

[Shri Ram Niwas Mirधा]

3. Inspector Jit Singh.
4. Hav. Chandra Bahadur.
5. L/NK. Min Bahadur.
6. Shri Sheikhothang.
7. Const. Ningprang.

The above persons have also been arrested.

In respect of both these incidents, necessary investigations are being made and action will be taken strictly in accordance with law.

13.18 hrs.

CONSTITUTION (THIRTY-FIFTH AMENDMENT) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I move:

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

This Bill seeks to amend articles 101 and 190, which respectively deal *inter alia* with the right of a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat.

Under these articles, a member may resign his seat by writing under his hand, addressed to the Speaker or the Chairman, as the case may be. Experience in the recent past had indicated the necessity for amending these articles to obviate certain unintended consequences which have ensued in the working of these provisions. Resignation, it is needless to say, is intended to be a voluntary act and what is sought to be covered by articles 101 and 190 is a resignation which is genuine and voluntary. But, in some cases it is found that member are made to submit resignations which may appear to come within the purview of article 101 or, as the case may

be, article 190, but which, in fact, have been the result of pressures, not excluding physical violence, exerted to coerce a member to resign. In other words, acts of coercion, duress, undue influence and other kinds of blandishments are resorted to, to bring about the resignation of a member, who under such pressure and compelled by the atmosphere of violence, is forced to tender his resignation. Obviously, it would be a misnomer to call such an act on the part of a member a resignation.

SHRI MADHU LIMAYE (Banka): On a point of order under rule 109.

MR. SPEAKER: You cannot come and disturb the business.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order.

SHRI MADHU LIMAYE: It is for adjournment of the debate.

नियम 109 [के. तहत] मेरा, पॉइंट ऑफ ऑर्डर है। मैं इस बहस को स्थगित करने के लिए व्यवस्था का प्रश्न उठाना चाहता हूँ।

MR. SPEAKER: Let him finish.

PROF. MADHU DANDAVATE (Rajapur): When a point of order is raised the hon. Minister should take his seat.

SHRI H. R. GOKHALE: As the provisions presently stand in the Constitution, the Presiding Officer has no other alternative but to act on the resignation.

It is with a view to preventing situations of this kind that the present Bill has been brought, to make the position clear that the resignation contemplated in articles 101 and 190 are resignations which are voluntary and genuine and not those which have been contrived through the use of undesirable means such as coercion and undue influence. In such cases, the proposed provisions would enable the Presiding Officer to satisfy himself as to the genuineness or the

voluntary nature of the resignation before he accepts the same Through the proposed amendment, the right conferred upon the member by the Constitution is being made really effective and it cannot be taken advantage of by undesirable elements to achieve their ulterior purposes.

With these remarks, I commend the Bill for the consideration and acceptance of the House.

MR. SPEAKER: Motion moved:

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

PROF. MADHU DANDAVATE: Sir, when Shri Madhu Limaye was on a point of order you asked the Minister to proceed.

MR. SPEAKER: Did you send any motion about it?

श्री मधु दानवटे . क्या आप प्वाइन्ट ऑफ ऑर्डर रेज नहीं होने देंगे, इस तरह से तो कार्यवाही नहीं चलेगी ?

MR. SPEAKER: I did not get anything in writing from you. There is nothing before me.

SHRI PILOO MODY (Godhra): The Minister was mumbling something. The Parliament cannot allow any Minister to mumble something and get away with it.

MR. SPEAKER: There is no motion before me. Now, the motion is coming, at this stage.

SHRI SHYAMNANDAN MISHRA (Begusarai): When we tried to settle this matter on the floor of the House, you did not permit us to do so. Here is my point of order.

SHRI MADHU LIMAYE: There is a point of order.

MR. SPEAKER: Please sit down. You gave this motion just now. I get it just now. It was not before me earlier. I received it just now.

SHRI SHYAMNANDAN MISHRA: May I make a submission? Although this House cannot turn a man into a woman or a woman into a man, the Speaker of the House has interpreted the rule in such a way that he has created an impression that he can turn a man into a woman and a woman into a man.

MR. SPEAKER: I received the intimation only just now.

SHRI SHYAMNANDAN MISHRA: You are asking us to swallow anything, as if the Speaker can do anything. That cannot be accepted by us. (Interruptions). The Speaker must appear to be right and he must appear to be just. The Speaker cannot interpret any rule in any manner he likes. This does not mean any lack of good behaviour on our part; it might only mean a lack of objectivity and impartiality on the part of the Chair. It must be put on record..

श्री छदल बिहारी ज्ञानपीथी (गवालियर): जब बिधि मसी जी अपना बयान दे रहे थे, उसी समय प्वाइन्ट ऑफ ऑर्डर रेज किया गया था। क्या पार्लियामेंट में किसी भी समय प्वाइन्ट ऑफ ऑर्डर रेज नहीं किया जा सकता ?

SHRI PILOO MODY: Am I to understand that deliberately you did not listen to the point of order and allowed the Minister of Law to mumble through his speech?

MR. SPEAKER: I had no idea about any point of order. It has come to me in writing only now—it is a regular motion.

SHRI PILOO MODY: I am sorry; points of order need not be sent in writing.

MR. SPEAKER: It is not a point of order. That is a motion under rule 109. He has given a motion under rule 109.

SHRI PILOO MODY: You had allowed the Minister to mumble through.

श्री मधु लिमये : मैं आप के ऊपर कोई रिफ्लेक्शन नहीं करना चाहता हूँ, मैं प्वाइन्ट ऑफ़ ऑर्डर रोज़ करना चाहता हूँ। आप मेरी बात सुन लीजिये, इस में किसी झगड़े की गुंजाइश नहीं है। आप आइटम 15 को देख लीजिये—इस में कहा गया है—

"SHRI H. R. GOKHALE to move that the Bill further to amend the Constitution of India, be taken into consideration".

जैसे ही इन्होंने यह प्रस्ताव रखा, मैं खड़ा हो गया... (अव्यवधान)... पहले तो प्रस्ताव ही रखना पड़ता है—उस के बाद ही वे भाषण दे सकते हैं।... (अव्यवधान)... इस लिये, अध्यक्ष महोदय, आप मेरी बात सुन लीजिये... (अव्यवधान)... जब इस तरह का प्रस्ताव आ जाता है तो बहस को स्थगित करने को सुझाव दिया जा सकता है, उस के लिये पूर्व नोटिस की जरूरत नहीं होती है। हमें आप कहते हैं कि लिख कर दीजिये, हम ने लिख कर भी दिया है, मझे इस पर दो मिनट कहने दीजिये, हमारे मित्रों को भी सुन लीजिये, उस के बाद आप वोट करावें... (अव्यवधान)...

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): You came late; you went outside.

श्री मधु लिमये : पहले मुझे कारण तो बताने दीजिए। आप यह कह सकते हैं कि मैं सभ्य में अपनी बात को रखूँ, दो मिनट में खाल बच, लेकिन मुझे कारण तो बतलाने दीजिये।

SHRI C. M. STEPHEN (Muvattupuzha): Rule 109 does not contemplate a point of order; it should be a motion for adjournment.

MR. SPEAKER: When you came, the Minister was already on his legs. When you quoted rule 109, I said that it was not a point of order and that it was a regular motion. Then you gave it, while I was sitting here; you gave it after you come in.

SHRI MADHU LIMAYE: As soon as I came in, I gave it and that is the procedure. I have always done it and the Chair has accepted it.

MR. SPEAKER: You come back. all of you, running.

SHRI MADHU LIMAYE. Because I know that item 15 was going to be discussed.

MR. SPEAKER: Let the facts be made known. You raised the question after you come in, and after you resumed your seat in the House. When you had walked out, they started the business. After some time I saw you running into the House You signed it and gave it to me.

श्री मधु लिमये : अध्यक्ष महोदय, इन्होंने प्रस्ताव किया था कि कन्सीडरेशन के ऊपर विचार किया जाय और उस के बाद नियम के अनुसार एटएनी स्टैज भाक दि बिल—मैं खड़ा हो गया।

PROF. MADHU DANDAVATE: Let him see the precedent. During the debate on the Criminal Procedure Code Bill this was done.

MR. SPEAKER: I do not deny it. All I say is that under rule 109 there is no point of order.

श्री मधु लिमये : दर्जनों वक्ता इस पर बोल चुका है, मैं प्रेसिडेंट देने के लिये तैयार हूँ

MR. SPEAKER: Please listen to me. Why don't you listen? The only objection is this. You told me that I was not listening to the point of order. You said that you wanted to raise the matter under rule 109 and I replied: send it to me. What is wrong about it?

श्री मधु लिनये : अध्यक्ष महोदय, मैं आप पर कोई रिफ्लेक्शन कास्ट नहीं कर रहा हूँ। मैं आप हाथ जोड़ कर प्रार्थना कर रहा हूँ—आप एक मिनट कारण सुन लीजिये और मेरी इच्छा है कि मेरे अन्य साथियों को भी सुना जाय।

अध्यक्ष महोदय, इस बहस को स्थगन कराने के मेरे तीन कारण हैं—पहला—यह प्रस्ताव बिलकुल गैर-जरूरी है, क्योंकि इस विषय के बारे में हमारे संविधान में पूरी व्यवस्था दी गई है, इसलिये इस प्रस्ताव को और इस बिल की कोई आवश्यकता नहीं है। दूसरे—इस से भी महत्वपूर्ण सवाल हम समय हमारे मामले रेलों की हड़ताल है। रेल हड़ताल के चलते हमारी अर्थ-व्यवस्था ठण हो गई है, जिम के लिये हमें समय निकालना है। इसके लिए समय निकालना है 193 के तरह या 184 के तहत आप बिज़नेस एडवाइजरी कमेटी की मीटिंग बुलाये और इसके लिए समय दिया जाये और उस समय तक इस विवाद को स्थगित रखा जाये।

तीसरे मेरा कहना यह है कि इस बिल को बिना नोटिस यहाँ पर पेश किया गया है।

ऐसी कौन सी आवश्यकता हुई है कि जब ती दिन बचे हैं, बहुत सारे प्रश्न जिनके ऊपर आपने स्वयं कहा जैसे टायर ट्यूब्स की शार्टेज, शगर इक्वायरी कमीशन की रिपोर्ट—इस तरह की बहुत सारी चीजें हैं जिनके लिए समय नहीं निकला है तो फिर इसके लिए कौन सी जरूरत महसूस हुई? आज अगर हम पर बहस नहीं होगी, अगर यह पास नहीं होगा तो कौन सा आममान टुट जायेगा? इसलिए मेरे यह तीन कारण हैं:

(1) इसकी कोई आवश्यकता नहीं है;

(2) रेल हड़ताल से उत्पन्न स्थिति पर विचार करने के लिए रूल 184 या 193 के तहत समय निकाला जाये; और

(3) और बहुत सारे महत्वपूर्ण विषय हैं जिनके ऊपर मौका देना चाहिए और इसको स्थगित रखना चाहिए।

श्री अटल बिहारी बाजपेयी : अध्यक्ष जी, नियम 109 के अन्तर्गत मैंने भी यह मांग की है कि विधि मंत्री द्वारा प्रस्तुत विधेयक पर चर्चा स्थगित कर दी जाये। विधि मंत्री संविधान में संशोधन का विधेयक लाये हैं, इस विधेयक को पेश करने के लिए नियमों को स्थगित करना पड़ा और अब इस को पास करने में भी जल्दबाजी की जा रही है। पहले हमारा खयाल था कि यह विधेयक कल आयेगा लेकिन इसको आज ही लिया जा रहा है। मेरा निवेदन यह है कि यह सदन देश में जो कुछ हो रहा है उसको प्रतिबिंबित करने का कारण बनेगा या नहीं बनेगा? आपने रेलवे की हड़ताल के बारे में हमारा

[श्री अटल बिहारी वाजपेय]

स्वयं प्रस्ताव स्वीकार नहीं किया, रेलवे की हड़ताल इस सदन में चर्चा का विषय नहीं बनी और हम इस संविधान संशोधन विधेयक को ले रहे हैं जो सर्वथा अनावश्यक है तो फिर इस सदन के बारे में देश की जनता क्या कहेगी ? इस सदन को देश की जनता के दिल की धड़कनों का दर्पण बनना है लेकिन उस चर्चा को सरकार भी टालना चाहती है और उधर जो इतनी बड़ी संख्या में हमारे कांग्रेसी सदस्य जमा हैं उनका इस रेलवे हड़ताल से सारे यातायात के अस्त-व्यस्त होने, हजारों कर्मचारियों को गिरफ्तार किये जाने, देश में गम्भीर परिस्थिति पैदा होने से कोई सम्बन्ध नहीं है । वे संविधान में संशोधन कराने पर तुले हुए हैं । मेरा कहना यह है कि संविधान में संशोधन का मामला इतना सरल मामला नहीं है, इस चर्चा को अभी स्थगित रखा जाये और आप हमें रेलवे की हड़ताल पर किसी भी रूप में बहस करने का मौका दें । बिहार में विधान सभा के सदस्य अपनी इच्छा से त्याग-पत्र दे रहे हैं, जनसभ के सदस्यों ने त्याग-पत्र दे दिये हैं, संयुक्त सोशलिस्ट पार्टी के सदस्य त्याग-पत्र दे रहे हैं और वह विधेयक लाया जा रहा है जनता को रोकने के लिए कि अपने निर्वाचित लेकिन अष्ट प्रतिनिधियों को इस्तीफा देने के लिए न करें । इस विधेयक को पेश करने की मशा ईमानदारी की मशा नहीं है । इसके लिए सदन का समय नहीं दिया जाना चाहिए । और बहुत से महत्वपूर्ण मसले में जिन पर बहस करने की आवश्यकता है । इसलिए आप हमारा प्रस्ताव स्वीकार कर लीजिए इस विधेयक पर बहस स्थगित कर दीजिए और हमें रेलवे हड़ताल पर बहस करने का मौका दें ।

SHRI JYOTIRMOY BOSU: Firstly, this House has to find time for the most vital thing of the day, the railway strike. Nothing should stand in the way of discussing the matter inside and outside the House, as far as

the railway strike is concerned. Secondly, in regard to this Bill, we have to be given some time to study it at length because it is a decision which is a controversial one. Sir, the question is, Government is very anxious to grant protection to the Congressmen who do not enjoy the confidence of the people any longer. This sort of artificial protection is unwarranted and undesirable. Thirdly, I say that the Government is anxious on the one hand in robbing the time of the House for a purposeless operation and on the other hand depriving an opportunity to the people from expressing their wrath over those sitting opposite to us who can neither make the cake nor can serve the purpose for which they were sent here. I oppose discussion on this Bill.

MR. SPEAKER: I am going to put it to the House.

PROF. MADHU DANDAVATE: There is a procedural point I want to raise. I want to draw your attention to the fact that some time back when the Bill to amend the Criminal Procedure Code was processed by the Select Committee and has come before the House, a number of amendments were admitted, which were moved on the spur of the moment, by Shri Madhu Limaye and Shri S. M. Banerjee. Therefore, that should be taken as a precedent.

SHRI SHYAMNANDAN MISHRA: Sir. I want to speak on this motion.

MR. SPEAKER: Then I will have to accommodate members from both sides.

SHRI SHYAMNANDAN MISHRA: In my opinion, this is utterly irrelevant to the dominant situation that prevails in the country. The dominant situation is the complete stoppage of the lifeline of the nation, namely, the railways. Secondly, since it has been urged that there are many matters

claiming higher priority, my submission would be that the Business Advisory Committee should meet urgently to allocate time to the different items on the agenda and the subjects which the members want to bring up. Thirdly, it may well be that since this is a Constitution Amendment Bill, which has got many complexities, it may be referred to a Select Committee; the House may demand that it should be referred to a Select Committee. In which case it may not be possible for the House to dispose of this matter. Therefore, it would stand to reason that this matter is made to stand over and it is not taken up just now.

So, the precise considerations I am urging are that the BAC should be asked to meet urgently to allocate time; secondly, it may well be that this matter will be referred to a Select Committee, in which case there is no point in beginning a discussion at this stage, at the far end of the session; thirdly, the dominant situation in the country must be discussed before this irrelevant matter is discussed.

SHRI P. G. MAVALANKAR (Ahmedabad): While it is true that in this House all the members have to abide by the rules and conventions, as laid down from time to time, may I submit that the time has come in our country when the rules and conventions of parliamentary procedure need radical re-orientation. Many of our rules and many of our conventions are far out of tune with the reality and the compulsions of the situation. We follow many of the conventions of the British Parliament. I was reading very recently how the British Parliament have been setting up a parliamentary committee from time to time specifically with a view to going into the question of parliamentary procedure and suggest necessary changes. I think the time has come when you Sir, should urgently constitute a Committee of Members of

Parliament belonging to all sections, including Independents, to go into this question of parliamentary procedure, to see how far it is in tune with the realities of the situation and how far it meets the political, economic and social compulsions in this country.

The point is, when you said that a particular situation was a continuing affair and, therefore, it could not be discussed, at least some of us felt that we must abide by your ruling. So, we kept quiet. But the fact remains that what we discussed last week was specifically the question of arrest of Mr. George Fernandes and others. At that point of time, the focus of attention was not the strike. Today, we wanted to discuss the strike itself. Now, under the rules, if this motion had come up tomorrow, you would have rightly said that if the matter was so urgent, why was it not brought up yesterday. that is, today.

My only point is that we have been left very much behind in terms of procedures. The Law Minister has said something. The last part of it, several paragraphs, none of us could hear. What he said was lost in the middle of so much of noise and disturbances. None of us could hear anything. He has made reference to Gujarat. I do not know what he said. When the whole country is agitated on the question of railway strike and the impending strike of other Departments, like, the P&T and others, under these circumstances, if tomorrow we were told that the House did not discuss something urgent and important but discussed a measure which could very well have been brought to the House a little later, what are we to say?

There is also before us the Constitution (Thirty-Second Amendment) Bill which has been sent to the Joint Select Committee. That relates to the question of party defections. If the Government wanted that Bill to go to the Select Committee. I ask

[Shri P. G. Mavalankar]

and I demand, why is it that this Bill which is equally controversial and equally important should not have been sent to the Select Committee? Moreover, why should the Bill be brought at the fag-end of the Budget session?

I charge the Minister of Parliamentary Affairs and the Government—the Prime Minister is sitting here—I have been finding and watching throughout various sessions that not many Congress Members are present in the House. Often, there is the question of quorum raised. Many of us do not raise the question of quorum frequently or frivolously. But I think, it is wrong that we ignore this question of quorum. Constitutionally, we are obliged to see that the quorum is there. But the quorum is never there on several important occasions. Many of the Congress Members do not remain present in the House. (*Interruptions*) Even if you shout, I will not sit down. I will not sit down until I have completed my arguments.

My point is that these people belonging to the majority party choose to remain absent on days and weeks. Now, at the fag-end of the session such an important Constitution Amendment Bill which involves the dignity of your office, Sir, the independence of your office, is being taken up. Have they consulted you in advance? Have they taken you into confidence? It is only on the basis of their numerical strength, they are bringing forward the Bill at the fag-end of the session to get it passed. If this is how they use their brute majority, it will be very dangerous.

Therefore, on these grounds, I would say that this Bill ought not have come at all. If it was to come, however, it should have come with a proposal to send it to the Select Committee or it should have come up at a more auspicious time, when there was normalcy, not certainly at the time of the railway strike.

SHRI JYOTIRMOY BOSU: Sir, you ask the Law Minister to read it out once again.... (*Interruptions*).

MR. SPEAKER: He read it out. He had almost finished it when you came here. It is not his fault.

भाप को किस ने कहा था कि भाप बाहर चले जायें ।

श्री अटल बिहारी वाजपेयी : यह विधेयक कैसे आया । अध्यक्ष जी भाप चाहते हैं कि डिबेट परंपर्याप्त हो ?

अध्यक्ष महोदय : मैं यह समझता हूँ कि यह जस्ट आइसट्रक्शन है । भाप खुद बिजनेस एडवाइजरी कमेटी में थे, जब यह फैसला किया गया ।

SHRI N. K. P. SALVE (Betul): Rule 109 has to be read with rule 341. Assuming that they have a right under rule 109 to move for an adjournment of the debate at this stage, it has got to abide by what is provided in rule 341. I wish to submit that we are not scared of the debate. What we protest most vehemently is against this sort of intimidation of the Chair and of the House. They want the affairs of Parliament to be run according to their whims and dictates. That cannot happen. This is one thing that they must understand. We must abide by the Rules of Procedure, by a certain decorum. Assuming that they have a right to move under rule 109, I submit respectfully that we have to abide by the dictates of rule 341 which reads:

"If the Speaker is of opinion that a motion for the adjournment of a debate...."

Not only under rule 340 but also under rule 109. Rule 341 covers rule 109 also...

SHRI MADHU LIMAYE: It is complete in itself.

SHRI N. K. P. SALVE: Rule 341 reads:

"If the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon or decline to propose the question."

I submit that this sort of motion that has been brought under rule 109 is nothing but a gross abuse of the rules of the House and, therefore, Sir, under rule 341, either you may forthwith put the question or decline to propose the question.

MR. SPEAKER: I agree with you. Here, in this, Mr. Jyotirmoy Bosu has not mentioned anything. He has only said that he wishes to move a motion.

SHRI JYOTIRMOY BOSU: Under rule 109.

MR. SPEAKER: Mr. Vajpayee has mentioned that the House be adjourned. Everything is being done in haste.

SHRI S. M. BANERJEE: Sir, nobody has spoken from my party.

MR. SPEAKER: No. I am not allowing. It is all just an obstruction. The motion moved by Mr. Madhu Limaye is that the debate be adjourned. I shall put it to the vote of the House.

Now, I will put the motion of Shri Madhu Limaye because all the others are identical.

Now, the question is:

"That the debate on the Bill be adjourned."

The Lok Sabha divided

Division No. 21] [13.55 hrs.

