibbuti
 Pahadia, Shri Jagannath
 Palchoudhuri, Shrimati Ila
 Parmar, Shri D. R.

Parthasarathy, Shri P.
 Patil, Shri S. D.
 Pradhani, Shri K.
 Radhabai, Shrimati B.
 Raghu Ramaiah, Shri
 Ram. Shri T.
 Rao, Shri Jagannath
 Rao, Shri K. Narayana
 Rao, Shri J. Kamapathi
 Rao, Dr. V. K. R. V.
 Reddi, Shri G. S.
 Roy, Shri Bishwanath
 Sen, Shri Dwaipayan
 Shambhu Nath, Shri
 Shastri, Shri Ramanand
 Siddheshwar Prasad, Shri
 Sonar, Dr. A. G.
 Swaran Singh, Shri
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Venkatswamy, Shri G.
 Verma, Shri Prem Chand
 Yadab, Shri N. P.

MR. DEPUTY-SPEAKER : The result*
 of the Division is :

Ayes : 45, Noes : 54.

The motion was negatived.

MR. DEPUTY-SPEAKER : I shall put

*The following Members also recorded their votes :

AYES : Shri R. K. Amin.

NOES : Sarvaashri P. L. Barupal ; Onkarlal Bohra and Kikar Singh.

the motion for consideration to the House. This being a Constitution Amendment Bill, requires a special majority, and therefore, let the lobbies be cleared.

tion is :

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

MR. DEPUTY-SPEAKER : The ques-

The Lok Sabha divided :

Division No. 6]

AYES

[16.44 hrs.

Abraham, Shri K. M.
Amat, Shri D.
Amin, Shri R. K.
Birua, Shri Kolai
Chauhan, Shri Bharat Singh
Dass, Shri C.
Deo, Shri K. P. Singh
Deo, Shri P. K.
Himatsingka, Shri
Jena, Shri D. D.
Joshi, Shri Jagannath Rao
Kripalani, Shri J. B.
Kripalani Shrimati Sucheta
Madhok, Shri Bal Raj
Majhi, Shri Maheudra
Menon, Shri Vishwanatha
Modak, Shri B. K.
Mody, Shri Pilo
Mohammad Ismail, Shri
Molahu Prasad, Shri
Mrityunjay Prasad, Shri

Mulla, Shri A. N.
Naik, Shri G. C.
Nambiar, Shri
Nayanar, Shri E. K.
Onkar Singh, Shri
Parmar, Shri Bhaljibhai
Rajasekhran, Shri
Raju, Shri D. B.
Sanji Rupji, Shri
Sharma, Shrimati Jayaben
Sharma, Shri Narayan Swaroop
Sharma, Shri Ram Avtar
Sheo Narain, Shri
Singh, Shri D. N.
Sondhi, Shri M. L.
Supakar, Shri Sradhakar
Suraj Bhan, Shri
Venkatasubbaiah, Shri P.
Vidyarthi, Shri Ram Swaroop
Viswanatham, Shri Tenneti

NOES

Aga, Shri Ahmed
Ahmed, Shri F. A.
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Barua, Shri Bedabrata
Barupal, Shri P. L.
Besra, Shri S. C.
Bhattacharyya, Shri C. K.
Bohra, Shri Onkarlal
Brahmanandji, Shri Swami
Chavan, Shri Y. B.
Choudhary, Shri Valmiki
Dhuleshwar Meena, Shri
Dixit, Shri G. C.
Gavit, Shri Tukaram
Ghosh, Shri P. K.
Gupta, Shri Lakhana Lal
Hanumanthaiya, Shri K.
Heerji Bhai, Shri
Horo, Shri N. E.
Jadhav, Shri V. N.
Jha, Shri Shiva Chandra
Kamble, Shri

Kapoor, Shri Lakhana Lal
Karan Singh, Dr.
Kesri, Shri Sita Ram
Kinder Lal, Shri
Kotoki, Shri Liladhar
Krishna, Shri M. R.
Krishna, Shri S. M.
Lakshminanthamma, Shrimati
Laskar, Shri N. R.
Lutfal Haque, Shri
Maharaj Singh, Shri
Mandal, Shri Yamuna Prasad
Marandi, Shri
Master, Shri Bhola Nath
Mishra, Shri Bhubuti
Pahadia, Shri Jagannath
Palchoudhuri, Shrimati Ila
Parmar, Shri D. R.
Parthasarathy, Shri P.
Patil, Shri S. D.
Pradhani, Shri K.
Radhabai, Shrimati B.
Raghu Ramaiah, Shri

Ram, Shri T
 Randhir Singh Shri
 Rao, Shri Jagannath
 Rao, Shri K. Narayana
 Rao, Shri J. Ramapathi
 Rao, Shri Thirumala
 Rao, Dr. V. K. R. V.
 Reddi, Shri G. S.
 Roy, Shri Bishwanath
 Sait, Shri Ebrahim Sulatman
 Savitri Shyam, Shrimati
 Sen, Shri Dwaipayana
 Shambhu Nath, Shri
 Shastri, Shri Ramanand
 Shiv Chandika Prasad, Shri
 Siddheshwar Prasad, Shri
 Sonar, Dr. A. G.
 Swaran Singh, Shri
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Venkatswamy, Shri G.
 Verma Shri Prem Chand
 Yadab, Shri N. P.

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

Ayes ; 41 ; Noes : 69.

MR. DEPUTY SPEAKER : The motion is not 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 negatived.

16.42 hrs.

SUPREME COURT (ENLARGEMENT OF CRIMINAL APPELLATE JURISDICTION) BILL

SHRI A. N. MULLA (Lucknow) : I move :

"That the following amendments made by Rajya Sabha in the Bill to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters, be taken into consideration :

Enacting Formula

1. That at page 1, line 1, for the

word "Twentieth" the word "Twenty-first" be substituted.

Clause 1

2. That at page 1, line 4 for the figure "1969" the figure "1970" be substituted."

MR. DEPUTY SPEAKER : The question is :

"That the following amendments made by Rajya Sabha in the Bill on enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters, be taken into consideration :

Enacting Formula

1. That the page 1, line 1, for the the word "Twentieth" the word "Twenty-first" be substituted.

Clause 1

2. That at page 1, line 4, for the figure "1969" the figure "1970" be substituted."

The motion was adopted.

Enacting Formula

MR. DEPUTY SPEAKER : The question is :

Page 1, line 1,—

for the word "Twentieth" the word "Twenty-first" be substituted.

The motion was adopted.

Clause 1

MR. DEPUTY-SPEAKER : The question is :

Page 1, line 4,—

for the figure "1969". the figure "1970" be substituted.

The motion was adopted.

SHRI A. N. MULLA : I move :

"That the amendments made by Rajya Sabha in the Bill be agreed to."

*The following Members also recorded their votes :

AYES : Sarvashri P. Gopalan, C. K. Chakrapani and J. B. Singh.

NOES : Shri Kikar Singh.