AYES

Banerjee Shri S. M.
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri Jagdish
Bhattacharyya, Shri S. P.
725 LS.—9

Bhaura, Shri B. S.
Bosu, Shri Jyotirmoy
Chandra Shekhar Singh, Shri
Chatterjee, Shri Somnath
Chaudhuri Shri Tridib
Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu
Deb, Shri Dasaratha
Dutta, Shri Biren
Goswami, Shrimati Bibha Ghosh
Guha, Shri Samar
Halder Shri Krishna Chandra
Hazra, Shri Manoranjan
Huda, Shri Noorul
Joarder, Shri Dinesh
Kalingarayar, Shri Mohanraj
Kathamuthu, Shri M.
Limaye, Shri Madhu
Mavalankar, Shri P. G.
Mishra Shri Shyamnandan
Mody, Shri Piloo
Mohanty, Shri Surendra
Muruganantham, Shri S.A.
Nayak, Shri Baksi
Pandey, Shri Sarjoo
Pandeya, Dr. Laxminarain
Pradhan, Shri Dhan Shah
Ramkanwar Shri
Rao, Shri M. Satyanarayan
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Shri Robin
Sezhiyan, Shri
Sharma, Shri R. R.
Vajpayee, Shri Atal Bihari
Verma Shri Phool Chand
Yadav, Shri Shiv Shanker Prasad

NOES

Achal Singh, Shri
Aga, Shri Syed Ahemad

- Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ansari, Shri Ziaur Rahman
 Austin, Dr. Henry
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Banamali Babu, Shri
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Parma Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Brahmanandji, Shri Swami
 Brij Raj Singh-Kotah, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandrakar, Shri Chandulal
 Chandrashekharappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhary, Shri Nitiraj Singh
 Chawla, Shri Amar Nath
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury Shri B. K.
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Dhamankar, Shri
 Dharamraj Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganga Devi, Shrimati
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jaffer Shareif, Shri C. K.
 Jha, Shri Chiranjib
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappali, Shri Ramachandran
 Kakodkar, Shri Putushottam
 Kakoti, Shri Robin
 Kale, Shri
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.

Kedar Nath Singh, Shri
 Kinder Lal, Shri
 Kotoki, Shri Laladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakshymkanthamma, Shrimati T.
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mehta, Dr Mahipatray
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Munsif, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Nahata, Shri Amrit
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain

Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paoki Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhani, Shri K.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Rajdeo Singh, Shri
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Nageswara
 Rao, Shri, P Ankineedu Prasada
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Sami, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad. Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shahanawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Hashi Bhushan, Shri
 Shastri, Shri Sheojujan
 Sher Singh, Prof
 Shetty, Shri K. K.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Viday Charan
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Sundaar Lal, Shri
 Suryanarayana, Shri K.

Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Tarodekar, Shri V. B.
 Tiwari, Shri Chandra Bahl Mani
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uikay, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkataswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri N. P.
 Yadav, Shri R. P.

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

Ayes : 41

Noes : 228

The motion was negatived

SHRI JYOTIRMOY BOSU: I have got another motion.

MR. SPEAKER: That is not permissible.

SHRI JYOTIRMOY BOSU: Under rule 340

MR. SPEAKER: That is not relevant to this.

SHRI JYOTIRMOY BOSU: Which is not relevant, Sir? Please read my motion.

MR. SPEAKER: This is out of order; this is not relevant here. If you go on like that there will be no

*The following members also recorded their votes:—

AYES: Kumari Maniben Patel,
 Reddi, H. K. L. Bhagat and Sidram

NOES: Sarvashri P. Antony
 Reddy.

[Shri Samar Guha]

end to it. I am sorry; I am not allowing it.

SHRI JYOTIRMOY BOSU: I have already given you written notice. I want to move it, Sir. You can ask the House.

MR. SPEAKER: What for am I here? I have disallowed it.

Now, regarding Amendments, Shri Daga has given an amendment—No. 1. He is not here. Shri Vajpayee has given an amendment—No. 13.

SHRI ATAL BIHARI VAJPAYEE: I beg to move:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely:—

- (1) Shri R. V. Bade
- (2) Shri S. M. Banerjee
- (3) Shri Bhagirath Bhanwar
- (4) Shri Madhu Dandavate
- (5) Shri H. R. Gokhale
- (6) Shri P. G. Mavalankar
- (7) Shri Prasannbhai Mehta
- (8) Shri M. S. Purty
- (9) Shri Phool Chand Verma
- (10) Shri Atal Bihari Vajpayee

and 5 from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee.

that the Committee shall make a report to this House by the last day of the next session.

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (13).

MR. SPEAKER: This will be discussed along with the main consideration motion. Now Shri Chatterjee.

SHRI SAMAR GUHA (Contd.)
Sir, I rise on a point of order. Yesterday's List of Business mentions the item 'Coal Mines (Conservation and Development), Bill'. Now instead of continuing that, we have been asked to take up the Constitution (Thirty-fourth Amendment) Bill. In that Bill regarding Coal Mines (Conservation and Development), one or two Members have already participated. I have got certain notes prepared for participation in that Bill in the course of the day. But without consulting the House, without informing us yesterday, certain changes have been made in the Order Paper. Instead of that Bill, the Constitution Amendment Bill is taken up now. What does it mean? Does it not mean that in a conspiratorial manner, a sort of attempt is being made to scuttle the discussion? Instead of the discussion on Coal Mines (Conservation and Development) Bill we will have to discuss the Constitution Amendment Bill for the whole of today. We have to devote ourselves to a study of the various implications of the Constitution Amendment Bill, because, various Constitutional principles are involved, namely, Referendum, Recall and all that. We have to follow the procedure being followed in other countries. When there is resignation what is the procedure adopted? What is the practice in other countries? All that we have got to study. We have to follow all these things.

[Shri Samar Guha]

14.00 hrs.

What are the provisions in the Constitution of the country? We tried to get acquainted ourselves with all the informations. But, suddenly, without informing us and the House, in an unholy manner and in a conspiratorial manner, the order has been changed and suddenly, the Government, with a sheer majority—brute majority—wants to thrust this Bill on us and to get it passed in an unholy manner and I use the word in an intriguing manner.

There has already been a demand that is going on for the dissolution of the Bihar Assembly. When a situation is developing in this country, without informing us to get ourselves prepared, they put forth all the arguments and they want this bill to be passed in an unholy manner and to pass it surreptitiously. They are terribly afraid of the principle, they are terribly afraid of the ethics and they have lost the morality and they have lost the sense of morality and they want to use the danda and they have arrested thousands of workers. They are calling the Territorial Army; they are calling the B.S.F., they are calling the Security Forces and they are going to let lose the santanical rule and they are going to use the satanical principle on the floor of the House.

MR. SPEAKER: Mr. Guha there is no point of order. You are making a speech. Please sit down.

SHRI SAMAR GUHA: Sir, I want to draw your attention to the change in the order paper

SHRI MADHU LIMAYE: Sir, I rise on a point of order.

MR. SPEAKER: I am dealing with his point of order.

SHRI MADHU LIMAYE: He has not covered all the points.

THE MINISTER OF PARLIAMEN-TARY AFFAIRS (SHRI K. RAGHU-RAMIAH): Shri Guha asked why this Bill was taken up I made it clear in the Business Advisory Committee the other day specifically that these two amendments, one after another, will be taken up. In today's order paper, that has been fixed. (*Interruptions*).

SHRI SAMAR GUHA: It is a lie.

SHRI PILOO MODY: It is a lie. You go into the records. You deliberately told the Business Advisory Committee but you did not make a request that it will come up on the 8th. We cannot permit it that way. It must come in its own order.

SHRI S. M. BANERJEE: After the adjournment motion was disposed of, you asked my hon. friend from Bihar, I forget his name, to speak. He was already on his legs. Anyway, since you have given your ruling, we accept it with a pinch of salt. The question is this. We now find Constitution (Thirty-fifth Amendment) Bill first and we are disposing this Bill first and then Thirtyfourth amendment Bill comes up. This is something surprising. We want to move an amendment. I read the papers very carefully.

MR. SPEAKER: It is very clear that this will be Constitution Amendment Number Thirtyfive.

SHRI S. M. BANERJEE I would request you to allow the amendment to be moved. He was speaking on the Thirty-fifth Amendment Bill which does not exist in the country. What are we discussing? Where is Thirty-fourth Amendment Bill? How can Thirtyfifth Amendment Bill come? Are we discussing Thirty-fourth or Thirtyfifth Amendment Bill?

MR. SPEAKER: That already was before the House the other day.

SHRI S. M. BANERJEE My point of order is that it is not before the

House. We are discussing 35th amendment which is going to be numbered as 33rd. You cannot even number it correctly.

MR. SPEAKER: That point was raised the other day when he moved for leave and he took it back saying that he will move the amendment along with the Bill and it should be numbered as 34 and the House had agreed to that.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा पायंट बिल नम्बर 33 का है। पहले मैं अपने पायंट बिल नम्बर 34 का बिल बताना चाहता हूँ। आप इस पर क्लीयर करके दीजिए।

यह कल की रिवाइज्ड लिस्ट बिल नम्बर 13 का है। आप उस के बिल नम्बर 13 को देखिये :

"Shri Keshav Deo Malaviya to move that the Bill to provide for the conservation of coal and development of coal mines and for matters connected therewith or incidental thereto, be taken into consideration.

(Amendments printed on separate lists to be moved)

Also to move that the Bill be passed.

अब आप बुलिटिन-पार्ट 1 को देखिये, जिसके बिल नम्बर 12 पर कहा गया है :

"The Coal Mines (Conservation and Development) Bill, 1974 Discussion on the motion for consideration of the Bill was resumed Shri Damodar Pandey continued his speech His speech was not concluded

The discussion on the Bill was not concluded.

8.30 P.M.

मेरा पायंट बिल नम्बर यह है कि जब एक मामला—कोल माइन्स (कनजर्वेशन एंड डेवेलपमेंट) बिल, 1974—सदन के

सामने है, तो जब तक नियम 109 के तहत एक मोशन पास नहीं किया जाता है क्या उस मामले पर जो विवाद चल रहा है, उसको स्थगित किया जाये, तब तक इस सम्बन्ध में कोई परिकल्पना करने का आप का भी अधिकार नहीं है।

जहाँ तक आर्डर आफ बिजनेस का सम्बन्ध है, आप नियम 31(1) को देखिये:

"31(1) A list of business for the day shall be prepared by the Secretary-General and a copy thereof shall be made available for the use of every member."

यह लिस्ट तैयार करने समय, जो अनफिनिश्ड बिजनेस, लेजिस्लेटिव बिजनेस है, वह सब से पहले जाना चाहिए। अगर मंत्री महोदय बुद्धिमानी से काम लेते, तो वह नियम 109 के तहत कान्ट्रिब्यूट्री नोटिस दे सकते थे कि इस बिल पर जो बहस चल रही है, उसको स्थगित किया जाये। चूँकि ऐसा नहीं किया गया है, इसलिए श्री गोखले के प्रस्ताव पर बहस बिल्कुल इर्रगुलर और प्रोसीजरली गलत है। इसलिए अध्यक्ष महोदय, आप इस लिस्ट आफ बिजनेस को एमेड कीजिए। श्री मालवीय बैठे हुए हैं। उनके बिल को लिया जाये और श्री दामोदर पांडे अपना भाषण जारी रखें। अगर श्री रघुरामैया या प्रधान मंत्री उस बिल पर चर्चा को स्थगित करने के लिए कोई प्रस्ताव रखना चाहते हैं, तो वे रख सकते हैं। उस के बाद ही श्री गोखले का प्रस्ताव आ सकता है।

मैं आप के दफ्तर की गरिमा की ओर आप का ध्यान दिलाना चाहता हूँ।

अध्यक्ष महोदय मैं आप के दफ्तर की गरिमा की ओर ध्यान दिलाना चाहता हूँ— हो सकता है यह इनपुब्लिकली गलती से हुआ है। मैं उन के बोनाफाइड पर सन्दे

[अध्यक्ष महोदय]

नहीं करता—लेकिन चूंकि आप का ध्यान इस गलती की ओर खींचा गया है

MR. SPEAKER: It is for Government to arrange the business. The list of official business is prepared by them.

श्री मधु लिमये : चूंकि आप का ध्यान इस गलती की ओर खींचा गया है, इसलिये इस गलती को सुधारना चाहिये, वरना, अध्यक्ष महोदय, आप के कार्यालय के बारे में लोगों को आक्षेप करने का मौका मिलेगा। मैं नहीं चाहता कि आप का कार्यालय इस सदन में विवाद का विषय बने।

MR. SPEAKER: I shall ask the hon. Minister to explain. Why should I come in? My office does not come into this picture.

SHRI SEZHIYAN: The hon. Minister should have moved a motion for adjournment of the debate on the Coal Bill.

MR. SPEAKER: They send the official business to us and we put it on the Order Paper.

SHRI K. RAGHU RAMAIAH: It has been the practice, so far as I know, for the last fifteen or twenty years that when a special business is set down on a particular day, as has been the convention earlier, on that day, we put only that business first and only when that is over, the other items of business are taken up. This has been the practice all these years.

SHRI MADHU LIMAYE: Unless there is a motion before the House, it cannot be done.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। कल जिन विधेयक पर चर्चा हो रही थी, आज उस की स्थिति क्या है ?

श्री मधु लिमये : आज हवा में उड़ गया।

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, कोई प्रक्रिया है या नहीं : क्या आप आई.पी.ए. सरकार की राय से बनायेंगे, क्या इसमें सरकार डिफर करेगी कि आई.पी.ए. क्या होना चाहिये ?

MR. SPEAKER: Official business arranged by them.

श्री अटल बिहारी वाजपेयी : कल रात जब बैठक म्यगिन हुई तब भी यह कहा गया था कि श्री पाण्डे अपनी स्पीच जारी रखेंगे—पाण्डे जी कहा है ? क्या वह विधेयक त्रिशंकु की तरह बीच में ही लटकता रहेगा ? सदन के सामने कोई मोशन आना चाहिये कि हम चर्चा को म्यगित कर रहे हैं।

MR. SPEAKER: I have seen that bulletin and I find that it is already announced Item 7 of that bulletin reads:

"Consideration and passing of the following Bills on Wednesday, the 8th May, 1974:

(i) The Constitution (Thirty-Fifth Amendment) Bill, 1974,

(ii) The Constitution (Thirty-fourth Amendment) Bill, 1974."

And the day for their discussion has been fixed also. It is upto Government to arrange their business; they have their own arrangement of business.

SHRI SEZHIYAN: We are not questioning the right of the Government to have these Bills discussed today. We only want that the Bill which was not concluded yesterday at 8.30 p.m. and which is a continuing business should first be taken up

and discussed and then only the discussion on these Constitution (Amendment) Bills can be taken up. If without discussing that pending Bill they want to interrupt it and take up some other business, they have to bring forward a motion for adjourning the debate on that Bill.

MR. SPEAKER: Normally, many Bills are put down on the Order Paper so that if time is saved on the earlier Bills, the other Bills can be taken up for discussion. But so far as these Bills are concerned, these have been specially mentioned for discussion on the 8th May, 1974.

SHRI SEZHIYAN: It is a question of procedure. The hon. Minister should have moved a formal motion for adjournment of the discussion on the Coal Bill, and then only they should have proceeded with this Bill.

MR. SPEAKER: As I see it, in this Bulletin, the hon. Minister has already said that these Bills are set down for discussion today.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, आर्डर-पेपर को सरकार के हिमाब से मन बनाइये ।

अध्यक्ष महोदय जंग एताउन्म दुआ था वैन ही आया है ।

श्री अटल बिहारी वाजपेयी एताउन्म इस तरह से हुआ था कि कोयले का विल कल खत्म हो जायेगा, लेकिन कल खत्म नहीं हुआ, तो अब उस को हवा में लटकाया नहीं जा सकता । सरकार को इस तरह से मैनेज करना चाहिये था कि कल ही वह बिल खत्म हो जाना चाहिये था, लेकिन अब जब कि खत्म नहीं हुआ है तो पहले उस को लीजिये, इस चर्चा को स्थगित कर दीजिये, हम इस का विरोध करने हैं हम बोलने का मौका दीजिये ।

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): On a point of order,

SHRI SEZHIYAN: The announcement was made that this would be taken up on the 8th. I concede that I am on the procedure. But no priority or order of business was fixed then. Before it is taken up, Government should move a motion for postponement of the motion which was under discussion yesterday which was not completed.

SHRI PILOO MODY: This is downright dishonesty.

MR. SPEAKER: So far as this bulletin is concerned, it is before us. We normally set the business as is sent by them. Since the point was raised by you, I have tried to know what is the procedure. Actually, I am not aware as to what should be the procedure. But as it is already announced the proper stage for you would have been on that day.

SHRI SEZHIYAN: On that day we could not have foreseen that no pending business would be there. How could it be raised then?

MR. SPEAKER: I quite appreciate the point raised by you. So far as the office of the Speaker or we are concerned, we set the business as the Government send it in the order in which they send it. We have been following it in the past. Under the rules:

"On days allotted for the transaction of Government business, such business shall have precedence and the Secretary-General shall arrange that, business in such order as the Speaker may, after consultation with the Leader of the House, may determine:

"Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation".

Now, no objection was raised to it when it came.

SHRI SHYAMNANDAN MISHRA: No, no, Sir. When was the business announced?

MR. SPEAKER: So far as the office of the Speaker is concerned, the Secretary-General shall arrange that business in such order as the Speaker may after consultation with other Leader of the House, determine'.

We had a meeting of the Business Advisory Committee. He announced this in the House and no objection came.

SHRI SHYAMNANDAN MISHRA: No, no Sir; where was the opportunity for objection?

SHRI SEZHIYAN: The Business Advisory Committee only allots time. Last Friday, he made the announcement that on the 8th this Constitution (Amendment) Bill would be taken up. We are not objecting to that....

SHRI PILOO MODY: Let me correct him about what happened in the Business Advisory Committee.

MR. SPEAKER: I would advise you this; to be on the safe side, we will have to consider this.

SHRI PILOO MODY: Deliberately dishonest, breach of faith.

MR. SPEAKER: To be on the safe side because of uncertainty in this matter, I would say this. Normally, we accept the business as it comes from the Government. But in view of this, I think the Minister can move a motion. Let the procedure be set right. He can ask for adjournment of the debate under rule 109 on Bills between 17 and 19.

SHRI VIKRAM MAHAJAN: There is no need for adjournment.

MR. SPEAKER: After all, some way has to be found. It has to be corrected, and on both these Bills, you can move—

SHRI DINESH CHANDRA GO-SWAMI: Sir, on a point of order, (Interruptions).

MR. SPEAKER: I may tell you that we will have to consider, as a matter of procedure, the rectification of something. But for the time being,—not for the future, because there is some difficulty in respect of the rule—I only advised that he may move that on this Bill and the other Bill the discussion may be adjourned and then we will take them up. He can move that.

SHRI SHYAMNANDAN MISHRA: I rise on a point of order.

MR. SPEAKER: In defence to your wishes,—I have agreed to your wishes—I have asked them to come out with that rectification. After all, do not take it as a question of prestige. He will be moving.

SHRI SHYAMNANDAN MISHRA: On a point of order.

MR. SPEAKER: Kindly give it to me in writing—on both these Bills.

SHRI A. K. M. ISHAQUE (Basirhat): Rule 109 does not apply in this case.

SHRI DINESH CHANDRA GO-SWAMI: This should have been taken up before Mr. Gokhale made his speech. After he made his speech and the House has over-ruled the motion under rule 109 for adjournment, how can this be postponed? Under rule 109, you have over-ruled the motion for adjournment of the debate. After all, how can you have another motion under rule 109? Any objection to this should have been taken before Mr. Gokhale started his speech. After he made his speech, how can a motion under rule 109 come again? This House has rejected the motion for adjournment.

MR. SPEAKER: The Minister of Parliamentary Affairs.

SHRI SHYAMNANDAN MISHRA: Sir, I am on a point of order. Please listen to my point of order before he proceeds.

SHRI A. K. M. SHAQUE: We beg of you to consider our point. There is now no Bill before the House.

SHRI SEZHIYAN: There is the Coal Mines (Conservation and Development) Bill. (Interruptions).

MR. SPEAKER: Because of your observations, I suggested that the debate on the items which had come earlier—Nos. 17 and 19—may be adjourned.

SHRI SHYAMNANDAN MISHRA: This is completely wrong procedure and I am raising a point of order arising from the observations of the Chair.

MR. SPEAKER: Then I shall give my ruling that the Bills will come in the order in which they are there. I said so in deference to your wishes, in view of certain suggestions made. Now, he is going to request that those two Bills about which you say that they should have come earlier, be postponed. This is what you said from this side. I agreed to your suggestion so that the House might proceed with further business. If you say: no, there is difficulty, the original order of business stands.

SHRI SHYAMNANDAN MISHRA: That cannot be.

MR. SPEAKER: It is according to your wishes I have no set procedure for this. You expressed a wish and I said: let a request for the adjournment of the debate on items 17 and 19 be made. If you do not agree to that, Mr. Gokhale will proceed with his Bills.

SHRI H. R. GOKHALE: I want to make one submission. When the motion for the adjournment of this Bill was made, after some discussion

it was actually put to vote and the House actually divided on that issue. The House decided that the Constitution Amendment Bill would not be postponed but would be taken into consideration. Therefore it is a decision of the House that the Bill should be taken into consideration. (Interruptions).

MR. SPEAKER: I tell you that it is definitely a decision of the House, as pointed out by Mr. Gokhale. In deference to the wishes expressed here purely in regard to procedural matters about the Bills pending from last evening, I said that the Minister might request for postponement. If you do not agree to that, there is no other procedure.

SHRI K. RAGHU RAMAIAH: May I point out that this is done every day. Supposing a motion under rule 193 is put down at a particular time, we do not move for postponement of the discussion on a partially discussed Bill. Invariably this has been the practice whether it is a Constitutional amendment or a motion under 193 or any other motion. When the time set down for a particular matter comes up, we go on with that matter and do not move a formal motion that the partially discussed Bill or amendment be postponed. It has been the practice of the House. There are going to be great difficulties if we go on making formal motions like that; you will be a starting a new procedure.

Nevertheless, I am in the hands of the Chair and if the Chair asks me I shall move a motion. In view of the observations of the Chair, I request that further discussion on the partially discussed Bills be postponed until such time as that the Constitutional Amendments are adopted, as put in the Order Paper today.

(Interruptions).

SHRI S. M. BANERJEE: Where is the motion?

MR. SPEAKER: Does the House agree with the request made by Mr. Raghu Ramaiah that discussion in respect of Item Nos. 17 and 19 may be postponed?

HON. MEMBERS: Yes.

MR. SPEAKER: So it is agreed to.

There is no procedure or any rule on it. This is an uncertain position and you have expressed certain views. I tried to see whether the Minister can make a request. He has made a request and this has been agreed to by the majority of the House. If you go by rule, there is no rule. I will just ask the Minister to go ahead with his Bill. There is no rule on it.

श्री अटल बिहारी वाजपेयी: यह रिजोल्यूट का फार्म क्या है ? यह किम रूल के अन्तर्गत आता है ? अगर यह मॉशन नहीं है, तो बोट नेरी का क्या मतलब है ?

MR. SPEAKER: He has said if there is no rule on it. You have expressed a desire. I put it before the House and it has agreed to it. If you go by rule, there is no rule. I have already allowed discussion on the Constitution Amendment Bill. The House has given its decision.

SHRI S. M. BANERJEE: Where is the motion?

MR. SPEAKER: He has already said it.

SHRI S. M. BANERJEE: Where is the rule?

MR. SPEAKER: He has made a request.

If you go by rule, there is no rule. The discussion on the Constitution Amendment Bill will proceed.

SHRI SOMNATH CHATTERJEE (Burdwan): Have you been pleased to allow a motion under Rule 109 with regard to the Coal Mines (Conservation and Development) Bill?

MR. SPEAKER: We are already discussing it. We are seized of the Bill.

SHRI SOMNATH CHATTERJEE: Has any ruling being given on the motion under Rule 109?

MR. SPEAKER: No motion under Rule 109 on this Constitution Amendment Bill.

SHRI SOMNATH CHATTERJEE: What is the present position with regard to what was done by Mr. Raghu Ramaiah, either a request or a motion? Has it been accepted?

MR. SPEAKER: When you raised this objection, I saw whether there was any procedure, but I did not find anything. In deference to your wishes, since we have no procedure, I requested him to rectify it. In deference to your wishes, he made a request. If you go by rule, I do not find any rule. I have to accept the business of the Government as arranged. The House has already accepted it. I cannot go against the wishes of the House.

SHRI SOMNATH CHATTERJEE: Kindly see the last page of today's Order Paper which arranges the legislative business. Item No. 15 is the 35th Constitution Amendment Bill and Item No. 16 is the 34th Constitution Amendment Bill. Now, Item No. 17 is very interesting; it is 'further consideration of the following motion moved by Shri K. D. Malaviya'.

MR. SPEAKER: Only after the Constitution (Amendment) Bill is passed.

SHRI SOMNATH CHATTERJEE: What was decided was only that on the 8th these two Constitution (Amendment) Bills would be coming.

MR. SPEAKER: They were specially fixed for today. So, Mr. Chatterjee may proceed with his speech.

SHRI SHYAMNANDAN MISHRA: Sir, I have been trying to catch your eye for quite some time on a point of order. We are considering just now a point of order raised by the hon'ble Member Shri Samar Guha. Everyone, including the Chair, if I may be permitted to say so, as digressing from the point of order that has been raised by the hon'ble Member. The point of order raised by him is a basic one, how the order paper of today was settled and whether it was settled in accordance with rule 25. There must be some rule for the settlement of the order paper. Was the order paper settled according to the Rules of Procedure? Sir, you have been pleased to read rule 25. Under that rule, the business of the House is settled by the Speaker in consultation with the Leader of the House. That is the way in which the business can be settled. What we would like to ask is whether such a consultation had taken place between you and the Leader of the House?

MR SPEAKER: The Leader of the House is represented by the Minister of Parliamentary Affairs. I do not see the Leader of the House every day.

SHRI SHYAMNANDAN MISHRA: Otherwise, I would suggest that you take that rule off... (Interruptions) I would be prepared, if it is your pleasure, that this rule should be taken out, because it does not work in practice. It is one point of view. For all practical purposes, with all respect to the Leader of the House, it seems that there is no need for any such rule here because no consultation takes place. (Interruptions) I have to say what I think proper. If no such consultation has taken place, then should not the Chair choose to say to us why this irregular procedure was adopted in settling the business? Because, it is not only a question of consultation taking place between you and the Leader of the House, for a particular thing was already under discussion,

and you have jumped from that discussion to something else. Now a request has been made by the hon. Minister of Parliamentary Affairs. That request has no status under the Rules of Procedure. That request has no value... (Interruptions) Sir, even when I am trying to make submission under the rules, I am prevented. If you are pleased to say that this is a matter which ought to be considered, then, is it not very fantastically irregular that the matter which is not on the order paper today, which is not being discussed, is sought to be postponed, because of the request of the Minister?

MR. SPEAKER: Because you all expressed such a wish.

SHRI SHYAMNANDAN MISHRA: If the request of the hon. Minister has some logic, then the speech of the hon. Law Minister should be expunged... (Interruptions) Then, it must be deemed by the Chair not to have taken place at all, not to have been made, because we have been discussing in a sense what has been forced upon us, namely, the speech of the hon Law Minister. So long as the speech of the hon'ble Law Minister remains in the proceedings, there cannot be any jump from that backwards to a certain position and then, say to the House that we postpone the discussion on that. How is that logical?

Then, it is utterly incorrect and mischievously misleading to say that we had decided in the B.A.C. that we would take up this Bill on this day. We had emphatically told the hon. Minister of Parliamentary Affairs that we will not be prepared to take it up on his day. So, we are not backing out from anything.

SHRI K. RAGHU RAMAIAH: Sir, I did not at all refer to any decision in the B.A.C. I announced on Friday that this business will set down and taken up on the 8th.

[Shri K. Raghu Ramaiah]

The request that I made was out of respect for the Chair. Otherwise, I am personally convinced that this practice that the House has been following for the last 20 years is the correct practice that, when a matter is set down for a certain hour or for a certain day, that matter is taken up accordingly. Even about the 193 Discussion, very often, while the matter is going on, the Speaker announces that we take it up at 4 O' Clock or 5 O'Clock. We have always agreed to take it up at 4 O'Clock or 5 O'Clock, stopping all other business. This has been the practice going on. Therefore, there is nothing new in this. If I have made a request, it is only out of respect of the Chair. I am convinced that the procedure that was followed was correct.

MR. SPEAKER: I am very grateful and I appreciate what the Minister has said. In spite of the fact that I was very clear about it, that the business as the Parliamentary Affairs Department sends we arrange in the order, that practice has been there, and certain views were expressed by Mr. Sezhiyan, Mr. Vajpayee and others, as to under what rule to do—I did not find any procedure—I thought, if it is only for this that the House is not proceeding with the business, I could ask the Minister to postpone this discussion and then we will set some procedure for that. In deference to their wishes—I respected their wishes and the Minister respected my wishes—now that he has done it, the same gentlemen who advised me to do that get up and they want to oppose it. I really do not appreciate that. This is already mentioned in the Bulletin. It was mentioned in the House. The House had agreed to it that this will go like that. Because the House had agreed to that, there is no question of any discussion between the Leader of the House and myself. The House itself had agreed to that.

SHRI S. M. BANERJEE: On a point of order, Sir. (Interruptions).

SHRI SAMAR GUHA: On a point of order, Sir.

MR. SPEAKER: No more points of order. I am not allowing any more obstructions. I am not allowing any more points of order. These are just obstructions; They are dilatory. Mr. Somnath Chatterjee.

SHRI S. M. BANERJEE: What are we discussing? (Interruptions). What is the amendment?

SHRI H. R. GOKHALE: That is very clear. The Constitution (Thirty-Second Amendment) Bill related to the defections. I have made it very clear. This is always done.

MR. SPEAKER: The Minister said in the House that he will move an amendment. I agreed to that.

श्री प्रदल बिहारी बाजपेयी . मंत्री महोदय को कहिये कि उन्होंने जो बोला उसको पूरा नहीं बता सकते है तो थाडा मा तो बता दे । कैसे पता चले कि बिल पेश करने हुए, उन्होंने क्या कहा है ?

MR. SPEAKER: He has already spoken. There is no rule under which I can ask him to speak again.

Mr. Somnath Chatterjee.

SHRI K. RAGHU RAMAIAH: This is a Constitution Amendment Bill. The House would like to know when the voting will take place. I suggest that the voting on the motion for consideration may take place at 5.00 p.m.

SHRI SAMAR GUHA: On a point of order.

MR. SPEAKER: I have already called Mr. Somnath Chatterjee. No more point of order.

14.46 hrs.

(Mr Deputy-Speaker in the Chair)
SOME HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: Please sit down. I will hear every one of you, but one at a time. I will hear Mr. Banerjee. ((Interruptions). I do not belong to anybody I belong to the whole House.

SHRI S. M. BANERJEE: It has been mentioned here that this is the 'Constitution (Thirty-second Amendment) Bill'. I wanted a copy of that. I sent a man from here. But that is not available at all. (Interruptions). Thirty-fifth Amendment Bill cannot be discussed before Thirty-fourth Amendment Bill. This is wrong.

Secondly, Sir, the Minister of Parliamentary Affairs has said that at 5.00 p.m. there will be voting. Four hours have been allotted for the First Reading. How can they curtail that time? The Prime Minister cannot assume to herself the powers of Speaker. There is still democracy. There may not be democracy after 10th May....

MR. DEPUTY-SPEAKER: You have made your point. Please sit down.

SHRI S. M. BANERJEE: My point was only this when the time for the First Reading has been definitely fixed, it cannot be curtailed by any one. Voting cannot take place at 5.00 p.m. At 5.00 p.m. the debate on this should be adjourned to discuss the railway strike. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. Let me deal with the point of order that has been raised. I will hear every one of you because if I do not hear, it takes more time. Therefore, the best thing is to hear and dispose it of.

I would only make one little request. Please do not go on the assumption that the man sitting in the Chair is a dunce. Therefore, do not use more words than necessary. When you have made the point, you have made the point.

Shri Banerjee has made two points. His first objection was that we are discussing a non-existent Bill. Is that your point? That is what he said. As far as I am concerned, this is the Constitution (Thirty-fifth) Amendment Bill that we are discussing now. Whatever happens after that, the House is at liberty to regularise it. I saw an amendment in the name of the Law Minister to regularise the number . . .

SHRI SHYAMNANDAN MISHRA: But before that?

MR. DEPUTY-SPEAKER: Before that we go on with this.

SHRI SHYAMNANDAN MISHRA: Is it not an absurdity in nomenclature?

MR. DEPUTY-SPEAKER: But this House is supreme. You can regularise anything . . . (Interruptions). When that stage comes, the House is at liberty to refuse to regularise it; . . . (Interruptions). Please do not raise it any more.

No. 2. I do not know (Interruptions). Why do you get excited? I am telling you that I am not such a dunce.

The second point that he has raised was that there is an announcement. I do not know what was announced in all this confusion. There might have been an announcement that the voting will be at 5 O'Clock. That is what he is objecting to. It is customary that the Members should know by what time the Bill should be considered and passed because it is a Constitution Amendment Bill and it requires a specific majority. Without that it cannot be passed. Therefore, the Members should be in the know. But I see that four hours have been allotted for this Bill and I also am aware that the business of the House cannot be varied unless the House so decides. Therefore, I think, let us for the moment go on with the debate. After

[Mr. Deputy-Speaker]

some time, then the House may decide. I will put it to the House and take the sense as to by what time we shall take up the consideration, and every one of you will be informed about it. Let us not go into that at this stage, because it will only create more confusion.

SHRI SAMAR GUHA: My point of order is regarding the statement that has been made by the Minister of Parliamentary Affairs which is not only....

MR. DEPUTY-SPEAKER: Which statement?

SHRI SAMAR GUHA: The first statement about the business of the day. He has made two observations. No. 1—the hon. Minister said that it was decided in the Business Advisory Committee....

THE MINISTER OF PARLIAMEN-TARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I did not at all say that. I made no reference to any decision of the committee. I only referred to my statement therein.

MR. DEPUTY-SPEAKER: I will hear you also.

SHRI SAMAR GUHA: The hon. Minister is on record as saying that it was decided in the Business Advisory Committee that the Constitution Amendment Bill—the naming I do not know.

MR. DEPUTY-SPEAKER: Please do not be long-winded.

SHRI SAMAR GUHA: We are discussing an absurdity. There is no name....

MR. DEPUTY-SPEAKER: What is your point?

SHRI SAMAR GUHA: The point is, he says that it should be taken up on Wednesday. This is a misleading statement for three reasons. No. 1.

All the other members who were present in the B.A.C....

SHRI SHYAMNANDAN MISHRA: Did not agree with him.

SHRI SAMAR GUHA: It is on record that he said that. That is the latest statement.

MR. DEPUTY-SPEAKER: I am concerned with the order of the House.

SHRI SAMAR GUHA: The other members contested the observation that has been made by the hon. Minister who said that it was decided. That is number one. Number two is this. Even if it is accepted that he made a suggestion that the Constitution Amendment Bill should be taken up on Wednesday, my point is this. Two hours were allotted for the Coal Mines Bill. Even those two hours are available still. After those two hours are exhausted, then you can take this up. The hon. Minister has not said on Friday about this. He has not made a statement that on Wednesday the Constitution (Amendment) Bill would be taken up before the Coal Mines (Conservation and Development) Bill. But, Sir, Bulletin Part II which was circulated on Friday, May 3, 1974 says like this. There is no mention about this. It first says about the sitting of Lok Sabha on Saturday, the 4th May, 1974 and what are the functions of that sitting. It is item No. 1717. The next item says about the Government Business for the week commencing the 7th May, 1974. Item No. 1719 says about the allocation of time to Government Legislative and other business. Misleading statement is made by the hon. Minister. Nowhere has this been stated that this Constitution Amendment Bill would be taken up first on Wednesday prior to the Coal Mines (Conservation and Development) Bill. Something may be in the mind of the hon. Minister. But that was not there in the printed Bulletin circulated to us. Many undesirable things are being done; I don't know whether he has

managed to get overnight another bulletin printed. But this is the bulletin which has been circulated to us. Therefore the statement made by the hon. Minister is misleading, wrong, and not factual. Therefore, this cannot be taken up today. This cannot have precedence over the other Coal Mines (Conservation and Development) Bill.

MR DEPUTY-SPEAKER. I have understood you. Your first point is, you dispute what the Minister for Parliamentary Affairs has stated. You say, it did not happen in the Business Advisory Committee. I would like to bring to your notice that each and every report of the Business Advisory Committee is brought before the House by the Ministry for Parliamentary Affairs in the form of a Motion before the House. The House adopts that Motion. Therefore, it is not important as to what the Business Advisory Committee has said or not said. Once the House has adopted a motion, then it becomes the decision of the House.

Secondly, I find this from the Bulletin of the 3rd May. It says:

"The Minister of Parliamentary Affairs announced in the House today that Government business for the week commencing Tuesday, the 7th May, 1974 would consist of—"

There, item No. 7 says:

"Consideration and passing of the following Bills on Wednesday, the 8th May, 1974:—"

- (i) The Constitution (Thirty-fifth Amendment) Bill, 1974
- (ii) The Constitution (Thirty-fourth Amendment) Bill, 1974."

So, he has made this announcement. You know the practice. Whenever he makes a statement regarding the business for the next week, it is open to you at that stage to say this should

be there, this should not be there, this should be added, that should not be added, and so on and so forth.

15.00 hrs.

After all the discussion, the House gives its consent. Will the hon Minister of Parliamentary Affairs kindly listen to me?

This is the practice. After he has made an announcement, he takes the consent of the House and, therefore, it is assumed that the House has given its consent.

SHRI SHYAMNANDAN MISHRA:
No consent is taken.

MR. DEPUTY-SPEAKER: Normally, that is the convention. You are at liberty to bring or to suggest other things also. That is also discussed in the House. This is the convention it may not be the rule. As I said on more than one occasion—today, Shri Mavalankar also made this point—in an emerging situation, our rules have become a little outmoded. Here also I do not accept that because something has happened and therefore it must go on. I do not subscribe to that.

If something that is adequate at one particular time is no longer adequate now, we must have a fresh look into it. But, then it will need some other consideration. I would request the Member that since this was done with a responsibility, let us go on with it.

SHRI SAMAR GUHA: The third point that is contingent to my second point is this. Three hours were allotted for the bill on Conservation of Coal and Development of Coalmines. On Wednesday it was taken up.

MR DEPUTY-SPEAKER: I shall come to that point.

In the absence of specific rules... I think that the Ministers of Parliamentary Affairs should be the most

[Mr. Deputy-Speaker]

interested people. It is your baby and not the baby of Shri Gokhale at the moment.

Now, in the absence of specific rules, this House has also been conducted on conventions and we have accepted it. I am satisfied myself. I would now draw your attention to the Order Paper of to-day. Look at item No. 19. Why has this happened? I can quote many instances. I cannot lay my hands readily now. This has been the practice; it is Government's business. If they do not want to press a particular Bill and give priority to it, they can give priority to some other Bill. It is altogether their business.

In this particular instance, they do not want to give so much priority to the bill which is under discussion as the one to which they want to discuss now.

The question which you raised to-day, to me, appears to have a certain amount of cogency in it—I would not say 'validity', I would not use that word. Here again, it is an emerging situation. It shows how our rules are inadequate. Apart from the rules, there have been so many occasions, so many instances in the past, that this sort of thing has been done. I cannot give you instances rightaway. But, if you want, I can give them later. Therefore, for this, we should have a fresh look at these rules. Do not press this at the moment. Now let us go on with it.

We have had enough discussion. The Speaker, for three hours was wrestling with you all. I am not as strong as he is—he is a much bigger man

SHRI SAMAR GUHA: We have to meet that. We are not going to leave it as it is.

MR. DEPUTY-SPEAKER: Mr. Guha, have a sense of humour. I say that the Speaker was wrestling with the House for almost two hours. He

is a much bigger man, bigger in bulk though I do not know whether stronger.

Therefore, let us go on with it. Mr. Chatterjee.

SHRI P. G. MAVALANKAR: I want to ask two things. While referring to Shri Banerjee's points of order, you admitted that the thing was non-existent, and that the House should regularise it. But when a particular matter is raised and the attention of the Chair is invited to such an irregularity that has taken place, should we not go in for removing the irregularity and then start with the debate? Secondly, the Law Minister should read out his statement again, which he had read in the beginning for the consideration of this Bill. I make this request, because we were not able to hear it at all. Would you, therefore, ask him to read it again so that we may be able to advance our arguments better and even meet his points. Please ask him to repeat.

MR. DEPUTY-SPEAKER: There can be two kinds of irregularities. If it is a willful irregularity the House should take serious notice of it. If it is an inadvertent irregularity the House should regularise it. The other submission seems to be legitimate but I will leave it to the good sense of the Minister himself. Today has been a very unusual day. Therefore, let us not stand on prestige. If Members have not heard you they find it difficult to reply and contribute in the debate. Therefore, if we do not stand on prestige and since it is an unusual day I leave it to your good sense if you could acquaint the Members with what you have said.

SHRI H. R. GOKHALE: Sir, the Bill has already been moved for consideration. If you so desire I do not mind reading the speech again.

MR. DEPUTY-SPEAKER: You do it again.

SHRI H. B. GOKHALE: I can understand they want to hear only. For the sake of formality I am reading it again. The Bill has already been moved.

This Bill seeks to amend articles 101 and 190, which respectively deal *inter alia* with the right of a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat.

Under these articles, a member may resign his seat by writing under his hand, addressed to the Speaker or the Chairman, as the case may be. Experience in the recent past has indicated the necessity for amending these articles, to obviate certain unintended consequences which have ensued in the working of these provisions. Resignation, it is needless to say, is intended to be a voluntary act and what is sought to be covered by articles 101 and 190 is a resignation which is genuine and voluntary. But, in some cases it is found that members are made to submit resignations which may appear to come within the purview of articles 101, or as the case may be, article 190, but which, in fact, have been the result of pressures, not excluding physical violence, exerted to coerce a member to resign. In other words, acts of coercion, duress, undue influence and other kinds of blandishments are resorted to, to bring about the resignation of a member, who under such pressure and compelled by the atmosphere of violence, is forced to tender his resignation. Obviously, it would be a misnomer to call such an act on the part of a member a resignation.

As the provisions presently stand in the Constitution, the Presiding Officer has no other alternative but to act on the resignation.

It is with a view to preventing situations of this kind that the present Bill has been brought to make the position clear that the resignation contemplated in articles 101 and 190 is a resignation which are voluntary

and genuine and not those which have been contrived through the use of undesirable means such as coercion and undue influence. In such cases, the proposed provision would enable the Presiding Officer to satisfy himself as to the genuineness or the voluntary nature of the resignation before he accepts the same. Through the proposed amendment, the right conferred upon the member by the Constitution is being made really effective and it cannot be taken advantage of by undesirable elements to achieve their ulterior purposes.

With these remarks, I commend the Bill for the consideration and acceptance of the House.

PROF. MADHU DANDAVATE: Sir, only two days are left for our Session and I want to know from the Minister for Parliamentary Affairs that under provisions of our Rules and Procedures, and all that I have given a notice of motion urging the Speaker that this House should be extended by at least one week so that during the development of railway strike the Members of Parliament will be able to exert themselves for the settlement of the strike. I want to know what has happened to that.

MR. DEPUTY-SPEAKER: No. No. Not now. It may be taken note of.

PROF. MADHU DANDAVATE: You tell him to make a statement today. At least use your good offices to see that at the proper moment he makes a statement.

MR. DEPUTY-SPEAKER: The hon. Member has made his observation. It is on record. The hon. Minister has heard him; I have heard him and everybody else also has heard him.

Now, Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE: It is very unfortunate that this morning the Chair was not able to accept an adjournment motion for the purpose of discussing admittedly a matter of very great public importance which is

[Shri Somnath Chatterjee]

going to affect the very economy of this country. But the rules of this House were suspended for the purpose of allowing the discussion of a Bill like this which according to us is a ridiculous exercise in legislative formality. Only three days are left for this session to end, and we have completed more than half of the day today and only two days are left for the session to end. When so many important problems are waiting to be tackled and discussed, it is regrettable that the time of this House and public money are being wasted on discussing Bills like this, which I submit if passed would be a blot on the statute-book of any civilised country, which has a parliamentary system of Government.

It seems that the ruling party, being aware of the fact that during the months to come they will face great inconvenience and it will not be an easy period for them, want to provide a constitutional shield to the Members of the Parliament or the Members of the Legislature belonging to the ruling party, and more unfortunately by bringing forward a legislation which brings in the Speaker or the presiding officer of the various Legislatures into the vortex of controversy and which is going to result in these offices being misutilised for the purpose of providing a constitutional shield to the erring members of the ruling party. Since they cannot now face the wrath of the people, they have brought forward this measure with that object at the fag end of this session, and they want to utilise their brute majority to steamroller through Parliament this atrocious legislative measure.

This Bill is a glaring example of how a Government which finds itself alienated from the people can seek to perpetuate its rule and hegemony by taking advantage of its temporary mandate from the people. And what is the process utilised? It is that of fiddling with the Constitution of this country which is an organic and a

basic document for running the administration of the country and to bring about the welfare of the people. Now, the Constitution has become a plaything for the ruling party. When this Government or the ruling party brought forward before Parliament proposals for amendment of the Constitution which sought to amend those provisions of the Constitution which we thought were standing in the way of the progress of the people or which were creating a blockade in the path of achieving the urges and aspirations of the people we supported those measures fully. But we find that this is a measure which has not been brought for the benefit of the people but it is being brought forward for the benefit of the ruling party. Let them bring forward a Constitution Amendment Bill for doing away with article 22 which provide for preventive detention law, or let them bring forward a Constitution Amendment Bill which does away with private ownership of the means of production, and we shall stand by their side and support them wholeheartedly. But we find that that is not the object for which this streamroller majority is being utilised.

So, we are opposed to this measure. We charge that this is politically motivated. This is morally suspect. From the point of view of democratic norms, we say that this is nothing but a declaration of war on the common people of this country and an attempt to try to muzzle their voice.

If you see the Statement of Objects and Reasons appended to this Bill you will find that Government have stated that in the recent past there have been certain alleged instances where coercive measures have been resorted to for compelling Members of Assemblies etc. to resign, and the hon. Minister also has in his speech stated that pressures are being put on them, and in some cases, even physical pressures.

Not in all cases. In some cases, there may have been physical pressure put for the purpose of tendering resignations.

situation But that is the only reason put forward in support of this Bill. Democracy, we know, is a particular system of Government which is of the people, for the people and by the people. Now, what are the rights of the common people of this country? Whenever they find that the government which has come into power by holding out, doling out, promises, a string of promises which they do not carry out or which are not even intended to be carried out, continues in that fashion, what do they do? Does the Constitution make any provision as to the rights of the people of this country vis-a-vis their elected representatives? There is no provision for recall, there is no provision for holding a referendum, there is not even a provision for an opinion poll which may have some consequences. Nothing has been provided. What is to be done? What are the people to do when this Government which has failed to keep up its promises which knew at the time when the promises were given that they were not meant to be carried out and thereby created hopes, thereby tried to win over the people's sympathy and support and finds itself unable to deliver the goods? What are they to do when the Government instead of looking after the common people's interests the working classes interests and the interests of the downtrodden in this country surrender to the black-marketiers monopolists and vested interests? I know the usual answer of the Government will be that they will have to wait for five years because after five years they will get a chance of charging the Government therefore let them wait as dumb spectators for five years taking a chance of an election being held. And in the new process, *modus operandi* of holding elections that is found in the country that you are applying in this country the people are losing faith also in the ordinary democratic process of holding elections. But in the atmosphere of prevailing gloom, organised corruption and unsympathetic administration and acute economic crisis and distress in the country, does the ruling party want that the people of this country

will have to be only dumb spectators and will have to suffer in mute agony? Will they not rise, are they not entitled to make demands and assert their rights that this Government must create conditions and must provide them with basic normal human facilities so that they can live a decent life?

In the course of the exercise of such rights, if the people of this country demand the resignation of a particular member of a particular legislature because such a member is an inefficient member or is part of a corrupt hierarchy or corrupt administration and therefore should not continue, and if that demand is heeded will it be treated as a coercive process? If the member or Minister realise that he has not been able to discharge his duties and functions properly and cannot deliver the goods to the people of this country, if he feels that although he belongs to the ruling party, the ruling party is not looking after the interests of the people and tenders resignation because somebody has demanded it, will it be as a result of a coercive process. Will it be as a result of pressure only?

In the absence of a provision for recall or referendum, in the enhance of any provision in the Constitution of the organic law of the country in this regard it cannot be expected that as against the elected representatives of the people the people will suffer in silence and without any demur. Think of the days in 1959 when the EMS Ministry was there in Kerala. Under the aegis and connivance of the ruling party and the proddings of the then Congress President, a sort of apology of a mass movement was started with the object of bringing down the Ministry.

SHRI PILOO MODY: Who was the Congress President?

SHRI SOMNATH CHATTERJEE:
of securing the dismissal of the popularly elected Government of the State.

Sir, at that time, the justification was there was a mass movement, and there was a resurgence of the common people of this country as if the mass or the people were demanding that the EMS Ministry should go. Now in Gujarat and Bihar, when the people were making the demand it has become right reaction and it has become fascism. When the students are demanding, when the common people are demanding the basic necessities of life, and wherever there is a Congress Ministry installed, it will be right reaction and fascism. This is a double standard which is being applied by this Government and by the ruling party. We feel—and I am sure the Government realises that—they cannot save the government in Bihar. They have lost the Government in Gujarat. They will not be able to save the government in Bihar either. That is why they are making this desperate attempt to provide a shelter to their members under this constitutional perversity, which it will be if it is adopted today.

We charge this Government that this Bill has been brought to legalise and constitutionalise the ruling party's betrayal of the people of this country. Instead of Garibi Hatao, they want to remove the common people of this country from the mainstream of political life. They are trying to erect a barrier between the people and their elected representatives. They want to be put in an ivory tower so that they will not be accessible to the people and the people cannot go to them and say, "you have proved to be useless and worthless; you cannot deliver the goods. Please get away so that we can make a choice for a true representative of the people." We call this to be pernicious measure and it should be rejected and we propose it lock stock and barrel.

During the days when we were discussing the suppression of the Judges of the Supreme Court they were quoting the provisions from the Constitutions of Australia, Canada, United States of America and even the United Kingdom, as if they were quoting the Scripture. But in all these countries—Australia, Canada and the United States of America—the simple process has been, as in our Constitution today, that the resignation is tendered by letter in writing, in the Member's own hand. You know in England, where there is no written Constitution, the simple process of tendering one's resignation is what is known to be the membership of Chiltern Hundreds. That is automatically granted. But what goes at the back of it, why he tenders his resignation, why he seeks to apply for resignation, is never gone into. Who shall go into that?

Kindly see the Bill here. I can never imagine a more pernicious Bill. It says that now every resignation has to be accepted by the Chairman or the Speaker as the case may be. And then you provide that "in the case of any resignation referred to in sub-clause (b) if from information received..." Which source? The source is not disclosed. Then it says, "or otherwise." What is the meaning of "otherwise?" "And after making such inquiry as he thinks fit the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine he shall not accept such resignation."

Let us take the word "genuine." Is it meant that there may be no proper signature? If signature is meant, then does it mean that it is not his resignation letter? Do they have to keep specimen signatures? Will they keep specimen signature in the Secretariats and other offices and compare them when the resignation letters are signed by the Members themselves? Will this matter be investigated by the Speaker or the

Chairman of the Rajya Sabha or the Presiding Officers of the different State Legislative Assemblies and Councils?

Then, a very shameful and pernicious object is to bring the Chair or to implicate the Chair into party politics. The high office of Speaker is being polluted by making him directly a privy to party politics. That is what will happen. As Speaker, how would you judge whether a resignation is voluntary or not voluntary? What sort of information you will rely upon? Will it be official information? What machinery will you adopt for "information received otherwise"? It says that if for any reason the Speaker or the Chairman thinks that this is not supposed to be voluntary, he shall not accept it. Obviously some sort of enquiry is contemplated. Is it a judicial enquiry or quasi judicial enquiry or administrative enquiry? Will you give notice to the member or publish notice in the newspapers inviting people who are supposed to have gone there and demanded his resignation? Will you put that member and other persons on oath to find out whether they are speaking the truth or not? What is the machinery? Would you proceed on an objective basis or a subjective basis? Will you say: I come to the subjective decision in the matter. Kindly see. The authority that will be exercised by the Speaker will be constitutional authority, not in this capacity as Speaker nor in the conduct of the affairs or proceedings in the House. Article 122 says that the validity of any proceedings in Parliament shall not be called in question on the grounds of alleged irregularity. Here the decision of the Speaker will have nothing to do with proceedings in Parliament. Article 122 refers to regulation of the procedure and conduct of business. Only such things cannot be questioned in a court of law. But this has nothing to do with the conduct of business in Parliament.

Therefore, we should like to know what sort of enquiry is to be done? Who can reply? Can the hon. Law Minister say what will be the type of enquiry? Or is it for the Speaker? Will he hold some enquiry? Will he say that he will hold this type of enquiry? Who can reply to this question? Can the Law Minister reply or lay down the rules which the Speaker will have to follow? The highest officer of the highest legislative body of this country will be dictated by the guidelines laid down by the Law Ministry in this country. The real objective seems to be inject party politics so that they can further their interest and stick to power—for any length of time at any cost. They are not even sparing the hon Speaker of Parliament or the Chairman of the Rajya Sabha in order to achieve their objective. Is it expected by the Government that an intelligent service will be maintained? Who will finance this intelligence service? Will it be part of the CBI or will it be provided for by the Lok Sabha Secretariat? How will you gather information? Supposing the Speaker feels that it is necessary to get additional information on something that has been brought before him, whom shall he depute? Mr. Shakhder or Mr. Patnaik or any body in the Government to go out and find out? Therefore, the Speaker is being asked to descend into the arena.

15.28 hrs.

[SHRI ISHAQUE SAMBHALI in the Chair]

The Speaker is degraded to the position of a sub-inspector of police who is asked to make investigation as to whether a crime has been committed or not. Tomorrow, if this Bill is passed your position will be no better than that of a sub-inspector of police or a constable asked to make an investigation whether a cognizable offence has been committed or not. What will be the result of it? I would only like to remind this House that only two years back a joint committee of the

[Shri Somnath Chatterjee]

Members of Parliament of both Houses was constituted for the purpose of suggesting amendments to the election law. At that time almost a unanimous request was made to the hon. Speaker to be the Chairman of that Joint Committee because a very important legislation was going to be discussed and decided by that Joint Committee. Although there was a unanimous request to head this Committee, the Speaker said that as many controversial matters might arise it would be embarrassing for him to be its Chairman. Therefore, Sir, the Speaker declined to head this Committee, which was going to decide about the future of election law in this country. But, today, the Speaker is being brought into the middle of controversies, controversies which are bound to crop up if this Bill is passed. Supposing, Sir, I have almost finished—after tendering resignation, a Member changes his mind and then puts up a false plea 'I was forced by A or B or C or D to tender my resignation' or his party expresses its displeasure 'why did you tender the resignation? You withdraw it', how do you find it out? How does the Presiding Officer find it out? Then, Sir, supposing, a party directs its Members to resign—as we find from today's newspapers that so many Members belonging to Jan Sangh and SSP have resigned in Bihar, how will the Speaker decide the question whether the resignations are voluntary or not? Therefore, Sir, we feel and we say that this is a pernicious measure which is nothing but a monstrosity and this House should reject it, I know, the hon. Minister will ask 'Do you support forced resignations?' Well there may be a cast of forced resignation if it is divorced from the popular movement. But, the question is, if you want to see that your Members are not asked to resign by the people, then you have to put up a much better performance; Mr. Law Minister, your party has to have a much better rapport with the people. You cannot go on denying

the people their necessities of life. You cannot deny the people of their very fundamental rights; their basic right and then say 'well, I must sit in the ivory tower and should have constitutional protection and I can utilise the Offices of the Speakers and Chairmen of different legislative bodies and councils, and therefore, you cannot do any harm! I can now undo something that the people of this country demand me to do.'

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Chairman, Sir, I listened very attentively to the speech of Mr Somnath Chatterjee who described this Bill as anti-democratic. I am not at all surprised with his speech as a person or as a believer of philosophy which does not by itself believe in parliamentary democracy and which also wants to drive in anarchy and chaos. Obviously, he will not like that certain provisions should be brought in this House which can create a damper in the effort of a few individuals to create atmosphere of anarchy and chaos. I would not be surprised also if this is opposed by some other friends, who, by the time, have realised that their policies are such that the country and the people, particularly, the vulnerable sections of this country, are never going to support them. Sir, Mr. Chatterjee has said that democracy is a certain process. It is because of maintaining this process that the Bill has become necessary. It has become necessary because in the recent past, we have seen a new phenomenon in our public life, a phenomenon which has dangerous implications, a phenomenon which has the evil effect of destroying the democratic functioning of the society. This phenomenon is of procuring letters of resignation from the legislators by threats of violence by a handful section of the people. If democracy is to thrive, the process is, it must thrive in a certain atmosphere, in which individuals including legislators are not subjected to intima-

tion, violence or threat. You cannot permit issues to be settled, in a democratic society or where democratic foundations are there, on the streets. Obviously, when a tendency has grown in this country today to settle issues on the streets, it is necessary for this Parliament to ponder seriously and to bring before this House legislative measures by which we can discourage such an atmosphere or such a tendency. Sir, as a legislator, I do feel that the people have given me some mandate and I must be permitted to carry out this mandate without fear of violence. If, at every moment, I am under the apprehension that persons on the streets can really modulate my views, I do not think, at any point of time, I will be able to serve this country or society at large.

After all, I would request the members of the opposition to keep in mind that there have been cases in this country where there were mass upsurges, not on national issues but on emotional issues, on regional issues, on sentimental issue, and force has been used to coerce legislators to support these emotional issues, sentimental issues. But in the ultimate analysis, it has been found that the emotional issues which brought the so-called mass upsurge were not for the good of the country and people themselves have realised it after some point of time. Therefore, unless we give some protection to the legislators to exercise their own independent opinion in this matter and protect them from mob violence on the ground of mass upsurge, I do not think we will be able to really discharge our duty as legislators, and therefore I congratulate the Law Minister for bringing the Bill before this House.

Many an objection has been taken by Shri Chatterjee. He has asked why we have brought in this Bill and why certain new things have been introduced in this Bill. He also said that the Speaker has been dragged in,

that he will become the subject matter of controversy, he will be something like a sub-inspector and so on and so forth.

I feel that by bringing this Bill the hon. Law Minister has regularised certain things. Because of certain divergent decisions of the High Courts, the situation in the entire country was such that nobody knew where the matter really stood. The hon. Law Minister in his speech has said once the resignation is given by a member, the Speaker has no authority to reject the resignation or to say that he will not accept it Article 101(3) says:

"If a member of either House of Parliament....

(b) resigns his seat by writing under this hand addressed to the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant."

Therefore, one interpretation the hon. Law Minister has said that if a person resigns his seat by writing under his hand and addressed it to the Chairman or the Speaker, tendering his resignation, the question of its acceptance does not arise at all. At the same time, in this country there have been decisions of the High Courts, which have stated or interpreted that the Chairman or the Speaker may refuse to accept resignation if there is doubt about the genuineness or the voluntary nature of the resignation.

At this stage I have to refer to a decision reported in AIR Allahabad 1965, because there also this question came up, and in the judgement, the High Court while dealing on the different kinds of resignation of high dignitaries and members of the legislature observed:

[Shri Dinesh Chandra Goswami]

"The only difference between the two cases is that whereas in the case of a member of the Legislature the Speaker is bound to accept the resignation, once it is received by him, provided of course that he is satisfied about its genuine and voluntary nature...."

Therefore, it is not that the courts have interpreted article 101, or the corresponding article dealing with the State Legislatures, in a manner that once the resignation is given, no discretion is left to the Speaker. We have got the decision of at least the Allahabad High Court, which says that the Speaker has the right to consider the genuineness or voluntariness of the letter. I can also refer to a decision of the Travancore Cochin High Court in 1952 where it has held that a resignation under article 101 implies a voluntary resignation. If the resignation is not voluntary, obviously the resignation is not going to take effect.

Therefore, an atmosphere exists in the country where legislators do not know where they stand because both the views were very much predominant. There were two decisions of the High Courts which say that for a resignation to be a proper or valid resignation it must be genuine and voluntary. There is another interpretation coming from different quarters, including from our Law Minister, that the moment a resignation is given, it is effective and the question whether it is voluntary or not simply does not arise. In that atmosphere of uncertainty, if a legislation is brought to remove all such uncertainty, I do not know why objection is taken to that.

Then, my hon. friend has said that the Speaker has been dragged in. You will be pleased to note that it is not for the first time that the Speaker has been dragged in by this constitutional amendment, by introducing certain things which were never before there. Because, there are

rulings of the different High Courts which say directly or indirectly that the Speaker has to judge about the genuineness or the voluntariness of the resignation.

Let us take the case of the biggest State of this country, namely, UP. I draw the attention of the House to a rule framed by the UP Legislature which says:

"As soon as may be the Speaker on receipt of a letter of resignation, if he is satisfied about the genuineness and the voluntariness thereof, inform the House that such a member has resigned his seat in the House."

Therefore, even prior to bringing this Constitution Amendment Bill before the House, there are many legislatures—I am only citing one example—where under the rules framed by the legislatures, the Speaker was given the right to judge whether the resignation was voluntary and genuine. I feel such situations should not continue where a particular legislature may accept or reject a particular resignation on the ground that it is not voluntary because they have framed the rules whereas another legislature will not frame such rules and the Speaker will say, "Under article 101, I have no option. I am to accept it."

I feel, this is discriminatory in nature that the legislature of a particular State will be protected because of certain rules framed by the House whereas the legislature of another State will not be protected. Therefore, if the Law Minister has brought before the House a statute by which the whole thing is regularised, I think, there should not be any objection from my learned friends.

I do not think—at least, I have tried to find out.—that my belonging to Opposition parties at any point of time made a protest, when the rules were framed by the U.P. legislature, that you are unnecessarily dragging the Speaker and that you are converting

the post of Speaker to that of Sub-Inspector. At no point of time, these objections were made. But today, these objections are made because the Members of the Opposition have realised that in spite of the grave economic crisis that is going on in the country, the Congress party has got the support of the vulnerable sections of the population as it happened in U.P. recently and in Andhra Pradesh where so much of agitation was there.

What does it indicate? The temporary mass upsurge may not be the final opinion of the people in the ultimate analysis and, therefore, they feel that their success lies not in the ballot box but in chaos and anarchy. That is why they are objecting to this Bill. I can only pity them. Therefore, I am saying that the ground referred to by my learned friends that the Speaker has been unnecessarily dragged in is meaningless because nothing new is sought to be introduced by this Bill.

The next question was about recall and referendum, "Why don't you have provision of recall and referendum in the Constitution?" I do not know whether the Members of the Opposition have really tried to understand the implications of these two words recall and referendum. They always use the words because they are catchy phrases. What is the provision of referendum? The provision of referendum is that a particular Bill or a particular legislative provision may be placed before the public for their opinion by way of voting. We have such a provision where in respect of important Bills, we feel that the public opinion should be taken, we send the Bill for eliciting public opinion. I do remember that only last week we sent a Private Members Bill, Mr. Limaye's Bill for public opinion. The word "referendum" seems to be a very catchy phrase. That is why they

Let us look to some of the countries as to how they have used the provision of referendum. I tried to see the Swedish Constitution. In the Swedish Constitution, in 1922, the provision of referendum was introduced. Up till now, they have utilised it only on three occasions. For what purpose? The first was as to whether there should be a prohibition of intoxicating drugs which was rejected by a narrow margin. The second time, in 1955, the referendum was sought as to whether the traffic should go by the right hand or by the left hand. On the third occasion, the referendum was sought on some pension scheme where the decision was inconclusive.

Those countries which have provided for referendum can afford it because the population is less and the complexities are not like those of our country. Therefore, they can afford to do so. But in a country like ours, for every Bill, for every piece of legislation, if we are to go to the people, we will be creating complications.

About recall, an impression is sought to be created "that you can recall legislator if he is not doing service. What is the provision? The provision of recall, as we find today in some of the American Federal Constitutions, is that if a number of persons sign a petition saying that a particular Member has not been able to discharge his duties properly, after verification of the petition, the Constituents are given another opportunity to exercise their franchise and if a majority of voters say that Member should come back, then only he is recalled. Do you know the dangerous implications if this provision is incorporated in the Constitution? We will be fighting elections all the time. 200 or say, 500 people will sign an application saying that he is not discharging his duties properly and then he will have to go to the polls. If an Opposition member gets elected, I can easily get hold of, say, 500 people and have an application made. Particularly the members of the Opposition, who were

[Shri Dinesh Chandra Goswami]

in lesser margin than ourselves, will be in great difficulties. If I am defeated, immediately I am able to get hold of 1,000 people. Therefore, in a country like ours when you say about recall you should apply your mind to the problem. You simply say so because these words seem to be very catchy phrases.

Mr. Hiren Mukherjee, the other day, was objecting to the introduction of this Bill saying that, by this, we will be making a publicity throughout the world that resignations in this country are being taken under threat or duress. I think, we should not behave like an ostrich burying our head in the sand and being under an illusion that the people will not see us. As if we do not pass this Constitution Amendment Bill, people in the world will not know that these things are going on in the streets of our country. People in the world are not so foolish; they read newspapers; they know what is happening in this country. They are less concerned with what Constitutional Amendments are taking place than the reported events. Therefore, I feel that this argument has no sound logic or basis.

Lastly, a point has been sought to be raised whether, if a party asks a member to resign and if he resigns, this resignation will be voluntary or not and my friends have spoken keeping in view the situation in Bihar. I do not think that this is at all a complicated matter, because, if a party asks a member to resign and if a member, in deference to the decision of the party, voluntarily resigns and reiterates to the Speaker, 'I voluntarily resign', then obviously it is voluntary. If a member does not want to resign and the party coerces him to resign and the member after his resignation informs Speaker that his resignation was not voluntary, then I think that the resignation is not voluntary. The matter is simple....

SHRI MURASOLI MARAN (Madras South): If the Speaker himself is

made to resign by coercion, then what do you suggest?

SHRI DINESH CHANDRA GO-SWAMI: About resignation of Speaker, there is a particular provision.

Therefore, I feel that the apprehension that my learned friends are raising about this Constitution Amendment Bill has no foundation. This Bill, undoubtedly, is to protect the process of democracy in this country, and I wholeheartedly support this Bill.

SHRI D. K. PANDA (Bhanjanagar): Mr. Chairman, as far as this Bill is concerned, because certain things have happened in the recent past, the necessity, according to the Government, has arisen to take certain measures to ward off any forcible or coercive resignation Under the Constitution there is no provision with regard to the simple fact whether, when a resignation reaches the Speaker, it should only be signed by a member or it should be written in his own hand-writing. Of course, two types of things have happened. Some members are resigning voluntarily and there are also cases where we find that members have resigned under coercion, force, duress. Suppose a forced resignation letter reaches the Speaker, then he should know whether that member has actually given his resignation voluntarily or under coercion or force. Only to this limited extent the matter can be simplified. The matter can be simplified and an easy solution can be found out if merely one amendment can be made to the effect that the resignation letter should be in the hand-writing of the member concerned. And it must be presented by him in person to the Speaker. But, now, because of the present amendment brought by the hon Law Minister, the whole thing is complicated. So, my point is this and I will request the Minister, Shri Gokhale, to go only to this limited extent. To-day, the Speaker may be in trouble. So, to avoid any controversy, and to give an opportunity to

the Speaker, the particular member resigning should give it in his own hand-writing and present it to the Speaker. Suppose, a member is under treatment in a hospital. Then also arrangements can be made to know whether he has given it in his own handwriting. To that limited extent, I am prepared to accept. But, here the whole thing has been complicated. It has become something farcical and most ridiculous to suggest that the Speaker shall find out whether it is really genuine or otherwise. The genuineness or the otherwise of a resignation, the Speaker can never be in a position to ascertain. The entire rules of evidence and other procedural matters will come up. Possibly, we cannot see that the position of the Speaker is degraded or the position of a Magistrate making an inquiry as to the genuineness of the resignation. Therefore I would call upon the hon. Minister to come forward with another Bill only to that limited extent that the resignation must be in the hand-writing of the Member and signed by him and handed over by him in person to the Speaker. To that limited extent I would make this suggestion.

With regard to what has happened in Gujarat and what is going to happen and the developments that are taking place in Bihar from these at least the Government should draw a lesson that if to-day the Constitution does not provide for a right of recall of a member then that right has to be given to the electorate so that the electorate can peacefully decide that if a particular member has not discharged his responsibility or that he has not carried out his responsibility in a particular way for which he is committed then under such circumstances 51 per cent of the people or whatever number you may fix if the majority of the people do not really want and if they feel that by their vote again they can express their own views that a particular member

has failed to carry out his responsibility they should be able to do so. So, this is the right time for bringing a comprehensive Bill. In many socialist countries, why in almost all the socialist countries there is a right of recall. Thereby the electorate's right has been strengthened. They are guaranteed such rights and therefore, the same thing can be put here also. So instead of bringing such a comprehensive Bill what is the fun of bringing such a Bill which is more complicated.

Thirdly I demand that there should be a comprehensive Bill for the right of recall and secondly let the hon. Minister come forward with another Bill with the amendment I suggested and only to that limited extent. If not this will be giving much trouble and making the Speaker himself a controversial figure and that should not be allowed. We should not attempt to do anything which may even remotely be degrading actually the position of the Speaker to that of a magistrate. That should not be allowed. This type of an Amendment is not at all warranted. Therefore, while suggesting these things, I wish to point out one thing more. The ruling party has been treading the path of the capitalists. Economic crisis is bursting out. The right reactionary forces are waiting to take the fullest advantage of the situation. They want to establish their own leadership. This has got to be prevented. Under these circumstances, my only plea is, wisdom must dawn on the ruling party. They must take at least a Constitutional precaution of giving the right of Recall. And for that purpose a comprehensive Bill should be brought forward.

SHIRI C M STEPHEN (Muvattupuzha) I rise to support the Bill. I wonder why and how, so long and so prolonged a debate is called for, on a Bill which on the face of it has

[Shri C. M. Stephen]

become an absolute necessity under the conditions obtaining in the country today. At the time of the introduction of the Bill and the Motion for Consideration, an argument was made out from the Opposition benches, I remember, that there is not at all any urgency about this Bill. That more urgent matters should be attended to and so on. The picture in the country is fairly clear. The attempt of some of the opposition parties is also clear, whether they belong to the right or left. In these conditions of economic difficulties, certain measure of discontent is there, and making use of these factors, an attempt is being made on a national basis, to create certain sort of conditions of anarchy, and using those conditions, it can fairly be anticipated that the conditions which we saw in Bihar and Gujarat may be attempted to be brought about in other parts of the country. This measure is not only called for, but it is urgently called for, if we do not want our democratic structure to break down.

The founding fathers of our Constitution had their own visualisation and notions about the status of the Members of Parliament and the Members of the Legislative Assemblies, and the way they will be treated by every section of people, etc. Our democratic set-up is based on the fundamental basis that the persons elected by the people have got an ultimate say in the matters concerning the affairs of the country. They will have freedom from molestation to discharge their fundamental duties and their responsibilities.

But, in the course of the last few years a new trend is visible which is developing. Certain attempts are being made disregarding the basic rights of human beings, the fundamental rights of human beings, and they decide things as they choose, just as what happened in the case of the industrial sector, by resorting to what

is known as *gherao*. or every purpose such *gherao* is being attempted and it has come on to the stage when even the Members of Parliament and State Assemblies are being *gheraoed*, molested, humiliated, heads shaven, and compelled to give resignations under duress. This was a sort of situation which was never contemplated,—even by the farthest stretch of imagination—by the founding fathers of our Constitution.

16.00 hrs.

When a resignation is written in his own hand—the intention of the amendment is made very clear in the Bill—that resignation would be voluntary. 'Written in his own hand' means it is voluntarily done. That was the provision of the Constitution. It has got to take place automatically.

Now, the situation has arisen when resignation letters are written—not from their hearts, not voluntarily—but the hands of the legislators are being used as machines by some other people who surround them. This is a duress that is taking place. Now arguments are being advanced that if there is a general discontent and the people do it, then why cannot we accept that. Well, Sir, have we degenerated to that extent that you can assume that the vast majority of the people in a constituency will resort to this sort of a method against a single representative of the people? Now that is what is being done. Therefore, a clarification has become necessary—a clarification emphasising voluntary and genuineness of the whole process. If it is voluntary and genuine, then, of course, it will have to be accepted and nobody should stand in the way. But, my friend, Shri Panda was saying that if a provision is made that somebody writes it and takes it personally, it will be all right. May I put a counter question? Suppose you are caught by half a dozen people and you are put in a jeep and you are forced to write your resignation; you are bodily taken to the House of the Speaker, to the gate and pushed in and then you are faced with an alternative of either

submitting the resignation or get lynched when you come back. The entire thing is perverse.

By presenting it personally to the Speaker, is genuineness guaranteed? Guarantee is the only question. He has suggested one procedure. This amendment suggests this procedure. The procedure suggested in this that the Speaker has got to accept the resignation. It does not come into effect automatically. It must be accepted by the Speaker. If he has exercised the voluntary act, then how that voluntary act has got to be exercised is a question which has to be gone into. Nobody else can do that. The Speaker alone can do that.

16.03 hrs.

[SHRI VASANT SATHE in the Chair]

To say that the Speaker will be debased or become debased to a position and all that is a fallacious argument. A controversial question has been raised regarding the Speaker's deciding it. The Speaker is doing that. We have been seeing that things are being done in the same way by him. This has got to be done by him. There is nothing wrong in this. This is the only way in which it can be done. In order to put a stop to this dangerous trend in this country, when a few hooligans—a handful of hooligans—can break up the Legislative Assembly and do this thing, then according to me, this is the only method which is proper. If the Government fails to take action that way, we will be doing a great disservice to this country.

Now, what has happened in Gujarat? We had an occasion to discuss that. I do not want to discuss it further. Any self-respecting person should hang his head in shame on what has happened in Gujarat.

The representatives of the people were being surrounded; harassed, forced and violence being used against them. A question was put by no less a person than Shri Mavalankar.

Is it a respectable thing to do? Can any civilised-being accept it? If that is the contemplation and if that is your assessment of the democratic fabrics and your evaluation of the representatives of the people, then I have got to say that I beg to differ from that.

SHRI P. G. MAVALANKAR: Will you permit the people who are corrupt?

SHRI C. M. STEPHEN: If there are corrupt people, there are methods by which the persons who are charged with the corruption can be dealt with. If persons are fully drunk can you demand from such people the resignations by coercion and other things?

SHRI SAMAR GUHA: Your Government has surrendered itself to these drunkards.

SHRI C. M. STEPHEN: Government is not going to yield to these drunkards. This Government will not tolerate it.

SHRI SHYAMNANDAN MISHRA: You are here to prohibit that.

SHRI C. H. STEPHEN: I do not want to be taken away to a different subject altogether.

SHRI SHYAMNANDAN MISHRA: Why should the hon. Member call others drunkards when there are many drunkards in his party?

MR. CHAIRMAN: How is it relevant.

SHRI SAMAR GUHA: Sir, I rise on a point of order. We have accepted certain norms in this House that whenever we make reference to anybody outside we should maintain certain decorum. I want to draw your attention to the facts. The fact is that there was a big movement in Gujarat.

MR. CHAIRMAN: The point of order under 376 must be formulated to show which rule is being contravened. Unless you say this rule which regu-

[Shri Samar Guha]

lates the procedure of this Hour is being contravened, I will not be able to give my ruling.

SHRI C. M. STEPHEN: Sir, I was saying the recent incidents have shown that the Members of the House of People or the legislative assembly do need a certain measure of protection. That mere extraction of a resignation will not end up their legislative career. This has got national importance because it has been stated that the Opposition parties have been resorting to such sort of methods with a view to disrupting the democratic fabric by obtaining dissolution of Assemblies. Therefore, precautionary measures have become absolutely necessary.

A point was made by my hon. friend Shri Punda or somebody else that the right of recall must be incorporated in our Constitution and that such a provision was there in the so-called socialist countries. But I would point out that there is no fundamental difference. Can he cite one instance of a country where a multi-party system is prevailing where this right of recall has been granted? In all those countries and in all those areas where there is not a multi-party system, why is that provision there? The provision is there to strengthen the hands of the Communist Party. It has no other purpose, because that party alone can run the administration. If somebody does not obey the party, that man will have to be recalled.

SHRI C. K. CHANDRAPPAN (Tellicherry): It is there in the United States....

SHRI C. M. STEPHEN: He may have his own opinion. Let me complete my submissions. I am not yielding

SHRI C. K. CHANDRAPPAN: He wanted some information. May I tell him that?

MR. CHAIRMAN: The hon. Member, is not yielding. So, he can give that information subsequently.

SHRI C. K. CHANDRAPPAN: I would like to tell you, Sir....

MR. CHAIRMAN: He can tell this outside.

SHRI C. K. CHANDRAPPAN: Let it be in the records.

MR. CHAIRMAN: He can educate him outside. He does not want it just now.

SHRI C. K. CHANDRAPPAN: I am telling you, Sir....

MR. CHAIRMAN: I do not need any information.

SHRI C. M. STEPHEN: Therefore, that parallel does not apply at all. We are proceeding on a different basis here so far as our elections are concerned. We want that there must be some measure of stability in the administration. That is the basis on which the entire thing is functioning. If the right of recall is to be introduced, I submit that that is absolutely irrelevant as far as this Bill is concerned, and that will be another dangerous procedure.

Finally, I want to emphasise one more point, namely that this Bill is not sufficient. Of late, we have seen Governors being gheraoed and the entire procedure being torn to pieces, Speakers being challenged and procedures being completely thrown to pieces on the floor of the Legislative Assemblies or Parliament....

SHRI SAMAR GUHA: On a point of order. Now, I may reply to formulate my point of order. According to rule 352,

"A Member while speaking shall not—

... (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

....(vii) utter treasonable, seditious or defamatory words;"

MR. CHAIRMAN: Against whom has he done this? Which high authority did he refer to?

SHRI SAMAR GUHA: One of the greatest Sarvodaya leaders of Gujarat was at the helm of the movement in Gujarat. There were a number of very eminent Congressmen who were at the helm of this movement. Even Shri Morarji Desai had undertaken a fast..

MR. CHAIRMAN: The hon. Member is such a learned person. I do not have to point out to him the interpretation of the rules. He should use the rules within their proper framework, and that will assist us. Knowing full well that no person in high authority was even named, he cannot bring in a person and say that it refers to that person and therefore it will fall within the scope of this rule. The term 'high authority' has also been described in the rule....

SHRI SAMAR GUHA: Under sub-rule (7), the hon. Member has not be uttered. You are not allowing me even to complete my submissions....

MR. CHAIRMAN: Even under sub-rule (7), the hon. Member has not used any seditious or defamatory words against any particular person. Defamatory words have to be uttered against a particular person. Unless that is done, it will not fall within the scope of these rules. So, let the hon. Member please not take the time of the House. There is no point of order.

SHRI SAMAR GUHA: I have not completed my submissions.

MR. CHAIRMAN: He cannot continue indefinitely like this.

SHRI SAMAR GUHA: I have not concluded. You are not allowing me. I have not formulated the point yet.

MR. CHAIRMAN: You have not. That is not formulation. That is not within the rules.

SHRI SAMAR GUHA: 'Seditious or defamatory words'. Is not 'drunkards' defamatory?

MR. CHAIRMAN: Against whom?

SHRI SAMAR GUHA: This is in reference to resignation of MLAs. Allow me to formulate it.

This movement has been conducted by eminent Sarvodaya leader, eminent old Congressmen, eminent teachers, eminent professors, eminent Vice-Chancellors. They were there. If the young students have done anything, they have done it under the behest and under the inspiration of those leaders. If those young men had surrounded them, you may call it coercive or repressive. But these young men have done it since there is no right of recall. They have demanded the resignation of the elected representatives because they have lost confidence in them, because in their eyes the MLAs have lost all credibility. Therefore, it was a moral pressure they were exerting upon them. It was considered a democratic method by which they were persuading....

SHRI M. C. DAGA (Pali): How do you allow him to speak now? Under what rule?

MR. CHAIRMAN: You must leave that to me.

SHRI M. C. DAGA: There must be observance of rules of procedure.

MR. CHAIRMAN: He is raising a point under rule 372. Please do not disturb. I have to give the ruling.

SHRI SAMAR GUHA: They were exerting moral pressure through persuasion, through a democratic method, upon them. It was on the basis of

[Shri Samar Guha]

persuasion that not only opposition members but a number of Congress members submitted their resignation. But the word he has used is 'drunkards'. He has said that drunkards have compelled them to resign. That means it is referring to those young men, to those youths, to the Vice-Chancellors, to all those leaders. The old Congressmen and Sarvodaya leaders. It ultimately means that it is a reference to the people of Gujarat as a whole. He has characterised them as drunkards. It is defamatory and derogatory and therefore, the word should be expunged.

MR. CHAIRMAN: There is no point of order. Shri Stephen can continue.

SHRI DINESH CHANDRA GOSWAMI: You had just said that he is ignorant. He is a very learned man. I hope you should correct it.

MR. CHAIRMAN: I stand corrected.

SHRI SAMAR GUHA: After coming to this Parliament, I have unlearned many things. I have unlearned a little bit of what I have learnt through my hon. friend.

MR. CHAIRMAN: Even most learned men have to do that.

SHRI C. M. STEPHEN: I was concluding with one point, I was attempting to make. This Bill is to meet a manifestation which is edangerous to the democratic set-up. A deliberate attempt is now being made to make Parliament and the Legislative Assemblies completely laughing stock. If this goes on, the basis of the democratic system will be in jeopardy. Now the only sanction we have against any legislator or MP who defies the Chair, violates the rules of procedure, uses violence, uses intimidatory language and reduces the whole thing to a mockery, is a breach of privilege and some small advancement even to which they do not submit. If somebody, after having made the entry into the House, uses that opportunity for the purpose of wrecking the very

structure of the House, then some provision will have to be promulgated whereby those members will stand disqualified for a particular period to become members of the Legislature also. This is also a matter which on the next occasion the Government must necessarily consider so that the sort of demonstrations that we are finding here will be put a stop to.

With these observations, I do support this Bill completely and wholeheartedly.

SHRI SEZHIYAN (Kumbakonam): Mr. Chairman, Sir, I rise to oppose this Constitution (Thirty-fifth Amendment) Bill which I feel, if it is put on the statute-book; would make a mockery of parliamentary democracy in this country and will expose it to ridicule the world over.

The unseemly haste with which this Bill was sought to be introduced then again to be considered and passed, even giving it priority to another Constitution (Amendment) Bill, namely, the Constitution (Thirty-fourth Amendment) Bill—they are giving priority or precedence over that Bill—is surprising. At least the Constitution (Thirty-Fourth Amendment) Bill as it stands now seeks to give protection to land reforms. Now, even that is shelved and that will probably come in the next session. So, there is unseemly haste to pass this Bill. Why? That is the crux of the matter. If they are really concerned with giving protection to the Members of Parliament and members of State Legislatures, if that is the idea, we have no objection to it. But quoting that ideal, they are bringing the role of the office of the Speaker to become the laughing-stock in the eyes of the world. This is not the function of the Speaker.

What is the function of the Speaker? It is said in the British House of Commons that the Speaker is a person who has neither eyes to see nor ears to hear nor tongue to speak

but is only a servant of the House. The very name 'Speaker' was given to him because he was chosen to speak for the House when he was asked to go and represent to the Crown the decisions and conclusions of the House. He was then asked to speak for the House, and then only he was called the Speaker.

SHRI SHYAMNANDAN MISHRA:
Also he speaks the least.

SHRI SEZHIYAN: Inside the House he should speak the least and when he goes to the Crown he should speak for the House. He does not speak for himself or he cannot take a decision by himself. That is the role assigned to the Speaker. But now, under the Constitution of India, by the present constitutional amendment, we are going to assign a role which is not meant for the Speaker.

As rightly pointed out Mr Somnath Chatterjee, the Speaker is going to be reduced to the role of a sub-inspector and that too a sub-inspector in the investigation department, and not even to sit in a police station. He has to go about and see who has forged and who has done this thing and that. This Bill could have been brought after due consultation in the Conference of Presiding Officers, and after ascertaining the opinion of the State Legislatures, because it is not only the Parliament and the Members of Parliament who are going to be bound by this but they seek to implicate the legislatures in the States also. They may as well say that this will have to go to the States later for their approval. But before rushing with this Bill, why not at least put it before a Select Committee? Or, after ascertaining the opinion of the Conference of Presiding Officers, this could have been done but they have taken it in their own stride and brought it here.

I am one with anybody who says that there should not be coercion, that there should not be duress, that there should not be deception or

fraud in presenting the resignation of members. What does article 101 of the Constitution which they seek to amend now say?

Article 101 says:

“*resign his seat by writing under his hand addressed to the Chairman or the Speaker as the case may be.”

They want to avoid that. I can quote so many articles in our Constitution where the same wordings are being used. What are you going to do? For example with regard to the President, it has been stated in article 56 that the President may by writing under his own hand addressed to the Vice-President resign his office. Are you going to put an obligation on the Vice-President to find out whether the signature of the President has been obtained by fraudulent means? (Interruptions) With regard to Vice-President again it provides that the Vice-president may by writing under his hand addressed to the President resign his office. If we take these things logically, there should be an office of investigation in the President's office whenever resignation comes from the Vice-President whether there was pressure or not. Then let us take the case of the Supreme Court. It says that a judge of the Supreme Court may by writing under his hand addressed to the President resign his office. But would they investigate whether there was pressure put on the Supreme Court judge to resign? Then you take the High Court judges also. There also the wording is the same. Under article 217 it says that the judge of the High Court may by writing under his hand addressed to the President resign his office.

AN HON MEMBER: These contingencies had not arisen.

SHRI SEZHIYAN: They may arise. I am pointing out the absurdity. In every one of the articles in our Constitution, the same wordings have been

[Shri Sezhayan]

used. If you are going to change the wording here you should take care to see that the wordings in other articles are also suitably changed.

Mr. Goswami was asking a question. There are certain cases. In one instance, resignation of a Member was accepted by the Speaker. It was taken to the Court. I refer to Thangam versus Speaker, 1952. Travancore-Cochin case 166. The fact of the case is that the resignation sent by that Member was accepted. The decision of the Speaker in accepting the resignation was questioned, and the court held that the letter was not intended to be the one resigning his seat and, therefore, it was void. If a resignation letter has been proved to be fraudulent or it was forced there are courts and they will decide after citing the evidence. The affected Member should approach the court. The courts are meant for that purpose. The office of the Speaker is not intended to do this work, nor is it equipped to investigate into this matter and come to a decision. It is for the courts to decide. In two or three cases the courts have taken the decision. In the case to which I referred the Speaker accepted the resignation letter sent by an elected representative and even a notification was issued after accepting that resignation. Later on, the representative went to the court and sought the order of the court to make the notification null and void and regained his seat. Therefore, if there is an impression that some Members are being forced and harassed to submit their resignations, the proper course is to go to the court or to go to the Speaker. What will happen? The Speaker's Office will be exposed and Speaker's action will be taken to the Court. Suppose, about half a dozen resignations are coming forth, some from the ruling party and some from the opposition, as has been pointed out, may be due to force or duress or harassment, if the Speaker accepts certain resignations as genuine, and certain resignations as not genuine, what will happen? Again, the Speaker's

decision will be taken to the court and I am sure, Sir, it will be struck down. Then, some other matters, extraneous matters, were brought here about referendum, about recall etc. I am not concerned with that. What is the procedure you are going to devise, I am not here to suggest. As far as the Bill is concerned, if you saddle the office of the Speaker with functions not meant for controlling the House, not meant for regulating the procedure of the House, not meant to be assigned to the role of the Speaker, we are degrading the opposition of the Speaker and it would amount to casting a reflection on the working of democracy. It is for the people to decide. If there is any harassment or force or fraud or deception, the proper forum to be approached is the court, not to bring in the Office of the Speaker to the ridiculous level. Therefore, Sir, I am opposing this Bill as a disgrace to democracy, as a blot on our statute book and a ridicule to the whole world.

SHRI B. R. SHUKLA: (Bahraich): Mr. Chairman, Sir, in order to appreciate and understand the relevance of the present Constitution Amendment Bill, it is necessary to take into account the events that are happening in this country. Let us not go by academic and theoretical considerations, what would happen if the President submits his resignation or the Judges of the Supreme Court submit their resignations. Why has this Bill been introduced at all? Mr. Chatterjee has pointed out that this is politically motivated. I would say that the Bill has been introduced in order to counter-act the movements and agitations which are politically motivated.

Sir, from 1967 till elections in 1971, there was a climate of political uncertainty and instability in the country. But, since the year 1971, stability was brought about in the functioning of Governments in various parts of the country. In 1972, most of the States in the country went to the polls and the opposition parties did not come out in such numbers as to

topple down the majority party rule. The same was repeated in 1973. Therefore, the political parties which were routed at the three successive polls wanted to subvert the very parliamentary system of democracy in this country. No doubt, we had made many commitments to the people in this country for the removal of poverty, ignorance, disease and to introduce beneficial measures in this country. These opposition parties may say that we have failed. But, we say that we have succeeded to a very great extent. But, we are not complacent over these achievements. Now, extra parliamentary methods are sought to be resorted to by these political parties. The first experiment was carried out with success by the opposition parties in Gujarat, where the faces of the Members of the State Legislature were darkened, disfigured and they were subjected to all sorts of indignities and physical and moral pressures. The result was, they had to submit their resignations.

SHRI PILOO MODY: Congressmen do not succumb to moral pressure. Kindly correct your speech

SHRI B R SHUKLA: Even if we do not, you have no right to adopt such measures which are unparliamentary or extra-parliamentary unless of course you have lost all hopes of coming to power through parliamentary methods.

SHRI PILOO MODY. We have lost all hope that you can govern this country.

SHRI B. R. SHUKLA: It is said that there is no such provision in the constitutions of other democratic countries. I would say that a democracy functions not only because of the letter of the law, but because of the conventions. While the Constitution for this country was being framed and adopted, nobody thought that even Members of Parliament or members of the State Legislature

would have to tender their resignation involuntarily, under pressure from outside. It was thought that being very important personalities, the representatives of the people would act genuinely and voluntarily. Unfortunately, to the misfortune and shame of all of us, including the opposition parties, we have been driven to such situations where we have to introduce such a measure. It is not a pleasure to us to introduce such measures.

Supposing a member at the point of pistol has been forced to sign a letter of resignation and that is delivered to the Speaker or the Chairman. Do the opponents of the Bill mean to say that the Speaker, even if he has information as a result of the enquiry contemplated here that it is not genuine, it is the result of compulsion, coercion or duress, he should act upon the letter of resignation. Shri Chatterjee, the eminent lawyer that he is, knows very well that even the most solemn documents, executed with all the formalities, stand vitiated, if force or fraud has been practised in obtaining the execution thereof. Therefore, it stands to reason, that certain types of resignations, which are on the increase in this country, are brought about by force or fraud.

Then it is said that if the Speaker is entrusted with the enquiry he will be reduced to the position of a sub-inspector. The provision of the Bill says that he will make such enquiry as he deems fit. That does not mean that he would hold an enquiry under the law of evidence and procedure. He will satisfy himself in the manner he thinks fit. I have given an amendment that after such a resignation, if the member does not re-affirm to the genuineness or voluntary character of his resignation, within one month from the date of such resignation, it shall not be accepted. If under compulsion of events he has been forced to resign, if he does not stick to that, it should not be binding.

SHRI SOMNATH CHATTERJEE: Therefore, you do not want to leave it to the Speaker?

SHRI B. R. SHUKLA: I have said in my amendment that a further condition should be added.

Look at the conspiracy of events in the country. We find in today's morning papers that the Bihar Assembly dissolution movement will start on the 8th May, 1974. What a strange coincidence, what an irony of circumstances, that the railway strike all over the country is to start on the 8th May. This Bill is also being debated on the 8th of May. Is it a mere coincidence or is it a result of some deep-rooted conspiracy?

Mr. Piloo Mody will be the first victim if chaos unfortunately overtakes this country. Therefore, all those who believe in parliamentary institutions, who believe in democracy, should ponder over the matter deeply.

Even then, there is a method of doing things. Even if you are aggrieved by the functioning of the Government, the method is not that you go to the streets, break the bones of the legislators and take law and order into your own hands. If you take this short-sighted view, that would cut at the very root of parliamentary democracy in this country.

A reference has been made that there should be a system of recall of Members. Of course, the question of recall is not for consideration before the House. But we know that in Municipal Boards, in District Boards, in Corporations, no-confidence motion can be passed after one year. What is the condition there? The condition is that every time, after the lapse of one year, you will find that there is huge bungling in the functioning of these bodies, there is no stability and there is no improvement. Therefore, if we introduce this system of recall during the period of the membership,

then it would lead to instable functioning of the Government and of the democratic institutions. Although this is not the topic for discussion today—only an oblique reference has been made to it—I say, the system of recall should not be introduced in this country.

I would submit that this Bill should be viewed irrespective of party label, that it is in the interest of the country and it should get the support from every section of the House.

डा० लक्ष्मी नारायण रावये (मंदसौर): सभापति महोदय, सरकार द्वारा अपने दिये गये वचनो को पूरा न करने के कारण जनता में रोष होना स्वाभाविक है और उस रोष के कारण यदि जनता अपने चुने हुए प्रतिनिधियों से त्यागपत्र की माग करती है और वे त्यागपत्र दे देते हैं तो इसमें सरकार को बौच में नहीं आना चाहिये। उस को रोकने के लिये सरकार को यह बिल लाने की आवश्यकता नहीं थी। मैं समझता हूँ कि इस तरह का बिल लाकर सरकार अपनी बिफलता को छिपाना चाहती है। आज देश के अन्दर जिस प्रकार का अभाव, जिस प्रकार की कठिनाई, मरीबी हटाने का जो बायदा सरकार ने किया था, उस की अममथता को छिपाने के लिये सरकार तरह तरह के बहाने ढूँढती है और इसी लिये यह विधेयक सरकार यहाँ पर लाई है। जनता के मनोबल के सामने सरकार झुकी है, जनता ने अपने मनोबल को प्रदर्शित किया है— गुजरात में जिन प्रकार चुने हुये प्रतिनिधियों ने जनता की आवाज को मान कर अपनी इच्छा में त्यागपत्र दिये हैं, उस को अब इस प्रकार से सरकार निरूपित करे कि त्यागपत्र बकाब में दिये गये हैं— कदाचित उचित नहीं कहा जा सकता। इस प्रकार संस्कार करती है तो मैं समझता हूँ कि जिन जनताधिक आघातों पर यह लाई गई है, जिस प्रकार जनता ने अपनी कठिनाइयों को प्रकट किया, जिस

प्रकार भ्रष्ट प्रशासन के खिलाफ जनता ने कबज उठाये जब यह सरकार इस विधेयक को साकर जनता की ही निन्दा करना चाहती है, भर्त्सना करना चाहती है, जनता की आवाज को इस तरह से कृष्णलना चाहती है। जनता के प्रजातान्त्रिक अधिकार को इस तरह छीनना ठीक नहीं है। यदि सदस्य चुनाव के समय दिये गये वचन पूरे नहीं करते, तो जनता त्यागपत्र माग सकती है।

आज इसी प्रकार की स्थिति बिहार में भी चल रही है। बिहार के अन्दर भी जनता प्रजातान्त्रिक तरीके से, न्यायोचित तरीके से, अपने चुने हुए प्रतिनिधियों से कह रही है कि त्यागपत्र देकर बाहर आये ताकि उनको स्वच्छ प्रशासन मिल सके। इस प्रकार का शासन आज वहाँ चल रहा है, अभाव की पूर्ति, कठिनाइयों को दूर करने की बात, गरीबी को दूर करने और रोजगार उपलब्ध करने की बात इस सरकार ने कही थी, लेकिन यह सरकार उन को पूरा करने में अक्षम रही है। प्रशासन में भ्रष्टाचार व्याप्त है। जनता की कठिनाइयाँ बढ़ रही हैं। इसलिये आज जनता का यह अधि-कार है कि अपने चुने हुए प्रतिनिधियों को वापस आने के लिये त्यागपत्र देने की माग करे। लेकिन यह सरकार उन के वैसा करने में बाधक बनना चाहती है। सरकार चाहती है कि इस प्रकार के जनता के जो अधिकार हैं उन को छीन लिया जाय। अभी तक हमारे मविधान में जो स्थिति है उस के अनुसार कोई भी सदस्य स्वच्छता में त्यागपत्र देता है तो वह त्यागपत्र तत्काल स्वीकार किया जाता है और स्वीकार होता रहा है— यह स्थिति चाहे सदन सदस्य हों या विधान मंडल सदस्य हों दोनों के लिये एक प्रकार की है। लेकिन सरकार इस समझौते के द्वारा दूसरी स्थिति खड़ी करना चाहती है। समझौते में सरकार ने कहा है—

‘यथास्थिति, सभापति या अध्यक्ष को सम्बोधित अपने हस्ताक्षर सहित लेख द्वारा

अपने स्थान का त्याग कर देता है और उस का त्यागपत्र यथास्थिति, सभापति या अध्यक्ष द्वारा स्वीकार कर लिया जाता है’;

इस में एक बात और जोड़ी गई है—
“परन्तु उपखंड (ख) में निर्दिष्ट त्याग-पत्र की दशा में, यदि प्राप्त जानकारी से या अन्यथा और ऐसी जांच करने के पश्चात् जो वह ठीक समझे, यथास्थिति, सभापति या अध्यक्ष का यह समाधान ही जाता है कि ऐसा त्यागपत्र स्वेच्छिक या वास्तविक नहीं है तो वह ऐसे त्यागपत्र को स्वीकार नहीं करेगा।”

मैं सभापति महोदय, यह जानना चाहता हूँ कि प्राप्त जानकारी का आधार क्या है? किस प्रकार अध्यक्ष जानकारी प्राप्त करेगा, उस का आधार क्या होगा, प्रक्रिया क्या होगी— इस के बारे में कोई उल्लेख नहीं है? क्या पार्लियामेंट का मन्विधान्य वहाँ जा कर जांच करेगा कि अमुक सदस्य ने वास्तव में इस्तीफा दिया है या नहीं दिया है या किसी प्रकार का निर्देश प्राप्त करने की कोशिश करेगा। इस विधेयक के द्वारा हमारे सत्ता पक्ष के लोगों ने अध्यक्ष पद की गरिमा को नीचे गिराने का प्रयत्न किया है, इस प्रकार व्यर्थ ही अध्यक्ष को नीचे धसीटने का प्रयत्न किया है कि अध्यक्ष भी उस में आ जाय। जहाँ तक मेरी जानकारी है इस विषय पर विधान मंडल के अध्यक्षों या लोक सभा अध्यक्ष से भी परामर्श नहीं किया गया है?

सभापति महोदय 10 मिनट हर सदस्य को लेना है, आप अपना भाषण समाप्त करे।

श्री अटल बिहारी वाजपेयी - सभापति जी, इस के लिये चार घण्टे तय किये गये थे। जिस समय डिप्टी-स्पीकर साहब कुर्सी पर थे, हम लोगों ने यह मामला उठाया था

[श्री अटल बिहारी वाजपेयी]

श्रीर पार्लियामेन्टी अफेअरज के मंत्री महोदय ने कहा था कि 5 बजे वोट होगा, लेकिन 5 बजे वोट नहीं हो सकता।

सभापति महोदय . मैं 5 बजे वोट कराने की कोशिश नहीं कर रहा हूँ। अभी विपक्ष के 6 और काँग्रेस के 8, इस तरह 14 सदस्य बोलने वाले हैं, यदि 10-10 मिनट प्रत्येक को दिये गये तो आप समझ सकते हैं कि यह कब तक चलेगा। इसलिये 5 बजे खत्म करने की बात मैं नहीं कह रहा हूँ, लेकिन समय का कुछ तो बटवारा होना चाहिये, वरना यह समाप्त ही नहीं होगा।

श्री अटल बिहारी वाजपेयी समय देगे तभी ये अपनी बात कह सकेंगे।

सभापति महोदय मैंने बिलकुल रोका नहीं है, 9 मिनट होने के बाद ही घटी बजायी है।

डा० लक्ष्मीनारायण पाण्डेय सभापति महोदय, मैं निवेदन कर रहा था—सरकार को जल्दबाजी में इस विधेयक को लान की आवश्यकता क्यों पड़ी। क्योंकि उसे डर है कि गुजरात की तरह दूसरे राज्यों में भी सरकारें उसके हाथ से न निकल जाये। जसा सुझाव दिया गया है कि यदि सरकार इस को प्रवर समिति को सौंप देती तो सम्भवतः वहाँ काफी गम्भीरता से इस पर विचार हो सकता था। जनमत जानने के लिये इस विधेयक को भेजा जा सकता था। अभी हमारा 32वाँ संशोधन जो फिक्शन के सबंध में है, प्रवर समिति के पास विचारार्थ पड़ा हुआ है और मैं समझता हूँ यह विधेयक भी उस से सम्बन्धित है, अतः दोनों पर एक साथ विचार हो सकता था। लेकिन सरकार जल्दबाजी करके अपने अभावों को छिपाने के लिये, किसी न किसी प्रकार जनता के अन्दर जो स्थिति का निर्माण हुआ है, उस का जो मनोबल बना है, उस को गिराने की कोशिश कर रही है।

मैं मंत्री महोदय से पुनः जानना चाहूँगा अध्यक्ष के पद को इस में लाने का क्या कारण है? इस पद के लिये हमारे सविधान में स्पष्ट निर्दिष्ट किया गया है कि अध्यक्ष हमारे हाउस की प्रोसीडिंग को रेगुलेट करता है, उस का ठीक से संचालन करता है, लेकिन कोई सदस्य त्यागपत्र देता है तो वे अपने चेम्बर में बैठ कर उस का निर्णय करते हैं, उस निर्णय को वही भी चेलेन्ज किया जा सकता है, चुनौती दी जा सकती है। अध्यक्ष का दिया गया निर्णय ठीक है या नहीं है—वह हाई कोर्ट या अन्य कोर्टों में चेलेन्ज का विषय बन सकता है, इस तरह से अध्यक्ष का पद एक विवाद का विषय बन जायगा। यदि सदस्य अपनी स्वेच्छा से त्यागपत्र देता है और चार दिन बाद उस के कुछ मिनट कहते हैं कि तुम ने जो त्यागपत्र दिया है, वह ठीक नहीं है, तुम पुनः विचार के लिये प्रार्थना पत्र दो, उस समय अध्यक्ष क्या करेंगे। इस संशोधन के द्वारा अध्यक्ष स्वयं एक कन्ट्रोवर्शिअल स्थिति में पड़ जायेगा। मेरा स्पष्ट मत है कि इस प्रकार के कृत्य द्वारा सरकार भी स्वयं झमेले में पड़ जायगी।

मैं इस समय निवेदन करना चाहूँगा जैसा सविधान में है, चाहे राष्ट्रपति हो, उप-राष्ट्रपति हो, ससत्तमदस्य हो या विधान मंडल के सदस्य हो उनके त्याग-पत्र के बारे में एक समान स्थिति इसमें रखी गई है। मैं चाहता हूँ इसमें अध्यक्ष विवाद का विषय न बने और इस विधेयक का पारित कराने में जल्दबाजी न हो। मेरा निवेदन है कि इस संशोधन विधेयक को प्रवर समिति को सौंप दिया जाये ताकि इस पर ठीक से विचार हो सके। तथा सदस्यों को पूरे मामले पर गम्भीरता से विचार करने का मौका मिल सके।

जैसा कि वहाँ एक माननीय सदस्य ने उदाहरण दिया कि यू०पी० की असेम्बली

में जो क्लस प्राफ प्रोसीजर एंड कंडक्ट हैं उसमें मौजूद है कि स्वीकार स्वयं सन्तुष्ट हो जायें कि अस्तीफा जो दिया गया है वह वास्तविक और जेन्युइन है तो उसको वे स्वीकार कर सकते हैं। ऐसी स्थिति गुजरात में भी है। इतना ही नहीं, स्वेच्छा से अस्तीफे दिये गये हैं गुजरात में, बिहार में भी जनसंघ के सदस्यों ने त्यागपत्र दिये हैं और जहाँ तक मेरी जानकारी है समाजवादी सदस्यों ने भी स्वेच्छा से अपने अस्तीफे प्रेषित किये हैं। मैं मंत्री महोदय से जानना चाहूँगा कि यदि कोई पार्टी निर्णय करती है कि उसके सदस्यों से अस्तीफे लिये जायें और पार्टी के सदस्यों ने अस्तीफे प्रेषित कर दिये हैं तो अध्यक्ष महोदय स्वीकार करेंगे या नहीं इसलिये मेरा निवेदन है कि जनमत के अधिकार को लेकर अथवा सदस्य को 'रिकाल' करने की बात को लेकर यदि संविधान में यह संशोधन करने के लिये सरकार खड़ी होती तो वह ज्यादा अच्छा और स्वागत योग्य होता इस प्रकार से कोई भी सदस्य स्वेच्छा से अस्तीफा दे और उसका अध्यक्ष निर्णय करे इस प्रकार का अधिकार देने के लिये संविधान में संशोधन लाना कदापि औचित्यपूर्ण नहीं कहा जा सकता है। कई देशों के संविधान से 'रिकाल' का अधिकार है। आप वंसा संशोधन लायें, जनुयन का संशोधन लाएं तो उसको ठीक कहा जा सकता है। किंतु इसे नहीं। अतः निवेदन है इसको मंत्री महोदय, जैसा मैंने संशोधन प्रस्तुत किया है, प्रवर समिति को सौंपने की कृपा करेंगे जिसके लिये नाम और प्रक्रिया भी मैंने प्रेषित की है।

SHRI B. K. DASCHOWDHURY (Cooch-Bihar): Sir, this is a simple Bill, which seeks to amend Article 101(3) and 190(3)(b) of the Constitution. In the course of the discussion, I have noted that all sorts of things have been brought in. Some

of the hon. Members eulogised the political rights, political morality, democratic rights of the people in the crisis and all these things. Sir, questions have been raised that in view of this crisis in the country, in many fronts, the ruling party is not in a position to provide all the essential things to the people and therefore it is a case of the people's upsurge and people's resentment, and they are demanding resignations of these elected representatives either in the States or in the Parliament. Now, Sir, that has been taken out as a clue and to avoid such incidents this Bill has been rushed through, was the sort of argument advanced. I do not know why some of the Members have come to their own imaginative fiction in this regard. It is only to be researched and studied further..

SHRI SOMNATH CHATTERJEE:
You speak against your conviction.

SHRI B. K. DASCHOWDHURY: I think that you have stated also. The Hon. Member is a senior Member of the Bar. He has said that by this Bill the position of the honourable Speaker will be reduced to nothing less than the rank of a sub-inspector of Police or even lower than that, which was in his mind, for investigating an offence. I will put a simple matter in order to enlighten him, whether it is a fact or not that in some of the cases, when problems are put before the honourable Speaker, in various forms in the form of Privilege Motions or others,—whether the Speaker requires some time for verification whether he has his own methods of verification or not.

Sometimes, in the case of privilege motions, he is sending those against whom this privilege is charged for clarification and others. Does it mean thereby that the position of the Speaker has been reduced to that of a sub-inspector? (Interruptions)

[Shri B. K. Daschowdhury]

It is true there are differences. I am coming to that. He does not decide it *prima facie*. But, the hon. Minister has gone into it very clearly and very elaborately. It has been stated that "the Speaker is satisfied to the extent". I quote:

"Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation."

Here comes the question. He must satisfy himself. It is true that the process of satisfaction and all these things have not been spelt out in the Bill itself.

SHRI R R SHARMA (Banda): 'Subjective satisfaction' has been given to the Magistrate in the Cr P C.

SHRI B. K. DASCHOWDHURY: It is true that that has not been spelt out in so many words. But the question has been posed or the problem has been put to the hon. Speaker to have his own methods of satisfaction either by information or by some other means. Let these procedural matters and these substantive matters be decided by the hon. Speaker as we have faith in the Chair or the Speaker. What is wrong in that? If the hon. Speaker desires that the information should be so direct, he may call for this particular Member concerned to come and appear before him, may be after a fortnight or may be after a month. For some reasons or other, he may directly call for the information or he may, on his own information, feel satisfied himself about the information. I do not think there is anything objectionable in this.

For that matter, it cannot be said that the position of the Speaker has been denigrated to any extent what-

soever. There are questions posed. It was raised that it is an attempt simply to have this political power of the ruling party because they are now not in a position to face the mass upsurge and all these things. I would like to remind without quoting some friends that in West Bengal, when the Naxalite movement was started, a very handful of Members said in this House that the Government could not even give this protection and even during the Presidential Rule in West Bengal, when the hon. Members of this House wanted to have a sort of protection from the Chair or from the Government or from somewhere else, why did they do? Because they felt that they were not in a position to discharge their duties entrusted to them being the representatives of the people. They wanted to have certain protection against all those atrocities, against any form of coercion and other things. At that time, they forgot that it was essentially necessary to have this sort of protection. By this Bill, what is simply intended is that in illegal matters, either to dissuade any person or to compel any person to resign from this House or from the legislatures or as the case may be, if it is not voluntary, then, those resignations are not to be treated as proper resignations.

Sir, it has been quoted here—under the Constitution, what has been said is:

"The Speaker shall act by receiving a letter written in his own hand and addressed to the Speaker."

He shall act thereupon in regard to the resignations letter. There is no other alternative.

17.00 hrs.

What is the condition today in the country? We had seen a few days ago near Bombay the head of an hon. Member belonging to Maharashtra legislative Assembly having been shaved off. Also only a few days back

one hon. Member of this House from Bihar was forced to sign a letter of resignation which he did not. What does it mean? Does it mean that it was a free will of the hon. Member who was duly elected as a representative of the people or was it not a denial of his own democratic right? The question is if the people really do not want a particular representative to represent them in the elected House there are other methods to remove him. They can just defeat him in the next elections. Only when some political parties find that they have no chance even in the coming elections and were not in a position to defeat the Congress candidate—all those defeated parties put together—devise ways and means to put the entire democratic system to ransom. This is out of their total defeat and total frustration. It is only when they find that they have no chance either in the coming elections or ven after 10 years they wanted to have some sort of extra-Parliamentary method so that all democratic institutions may be demolished.

The question is also put why this Bill has been hustled through. They want this Constitution to be continued for some years and in the course of these few years they hoped that they can coerce the representatives and meet their own ends. But they should know that it will never happen. They must know whatever coercive methods they may adopt in the hearts and hearts and minds and minds of the people and body-politic of India they will have no place in future even by using hundreds and thousands of abusive words against the ruling party and misguiding the people. The people of India have come to realise that democratic form of Government is the best form of Government in the world.

I must thank the Law Minister that he has realised the necessity of putting such a Bill so as to put a stop all such illegal and extra-Parliamentary methods like coercion, etc. With these words I fully support the Bill.

SHRI SHYAMNANDAN MISHRA: This Bill to my mind has a name, and the name is the bankruptcy of the ruling party.

SHRI A. K. M. ISHAQUE: Why is he transferring his quality to us?

श्री हुकम चन्द कडवाय (मुरैना) :
सभापति महोदय यहाँ पर काप्रेस बर्षभ्रम,
श्री शंकर दयाल शर्मा, योजना मंत्र: के
साथ मीटिंग कर रहे हैं। वे बाहर जा कर
अपने: मीटिंग करें

श्री पीलू मोदी . यह काप्रेस हाजम है
क्या ?

MR. CHAIRMAN: I see no meeting. Let him please not disturb the proceedings

SHRI SHYAMNANDAN MISHRA: I was saying that this Bill had a name, and the name of the Bill is the 'bankruptcy of the ruling party'. If they want to add more feathers to their cap, I would say that it is the resounding unpopularity of the ruling party'. That is also another caption of this Bill. We do not feel insecure, why does the main party feel insecure? That is the basic question.

SHRI A. K. M. ISHAQUE: Does he really mean this or is he just cutting a joke?

SHRI SHYAMNANDAN MISHRA: I really mean it. So, they must address themselves to this basic question why are people against them, which is the reason why they find themselves in need of bringing forward a fantastic measure of this kind. We do sympathise with them, pity them, commiserate with them in the present circumstances, but we cannot admire their wisdom in bringing forward a measure of this kind.

But I must say that we are against any threat of violence, intimidation or coercion in securing the resignation of any hon. Member. But in the

[Shri Shyamandan Mishra]

absence of recall. I must state it unequivocally that we are in favour of moral influence being exercised, social pressures being organised in meeting the challenge of corruption of which the ruling party is the embodiment. There is no other way. Can any conscientious person on the other side of the House tell us of any corrective to the rampant corruption of the ruling party. Let them put their hands on their hearts and say whether there is any other corrective which can be applied to the corruption of the ruling party.

So, we are in favour of peaceful and non-violent methods being used for making a corrupt legislature and also a corrupt party to quit the legislature. Let there be no doubt about that.

SHRI INDER J MALHOTRA (Jammu): Before he left the party, there was no corruption?

SHRI SHYAMNANDAN MISHRA: The party was in a much better state then. We were not used to it in those days. But now there is a vast difference. Now, they are a stinking party—also a sinking party.

MR. CHAIRMAN: Let him not get into the controversy about who is sinking and who has already sunk. Let him continue his speech.

SHRI DINESH SINGH (Pratapgarh): His party is sinking in UP.

SHRI SHYAMNANDAN MISHRA: If there is any insinuation in the Bill that the movement that we have seen in Gujarat and are now seeing in Bihar is in any way meant for weakening democracy, I would like to meet that insinuation. I would rather emphasise that this is a movement not for weakening democracy but for purifying and strengthening democracy. Can any one on the other side of the House point out a single instance of violence in the movement that has been under way in Bihar for the last three or four weeks? Only on the first day there

was some violence but even those acts of violence were engineered the ruling party or by their allies and not by other parties.

MR. CHAIRMAN: Let him please address the Chair. Let him not address the other Members directly.

SHRI SHYAMNANDAN MISHRA: So far as my basic objections to the Bill are concerned, I would like to submit that it goes against three fundamental concepts, and more particularly, against the provisions of the Constitution.

In the first place, my submission is that it goes against the concept of the functions of the office of the Presiding Officers. This was never meant, and this is not meant in any clause of the Constitution—and his is also against the traditions of the office of the Presiding Officers—that many of these responsibilities might be added to it. According to the Constitution, the functions of the Speaker are defined the jurisdiction of the Presiding Officer is strictly defined, and we cannot agree to any modification of the functions that are mentioned in the provisions of the Constitution or the functions which pertain to the Presiding Officers in accordance with the traditions that have grown around these high offices.

What is the conception of the functions of the Presiding Officers? The first basic principle of this function is that the authority of the Presiding Officer would be confined to the precincts of the legislature. It will not extend beyond the precincts of the legislature. If these functions have to be strictly confined to the legislature, we cannot agree to the stretching of those functions beyond the legislature. Another basic principle accepted so far as the function of the office of the Speaker is that the authority of the Speaker must remain immune from any outside interference. There is no appellate revisional or review authority over the

authority of the Speaker and therefore his writ runs supreme within the legislature. So if you are trying to extend the functions of the Speaker, you are exposing the Presiding Officer—I am using the word 'Speaker' as a symbol of all the Presiding Officers—to the interference of some extraneous authorities.

What would happen is that this action of the Presiding Officer could be challenged in any court of law because it would not originate inside the legislature. Therefore, the Presiding Officer would be sued and would be liable to be sued and prosecuted in a court of law. It can only be by a fiat of an arbitrary authority that sits on the other side that no such action could lie. May be they have corrupted and polluted the judicial authority in such a way that many of these complaints might not be entertained by the judicial authority. But we also have been brought up in a certain judicial tradition and we do think that such actions of the Presiding Officers can be challenged in a court of law, and the Presiding Officers can be sued and prosecuted. So this jurisdiction should not be extended.

What happens when the House acts as a High Court of Parliament in the matter of contempt or privilege. It is only in the matter of contempt or privilege that the House acts as a High Court of Justice, but there also the Speaker does not act as the Chief Justice. It is the entire House which so acts. There the judicial function does not pertain to the office of the Presiding Officer; it pertains to the entire House. Therefore, what you are seeking to do is against the conception of the office and the functions of the Presiding Officers.

Now it has been emphasised by many hon. members that you are trying to give executive functions to the Presiding Officers—I had made all these points at the introduction stage when I opposed this measure. But I would again like to submit that you are now making the Presiding Officers

multi-purpose officers. They would not be single-purpose officers but they would become multi-purpose officers. They would be the Presiding Officers of the legislature, they would be the magistrate and they would be judicial authorities also.

SHRI PILOO MODY: And the nurse-maid of the Congress Members.

SHRI SHYAMNANDAN MISHRA: And may be, the nurse-maid of the Congress Members also! So, they would be the multi-purpose officers now. Let it be quite clear in the mind of the hon. Members.

Then, they would be actively embroiled in controversial politics. Do the hon. Members on the other side realise that in this country the Presiding Officers continue their umbilical link with the parties from which they come. They never sever their relations with the party, and that has been recorded in so many books on the Constitution and the law; they continue to be the members of the ruling parties generally. Therefore, here, this member of the ruling party being further actively involved in controversial politics would completely contaminate and pollute the office of the Speaker.

Here what do you find? The complaint may not be lodged by the member concerned. Have you seen anywhere in the provisions of this Bill that the complaint would be lodged by the member concerned? Who is the Presiding Officer to take notice of it? If the member concerned does not come up with the complaint, and yet you take note of it, you are more catholic than the Pope. There must be some complaint by some person. How are you going to take cognizance of it unless there is a complaint by the person concerned? There is no specific mention in the Bill that on the complaints being made by the hon. Member concerned. The action would be taken. So, what would happen is—it is indeed a very preposterous and atrocious thing—that the Presiding

[Shyamnandan Mishra]

17.20 hrs.

Officers would be acting at the behest of the executive of the day. It is the executive of the day who will be bringing it up to the notice of the Presiding Officers and, not the member concerned. This is again a very sinister attempt on the part of the ruling party to influence and pressurise the Presiding Officers (*Inter-ruptions*).

SHRI JYOTIRMOY BOSU: Sir, I am moving a motion that the House should not sit beyond 6 O'clock today, as indicated in the List of Business and we may continue this debate tomorrow. I am moving a motion.

SHRI SHYAMNANDAN MISHRA: Let this continue on Monday.

SHRI JYOTIRMOY BOSU: I am moving a motion.

MR. CHAIRMAN: Shri Raghu Ramiah is moving a motion on the subject. I have got his motion earlier. He sent it at 17.15. I had it in writing. It comes first.

SHRI JYOTIRMOY BOSU: I talked to you; it was brought to the Table. It is very serious matter. This sort of engineered activity should be discouraged. The House should adjourn—

MR. CHAIRMAN: Please do not disturb, Mr. Jyotirmoy Bosu. Let Mr. Mishra conclude and we will listen to your motion also. Please sit down. We will consider that.

SHRI SHYAMNANDAN MISHRA: Now, the functions that are being sought to be added to the office of the Speaker, or the Presiding Officers, would easily attract criticism that the Presiding Officers would be helping the ruling party. Sometimes it is only by a thin majority that the ruling party can hope to exist. What would happen in those circumstances? Even one day can make a difference. Supposing a no-confidence motion—and probably it is going to come up tomorrow—is tabled, what happens?

[MR. SPEAKER in the Chair]

I was submitting that the way in which extraneous functions are sought to be added to the office of the Presiding Officer would easily attract the criticism that they are disposed to helping the ruling party, if the majority hangs by a very thin thread. I submitted earlier that they continue their unbilical link with the ruling party and they might accept the resignations or reject the resignations in such a way as might help the ruling party. What is the safeguard against this? If you do not assure us about the safeguard and stream-roller it with your majority, the country would not be convinced of the justification of this measure.

My another objection is this: the very status and the right of the hon. Member are affected adversely. To start with, I am laying stress on the status. A member's status is not that of a subordinate in the staff of the Presiding Officer. This is the point which I had made earlier too at the introduction stage. The resignation of a member of the staff of a Presiding Officer may not be accepted for good reasons for quite a few days and the poor man will have to remain in the harness. But do you think that an hon. Member can be expected to remain a member, if because of a sense of duty he has resigned. It therefore goes against his status. It is the right of an hon. Member of Parliament under article 101 of our Constitution that his resignation should automatically be accepted and his seat shall fall vacant. You have to realise that the function of a Presiding Officer in the matter of a resignation is only that of a receiving agent. The presiding officer cannot exercise any judgement with regard to the resignation. He has only to receive the resignation according to the article 101 of the Constitution. The power given to him is expanded by this measure.

My other submission is this. If the Government had a sense of propriety, before bringing forward this measure it would have referred it to the Conference of Presiding Officers and it should have asked them whether they really thought it right and proper that those functions should be added to them. The Presiding Officers are not the beasts of burden of the executive. Why should the executive presume that all these functions which in their wisdom, they think that the presiding officers must accept, should be accepted by them? Why should it not be referred to the Conference of Presiding officers. Since it has not been done the Government seems to be presuming too much in this matter.

It has also been made amply clear by many hon. Members, and I had done it at an earlier stage, that if any Member is forced to submit his resignation under threat of violence or coercion, he has a remedy in the court of law and he can go to the court of law. Members have gone previously to the court of law.

Sometimes, we raise in the House questions about the constitutionality of a measure or about the legality of a measure.

You are pleased to say 'I am not the person to judge it; you have to test it in a Court of Law' This is said invariably. Therefore, my hon. friend Mr Sezhiyan had gone to High Court of Tamil Nadu, with regard to the Pondicherry matter. You had clearly said, Sir, that this could be decided only in the Court of Law. Then how can this matter be committed to the Court of the Presiding Officer?

Again, Sir, I am very much afraid that jeopardy of life if there is any, is being shifted from the hon. Member to the Office of the Presiding Officer. Now, the Presiding Officer's position would be jeopardised.

What would happen if you, Sir, also resign? Who is going to judge? In regard to all these great dignitaries

like the President, the Vice-President and the Speaker who is going to judge? What about their resignations?

If that is going to be the case, do you think that you are going to be like an island?

The presumption must always be that the resignations are genuine. What is the reason for presuming that a resignation is not going to be genuine and on what basis? As I have already submitted to you earlier, the Bill does not make a provision for the complaint being lodged by the hon. Member concerned, which is preposterous. Therefore, one will have to think about these matters also in a much greater detail.

Finally, what would happen if a party comes to the conclusion that its Members must resign in response to the call of duty, the Members must resign because they are not able to fulfil the mandate given to them by the people. How would you interpret their resignations? These are very complex matters and I think the Government is doing a great deal of injustice to the institution of parliamentary democracy by introducing a measure of this kind. Even at this stage, I would like to submit to the Government to withdraw this measure. We would oppose it by all means.

MR. SPEAKER: The Minister of Parliamentary Affairs has given me a motion.

SHRI JYOTIRMOY BOSU: I made a submission earlier and the written motion is now before you.

SHRI K. RAGHU RAMAIAH: I have given notice much earlier. (Interruptions).

MR. SPEAKER: Mr. Bosu's motion came to me in my chamber.

SHRI K. RAGHU RAMAIAH: Sir, I beg to move:

"That the sitting of the House today be extended until the Consti-

[Shri K. Raghu Ramaiah]
tution (Thirty-fifth Amendment)
Bill is passed."

SHRI SEZHIYAN: In this case, there should be some definite test. It cannot be that the House will sit, till the Constitution Amendment Bill is passed, say, till tomorrow morning 4 A. M.

SHRI K. RAGHU RAMAIAH: My explanation is this. I would be very brief. When time was allotted for this Bill, the original expectation was, it would be passed today. The allocation of business for the rest of the Session was made on that footing. Some time was taken by preliminaries. Lest it be said that the time is not over by 6 P.M. by way of abundant caution and to ensure the passage of this Bill today, I have moved this motion.

MR. SPEAKER: Now, I will put it to the House.

SHRI JYOTIRMOY BOSU: Sir, the List of Business comes under the signature of the Secretary-General, under your orders. It is specifically stated there that at 5.30 P.M. we are going to take up the Half-an-Hour discussion, and in this case it is one which was already postponed once. In that context, this motion moved by the hon. Minister of Parliamentary Affairs is uncalled for and it should not be put before the House. It should not get clearance from your good office. I oppose it. It should not be put before the House because it contradicts your order, which has come under the signature of the principal executive.

AN HON. MEMBER: What about the Member who has given notice of the Half-an-Hour Discussion?

MR. SPEAKER: We shall enquire about it.

SHRI JYOTIRMOY BOSU: There are many meetings. In fact, there is one at 6.15, presided over by the Prime Minister. They have earnestly

requested me to participate in that meeting.

MR. SPEAKER: I have also to participate in some functions.

SHRI SEZHIYAN: My submission is that the motion should be definite. It should say that the discussion will continue till 6.30 or 8.30 P.M. It cannot be indefinite, vague and ambiguous like "till the Constitution (Amendment) Bill is passed."

SHRI SHYAMNANDAN MISHRA: Sir, I rise on a point of order. Is this motion appropriate at this stage? The House had earlier decided that we shall proceed with the discussion of this Bill for four hours. Therefore, it is only at the end of four hours that he could come up with this motion.

SHRI JYOTIRMOY BOSU: Sir, it is already 5.34 P.M. Could he come up with an *ex post facto* suggestion?

MR. SPEAKER: I want to know from Shri P. R. Shenoy what he has to say about his Half-an-Hour discussion.

SHRI P. R. SHENOY: Sir, I am not pressing my Half-an-Hour Discussion.

MR. SPEAKER: I will now put the motion to the vote of the House.

SHRI JYOTIRMOY BOSU: Sir, I rise on a point of order.

MR. SPEAKER: He has already raised it earlier.

SHRI H. N. MUKERJEE: Is there no propriety? The Member has a right to raise a point of order.

SHRI JYOTIRMOY BOSU: Sir, in the rules there is no provision to move a motion *ex post facto*. Now it is already 5.34 P.M. I could have understood it, if he had moved it before 5.30 P.M.

SHRI PILOO MODY: As far as I understand the procedure, when a member wishes to withdraw something which is the property of the House, the permission of the House has to be taken.

MR. SPEAKER: It is never taken.

SHRI PILOO MODY: Permission for withdrawal can be granted only after consulting the various opinions in the House to my way of thinking. If that is not your understanding of the procedure, I cannot help it.

SHRI JYOTIRMOY BOSU: Sir, did you call the member in charge for the Half-an-Hour discussion?

MR. SPEAKER: The question is:

"That the sitting of the House today be extended until the Constitution (Thirty-fifth Amendment) Bill is passed"

The Lok Sabha divided:

Division No. 22]

[17.40 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr. Henry
Awdesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul

Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandrakar, Shri Chandulal
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chawla, Shri Amar Nath
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowhury, Shri B. K.
Deo, Shri S. N. Singh
Desai, Shri D. D.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad

Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gevit, Shri T. H.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin

Kale, Shri
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavade, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.

- Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsh, Shri
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nanda, Shri G. L.
 Negi, Shri Pratap Singh
Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damoder
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishna Rao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
- Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Patabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Reddy, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Richhariya, Dr. Govind Das
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Sani, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satish Chandra, Shri

Satpathy, Shri Devendra
 Savant, Shri Shankarrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafrquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shivappa, Shri N.
 Shivrath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T
 Sokhi, Shri Swaran Singh

 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri

Tewari, Shri Shankar
 Thakur, Shri Krishnarao
 Tiwari, Shri R. G.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uikay, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkataswamy, Shri G.
 Verma Shri Balovind
 Vidyalankar, Shri Amarnath
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

Bade, Shri R. V.
 Banerjee, Shri S. M.
 Bhagirath Bhanwar, Shri.
 Bhattacharyya, Shri Dinen.
 Bhattacharyya, Shri Jagdish.
 Bhattacharyya, Shri S. P.
 Bhaura, Shri B. S.
 Bosu, Shri Jyotirmoy.
 Chandra Shekhar Singh, Shri.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath.
 Chaudhary, Shri Ishwar.
 Chaudhuri, Shri Tridib.
 Chowhan, Shri Bharat Singh.
 Dandavate, Prof. Madhu.
 Deb, Shri Dasaratha.
 Dutta, Shri Biren.
 Giri, Shri S. B.
 Goswami, Shrimati Bibha Ghosh.
 Guha, Shri Samar.
 Halder, Shri Krishna Chandra,

Horo, Shri N. E.
Huda, Shri Noorl
Jha, Shri Bhogendra.
Kachwal, Shri Hukam Chand
Kathamuthu, Shri M.
Lalji Bhai, Shri.
Manjhi, Shri Bhola.
Mavalankar, Shri P. G.
Mishra, Shri Shyamandan.
Mody, Shri Piloo.
Mohanty, Shri Surendra.
Mukerjee, Shri H. N.
Mukherjee, Shri Samar.
Muruganatham, Shri S. A.
Narendra Singh, Shri.
Nayak, Shri Bakai.
*Oraon, Shri Kartik.
Pandeya, Dr. Laxminarain,
Parmar, Shri Bhaljibhai.
Ramkanwar, Shri.
Saha, Shri Gadadhar.
Sambhal, Shri Ishaque.
Sezhiyan, Shri.
Sharma, Shri R. R.
*Suryanarayana, Shri K.
Vajpayee, Shri Atal Bihari,
Verma, Shri Phool Chand.

MR. SPEAKER The result of the division is:

Ayes · 289; *Noes* · 48.

The motion was adopted

MR. SPEAKER: Mr. Ishaque (*Interruptions*)

SHRI JYOTIRMOY BOSU: Sir, I have given a motion.

MR. SPEAKER: In view of the division, your motion has become infructuous.

SHRI JYOTIRMOY BOSU: I gave a motion well in advance.

MR. SPEAKER: There is no motion here. Here you have said, 'I wish to move a motion'. What motion?

श्री ज्योतिष बिहारी वाजपेयी : निम्नलिखित भेजने की कोई जहरत नहीं है। आपने पार्लमेन्टरी मिनिस्टर की रिक्वेस्ट को योजन मान लिया है।

MR. SPEAKER: He has given it.

Mr. Jyotirmoy Bosu, there was no motion from you. Anybody can come and see whether there is any motion. I am sorry, there is no motion.

SHRI SHYAMNANDAN MISHRA: If the ruling party comes up with a motion that the House will sit without food for a number of days, then the Chair will accept that also!

SHRI JYOTIRMOY BOSU: Before you came to the Chair, I formally moved a motion. You may look at the records

MR. SPEAKER: Where is the motion? I do not see any motion.

PROF. MADHU DANDAVATE: The Minister was permitted to make a verbal motion. You may allow the same thing to the Opposition also. (*Interruptions*).

MR. SPEAKER: Anybody can come and see whether there is any motion here.

*Wrongly voted for Noes.

†The following members also recorded their votes for AYES:—
Sarvashri Yamuna Prasad Mandal, T. V. Chandrashekarappa Veerasappa, Sukhdeo Prasad Verma, Sidram Reddy, Kartik Oraon and K. Suryanarayana.

SHRI PILOO MODY: May I be permitted to speak?

MR. SPEAKER: I will call you after Mr. Ishaque.

SHRI A. K. M. ISHAQUE: Mr. Speaker, Sir....

SHRI JYOTIRMOY BOSU: I have made a verbal motion. I have already made....

SHRI P. G. MAVALANKAR: Mr. Bosu was on his legs. He has moved the same before Government brought this thing. I was sitting here and I was watching the whole proceedings.

MR. SPEAKER: What Motion and what subject? If anything comes, don't say: I want to move a Motion.

PROF. MADHU DANDAVATE: You allowed the Minister to move a Motion.

MR. SPEAKER: I assure the House that it came to me much earlier before I came to my chamber.

SHRI ATAL BIHARI VAJPAYEE: What happened in the morning? Mr. Raghu Ramaiah made a verbal motion. It was put to vote....

PROF. MADHU DANDAVATE: Mr. Raghu Ramaiah made a verbal motion. On the same analogy, Mr. Jyotirmoy Bosu can also make a verbal motion. There must be uniform standards applied.

MR. SPEAKER: It was in writing. I am not going to argue with you.

PROF. MADHU DANDAVATE: My only submission is, Mr. Jyotirmoy Bosu may also be permitted to move a verbal motion.

MR. SPEAKER: This note says: Apropos my verbal submission, I propose to move a motion. To whom did you make the submission?

SHRI JYOTIRMOY BOSU: To the Chair.

MR. SPEAKER: Who is in the Chair?

AN HON. MEMBER: Mr. Sathe was in the Chair....

MR. SPEAKER: I do not know. I will hear from Mr. Sathe.

Will Mr. Sathe explain please?

SHRI SEZHIYAN: Shri Sathe is now a Member of the House. He cannot vouchsafe what has happened in the Chair. (*Interruptions*).

PROF. MADHU DANDAVATE: Please ask them to check up the records.

SHRI P. G. MAVALANKAR: We want the Speaker to act independently.

MR. SPEAKER: Now, whatever be the position, the House has already taken a decision. I am not going to take it as a precedent. He said something—the Chairman said something. Anyway, I shall put the motion of Shri Jyotirmoy Bosu to the vote of the House.

The question is:

"That the House do adjourn at 6 P.M. to-day."

The Lok Sabha divided:

Division No. 23]

[17.56 hrs

AYES

Bade, Shri R. V.
Banerjee, Shri S. M.
Bhagirath Bhanwar, Shri.
Bhattacharyya, Shri Dinen.
Bhattacharyya Shri Jagdish
Bhattacharyya, Shri S. P.

Bhaura, Shri B. S.
 Bosu, Shri Jyotirmoy
 Chandra Shekhar Singh, Shri
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chaudhary, Shri Ishwar
 Chaudhuri, Shri Tribid
 Chowhan, Shri Bharat Singh
 Dandavate, Prof. Madhu.
 Deb, Shri Dasaratha
 Dutta, Shri Biren
 *Ghosh, Shri P. K.
 Giri, Shri S. B.
 Goswami, Shrimati Bibha Ghosh
 Guha, Shri Samar
 Halder, Shri Krishna Chandra
 Hóro, Shri N. E.
 Huća, Shri Noorul.
 Jha, Shri Bhogendra
 Kachwai, Shri Hukam Chand
 Kathamuthu, Shri M.
 Lalji Bhai, Shri.
 Manjhi, Shri Bhola
 Mavalankar, Shri P. G.
 Mishra, Shri Shyamnandan
 Mody, Shri Piloo
 Mohanty, Shri Surendra
 Mukerjee, Shri H. N.
 Mukherjee, Shri Samar.
 Muruganatham, Shri S. A.
 Narendra Singh, Shri.
 Nayak, Shri Bakshi,
 Pandeya, Dr. Laxminarain
 Parmar, Shri Bhaljibhai
 Ramkanwar, Shri.
 Saha, Shri Gadadhar.
 Sambhali, Shri Ishaque
 Sezhiyan, Shri.
 Sharma, Shri R. R.
 Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

NOES

Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Anikineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Batakriashniah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhuvarahan, Shri G
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh-Kotah, Shri
 Chakleshwar Singh, Shri

*Wrongly voted for Ayes.

Chandrakar, Shri Chandulal	Gohain, Shri C. C.
Chandrashekarappa Veerabasappa, Shri T. V.	Gokhale, Shri H. R.
Chandrika Prasad, Shri	Gomango, Shri Giridhar
Chaturvedi, Shri Rohan Lal	Gopal, Shri K.
Chaudhary, Shri Nitiraj Singh	Goswami, Shri Dinesh Chandra
Chavan, Shrimati Premalabai	Gowda, Shri Pampan
Chawla, Shri Amar Nath	Hansda, Shri Subodh
Chellachami, Shri A. M.	Hanumanthaiya, Shri K.
Chhotey Lal, Shri	Hari Kishore Singh, Shri
Chukkalingaiah, Shri K.	Hari Singh, Shri
Choudhary, Shri B. E.	Hashim, Shri M. M.
Choudhury, Shri Moynul Haque	Ishaque, Shri A. K. M.
Daga, Shri M. C.	Jaffer Sharief, Shri C. K.
Dalbir Singh, Shri	Jagjivan Ram, Shri
Dalip Singh, Shri	Jeyalakshmi, Shrimati V.
Damani, Shri S. R.	Jha, Shri Chiranjib
Darbara Singh, Shri	Jitendra Prasad, Shri
Das, Shri Anadi Charan	Joshi, Shri Popatlal M.
Das, Shri Dharnidhar	Joshi, Shrimati Subhadra
Dasappa, Shri Tulsidas	Kadam, Shri Dattajirao
Daschowdhury, Shri B. K.	Kadam, Shri J. G.
Deo, Shri S. N. Singh	Kadannappalli, Shri Ramachandran
Desai, Shri D. D.	Kader, Shri S. A.
Dhamankar, Shri	Kailas, Dr.
Dharamgaj Singh, Shri	Kakodkar, Shri Purushottam
Dharia, Shri Mohan	Kakoti, Shri Robin
Dhusia, Shri Anant Prasad	Kale, Shri
Dinesh Singh, Shri	Kamakshaiah, Shri D.
Dixit, Shri G. C.	Kamala Prasad, Shri
Dixit, Shri Jagdish Chandra	Kamble, Shri T. D.
Uoda, Shri Hiralal	Kamla Kumari, Kumari
Dumada, Shri L. K.	Kapur, Shri Sat Pal
Dwivedi, Shri Nageshwar	Karan Singh, Dr.
Engti, Shri Biren	Kasture, Shri A. S.
Ganga Devi, Shrimati	Kavade, Shri B. R.
Gangadeb, Shri P.	Kedar Nath Singh, Shri
Gautam, Shri C. D.	Khadilkar, Shri R. K.
Gavit, Shri T. H.	Kinder Lal, Shri
Gill, Shri Mohinder Singh	Kisku, Shri A. K.
Giri, Shri V. Shanker	Kotoki, Shri Liladhar
Godara, Shri Mani Ram	Kotrashetti, Shri A. K.
Gogoi, Shri Tarun	Krishnan, Shri G. Y.
	Kulkarni, Shri Raja

- Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsh, Shri
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nanda, Shri G. L.
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramsiah, Shri K.
 Raj, Shrimati Sahodrabai
 Raj Bahaadur, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshankar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabhai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana

- Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankincedu Prasada
 Rao, Shri Pattabhi Rama
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Thakur, Shri Krishnarao
 Tiwari, Shri Chandra Bhai Mani
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uikey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri N. P.

Yadav, Shri R. P.

Zulfiqar Ali Khan, Shri

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

Ayes : 47

Noes : 293

The motion was negatived.

MR. SPEAKER: Shri Ishaque.

SHRI PILOO MODY: Sir, I have to go at six. I may be given time first.

MR. SPEAKER: I have already called Mr. A. K. M. Ishaque.

श्री अटल बिहारी वाजपेयी : इस का मतलब यह है कि सरकारी पार्टी यह नहीं चाहती कि प्रतिपक्ष भी इस विवाद में भाग ले। वे नहीं चाहते कि विधान के सशोधन जैसे महत्वपूर्ण मामलों पर वे हमारी बातें सुनें। वे जनता का गला घोटना चाहते हैं (अपवाद) इतने महत्वपूर्ण बिल पर बोलने का मौका नहीं दिया जा रहा है।

श्री इय्यासम्बन मिश्र : बाहर ये क्या मुकाबले करने। मेरी यह चुनौती है कि यह खले मैदान में आवे। यह तो आप के आर्शीवाद से बच रहे हैं, मैदान में बचने वाले नहीं है। (अपवाद) . .

Shri Atal Bihari Vajpayee and some other Members then left the House.

MR. SPEAKER: Shri A. K. M. Ishaque.

SHRI A. K. M. ISHAQUE: (Barrister): Sir, it is a very timely Bill and I support it.

18.00 hrs.

SHRI H. R. GOKHALE: Although many speeches appeared to be quite eloquent, unfortunately not many points of substance were made. While I do not intend to refer by name to the individual hon. Members who have made the points, I would say that I have tried to analyse the basic issues which were raised particularly by those who were opposing this Bill.

The first point which was made was that this Bill had hit at the very right of a Member to resign and it took away his liberty to resign. I must say with respect to those who made it that this argument shows a complete ignorance of the amending provisions of the Bill. Instead of taking away the right to resign in fact, this Bill protects the right to resign and protects the right to resign voluntarily and resign genuinely. Therefore, the right of a Member to resign so long as he really and genuinely and voluntarily wants to resign is not at all affected by the amending Bill which is before the House.

The Second thing which has been said is that the proviso which is now sought to be added enables the presiding officer, the Speaker or the Chairman as the case may be, to determine in a given case whether a resignation is voluntary or it is genuine. This criticism was made on the ground that the Speaker had for the first time been dragged into a controversy which might be taken to a court to law. I may submit that this also is not correct, because even under the existing provision,—to some of the decisions, of course, reference has been made in the course of the debate by some hon. Members—even though there was no specific provision for acceptance of a resignation or rejection of a resignation, the matter

*The following members also recorded their votes for Noes:

Sarvasbri Sidram Reddy, C. A. Patil, J. P. Dube, Dr. V. K. R. Varadaraja Rao and P. K. Ghosh.

[Shri H. R. Gokhale]
have been taken to court. At least I know of three instances where there are reported judgments where the speaker has been dragged in as a respondent, and it has been said that the Speaker could not have acted on the resignation because it was not a genuine or voluntary resignation. At least in one case—I am referring to the Travancore-Cochin case to which Shri Goswami had referred—in spite of the fact that the resignation had been given and the Speaker has acted on the resignation the court came to the conclusion that the resignation not having been genuine, it was not right for the Speaker to act on such a resignation. Therefore, even prior to the amendment, the possibility of a wrong decision or the possibility of a position where the Speaker does not accept the resignation or accepts the resignation without going into the question whether it is genuine or voluntary or not, being taken to the court was always there. Therefore, there is nothing new which has been done by this amendment. But this Bill seeks to meet the situation which has been experienced particularly in the recent past where resignations have been extracted under coercion or under pressure. Instances can be quoted in a large number. I know of cases where Members were dragged physically from their constituencies, and taken either by car or by train to the Speaker's house and compelled to sign the letter of resignation. There have been instances where other kinds of pressures were exercised, for example by talking a member on the back of a donkey in front of the whole city or town and bringing him into disgrace so that he is compelled to resign.

This Bill has also been opposed on the ground that it is anti-democratic. Is it suggested that the measures which are used for securing a resignation under force or duress or coercion or a resignation which is not genuine are democratic methods? Is it contemplated that the person who has been duly elected by a democratic process by the people of a consti-

tuency should be compelled to resign by a small number of people by using methods of coercion or violence? Is it being justified on the ground that it is a democratic method whereas something which protects a resignation not being accepted on the ground that it is not genuine or voluntary is an undemocratic method? I could not follow this argument that we must allow a person to resign when he had lost the confidence of the people. Now, who are the people who insist on resignations? We have seen cases where only small groups of people have sued violence and compelled the resignations of Members, when the people at large have generally had no opportunity to express their views when the resignations were given?

Reference was made to what is called the right of recall in some other countries is one of the speeches here. First of all, the right of recall does not exist even, so far as I know, in any country where the two party system exist. But assuming that it does, what has that got to do with a resignation obtained by violence? It is suggested that as far as the right of recall is not there, obtaining resignation by violence is justified? In fact, that was the logic of the whole argument that since the right of recall is not there, you can compel a member to resign by force, you can compel a member to resign by violence or duress. That is the logic, or want of it, in the argument that unless you provide for the right of recall, you cannot make this provision as you are trying to do by this Constitutional amendment.

Another argument that may made was concerning the language employed in the Bill, that is, that the Speaker on such information or otherwise which he has received or on such inquiry as he thinks fit comes to the conclusion that the resignation is not genuine or is not voluntary may refuse to accept the resignation. I was surprised when an argument came from a lawyer who is an experienced lawyer asking

'What is this 'otherwise'? Every lawyer of some experience knows that this is a phrase well known to law.

SHRI A. K. M. ISHAQUE: Safe-guard clause.

SHRI H. R. GOKHALE: It is used even in the Constitution in art. 356 apart from other ordinary law where it has been used. The connotation of this phrase has been very clearly interpreted several times by courts of law. Somebody said that when you say 'as he thinks fit, the Speaker or the Presiding Officer will be capricious or arbitrary in his judgment. When you say that an inquiry is contemplated the words used are 'inquiry as he thinks fit'—it is inherent in the word 'inquiry' that it is in consonance with fairplay and justice. That has also been interpreted several times by courts and although it might not be a fullfledged judicial or quasi-judicial inquiry, it means an inquiry not violative of the ordinary principles of fairplay and justice. Therefore, it is wrong to suppose that merely because the words used are 'as he thinks fit' or 'on information which he has received or otherwise', the Speaker has power to say that the resignation will not be accepted or that the resignation will be accepted arbitrarily or capriciously is something I want to repudiate because the amendment in terms says that there is an inquiry contemplated. And I cannot think of any authority better than the Speaker in whom the House of Legislature, whether here or in the States, can repose greater confidence and greater trust in this matter. As one hon. Member said the Speaker is the eyes and ears of the House, quite rightly, and therefore in the matter of the right of a member to continue, despite pressure, despite duress, in regard to coming to the conclusion whether he should continue or the resignation is under pressure and is not genuine which other authority is more appropriate to decide whether the resignation is genuine or not?

We have always proceeded on the basis that when the Speaker assume

his office, he is looked upon as a persons who acts impartially, who does not take political sides. That is how the parliamentary system functions here and elsewhere in the country. If we do not go by this assumption and if you say that if you leave it to the Speaker, he will act arbitrarily or capriciously, it will really be doing an injustice to the office of the Speaker in whom the House here and elsewhere in the country has reposed complete confidence all throughout, I submit very rightly.

It has been said that this has been done for the benefit of the ruling party to see that its members' resignations are not accepted.

Actually, if we look at the amendment, it protects every Member of the House. Indeed, when there was some opposition to the introduction of the Bill, one of the hon. Members on the other side said that if a member is elected he must have the moral strength to resist violence and resist pressure and resist duress. It is easy to say that. It is all right to say so as long as this occasion does not come. It is easy to advise the other people. But we know how it has happened in places where duress, violence and pressure have been exercised, and how in spite of this violence and pressure, members have continued to hold on and not resign until it became impossible for them. Therefore if really our democracy is to survive, we must see that this method of securing resignation by force does not arise; it really hits at the very basis of the democratic structure. If we are to function as legislatures, and function as members of the legislatures, during the tenure for which we are elected by the people at large, no group of people or small group of people can come inside and say that we cease to represent the people because they do not like it. The whole brunt of the argument was, if I may summarise, why is power given to the Speaker; the power is arbitrary and capricious; that there is no en-

[H R Gokhale]

quary, judicial or quasi-judicial, provided It was said that this is intended to protect the ruling party All these arguments I submit, were politically motivated

The real method by which we can protect all our members of the legislatures, whether they belong to this party or that, is the one method in which we repose full confidence in the Speaker or the Chairman as the case may be and leave it to his decision on adequate inquiry, such inquiry as he deems fit, to decide whether a resignation has been voluntary or not voluntary or has been genuine or not genuine

These are the main points in the Bill I commend to the House that the Bill be taken into consideration

AN HON MEMBER rose—

MR SPEAKER Not after the Minister The Minister has replied, kindly sit down I am not allowing you

Now there is an amendment-amendment No 13—by Shri Atal Bihari Vajpayee for referring the Bill to a Joint Committee I shall put it to vote

Amendment No 13 was put and negatived

MR SPEAKER Before I put the motion for consideration to the vote of the House this being a Constitution (Amendment) Bill voting has to be by Division

Let the Lobbies be cleared

The question is

“That the Bill further to amend the Constitution of India be taken into consideration”

Now, Division

18.17 hrs.

The Lok Sabha divided
Division No 24

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahrwal Shri Nathu Ram
Ahmed, Shri F A
Alagesan, Shri O V
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin Dr Henry
Awdesh Chandra Singh Shri
Azad Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishnaiah Shri T
Banamali Babu, Shri
Banerjee Shrimati Mukul
Barman, Shri R N
Barua, Shri Bedabrata
Bariupal, Shri Panna Lal
Basappa, Shri K
Basumatari, Shri D
Bera, Shri S C
Bhagat, Shri B R
Bhagat, Shri H K L
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhuvarahan, Shri G
Bist Shri Narindra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B
Chandrakar, Shri Chandulal
Chandrashekarappa Veerabasappa,
Shri T V
Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Dega, Shri M. C.
 Delbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Dhamankar, Shri
 Dharamraj Singh, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram

Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kale, Shri
 Kamakshaiah, Shri D.
 Kumla Prasad, Shri
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkapa, Shri K.

Lakshminthamma, Shrimati T	Paokai Haokip, Shri
Lutfal Haque, Shri	Parashar, Prof Narain Chand
Mahajan, Shri Vikram	Partap Singh, Shri
Mahajan, Shri Y S	Parthasarathy, Shri P
Maharaj Singh, Shri	Paswan, Shri Ram Bhagat
Mahata, Shri Debendra Nath	Patel, Shri Arvind M
Mahishi, Dr Sarojini	Patel, Shri Natwarlal
Majhi, Shri Gajadhar	Patil, Shri Anantrao
Majhi, Shri Kumar	Patil, Shri C A
Malaviya, Shri K D	Patil, Shri E V. Vikhe
Malhotra, Shri Inder J	Patil, Shri Krishnarao
Malianna, Shri K	Patil, Shri T A
Mallikarjun, Shri	Patnaik, Shri Banemali
Mandal, Shri Jagdish Narain	Patnaik, Shri J B
Maurya, Shri B P.	Peje, Shri S L
Mehta, Dr Jivraj	Prabodh Chandra, Shri
Mehta, Dr Mahipatray	Pradhani, Shri K
Mirdha, Shri Nathu Ram	Purty, Shri M S.
Mishra Shri Bibhuti	Raghu Ramaiah, Shri K
Mishra, Shri G S	Rai, Shrimati Sahodarbai
Mishra, Shri Jagannath	Raj Bahadur, Shri
Mishra, Shri L N	Raju, Shri P V G
Modi, Shri Shrikishan	Ram, Shri Tulmohan
Mohammad Tahir Shri	Ram Dhan, Shri
Mohammad Yusuf Shri	Ram Prakash, Shri
Mohapatra, Shri Shyam Sunder	Ram Sewak, Ch
Mohsin, Shri F H	Ram Singh Bhai, Shri
Muhammad Khuda Bukhsh, Shri	Ram Surat Prasad, Shri
Munsi, Shri Priya Ranjan Das	Ram Swarup, Shri
Murmu, Shri Yogesh Chandra	Ramshekhar Prasad Singh, Shri
Murthy, Shri B S	Rana, Shri M B
Nahata, Shri Amrit	Rao, Shrimati B Radhabai A
Negi Shri Pratap Singh	Rao Shri J Rameshwar
Oraon, Shri Kartik	Rao, Shri Jagannath
Oraon, Shri Tuna	Rao, Dr K L
Pahadia, Shri Jagannath	Rao, Shri K Narayana
Palodkar Shri Mamk Rao	Rao, Shri M S Sanjeevi
Pandey, Shri Damodar	Rao, Shri Nageswara
Pandey, Shri Krishna Chandra	Rao, Shri P Ankinneedu Prasada
Pandey, Shri Narsingh Narain	Rao, Shri Pattabhi Rama
Pandey, Shri R S	Rao, Dr V K R Varadaraja
Pandey Shri Sudhakar	Rathia, Shri Umed Singh
Pandit, Shri S T	Raut, Shri Bhola
Pant, Shri K C	

Reddi, Shri P. Anthony
 Reddi, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Rohtagi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Saighi, Shri N. K.
 Sanghana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnwaz Khan, Shri
 Shailani, Shri Chandra
 Shanker Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.

Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddesheshwar Prasad, Shri
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bhr
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Thakur, Shri Krishnarao
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkateswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, Shri Amarnath
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri N. P.

Yadav, Shri B. P.

NOES

Javalankar, Shri P. G.

Jiwari, Shri Chandra Bhal Mani

MR. SPEAKER: The result* of the division is: Ayes: 302; Noes: 2

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

The motion was adopted.

MR. SPEAKER: I shall now take up clause 2. Are any amendments to clause 2 being moved? No. Then, the question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided:

[18.20 hrs.

Division No. 25]

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Batra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basbeshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekarappa Veerabasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chikkalingalah, Shri K.
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan

*The following members also recorded their votes for AYES:—Sarvasri Sidram Reddy, R. K. Khadilkar, Yamuna Prasad Mandal and N. Shivappa.

Das, Shri Dharnidhar	Jagjivan Ram, Shri
Dasappa, Shri Tulsidas	Jeyalakshmi, Shrimati V.
Daschowdhury, Shri B. K.	Jha, Shri Chiranjib
Deo, Shri S. R. Singh	Jitendra Prasad, Shri
Desai, Shri D. D.	Joshi, Shri Popatlal M.
Dhamankar, Shri	Joshi, Shrimati Subhadrā
Dharamga, Singh, Shri	Kadam, Shri Dattajirao
Dharia, Shri Mohan	Kadam, Shri J. G.
Dhusia, Shri Anant Prasad	Kadannappalli, Shri Ramchandran
Dinesh Singh, Shri	Kedar, Shri S. A.
Dixit, Shri G. C.	Kailas, Dr.
Dixit, Shri Jagdish Chandra	Kakodkar, Shri Purshottam
Doda, Shri Hiralal	Kakoti, Shri Robin
Dube, Shri J. P.	Kale, Shri
Dumada, Shri L. K.	Kamakshaiyah, Shri D.
Dwivedi, Shri Nageshwar	Kamala Prasad, Shri
Engti, Shri Biren	Kamble, Shri T. D.
Gandhi, Shrimati Indira	Kamla Kumari, Kumari
Ganesh, Shri K. R.	Kapur, Shri Sat Pal
Ganga Devi, Shrimati	Karan Singh, Dr.
Gangadeb, Shri P.	Kasture, Shri A. S.
Garcha, Shri Devinder Singh	Kaul, Shrimati Sheila
Gautam, Shri C. D.	Kavde, Shri B. R.
Gavit, Shri T. H.	Khadikar, Shri R. K.
George, Shri A. C.	Kinder Lal, Shri
Ghosh, Shri P. K.	Kisku, Shri A. K.
Gill, Shri Mohinder Singh	Kotoki, Shri Laladhar
Giri, Shri V Shanker	Kotrshetti, Shri A. K.
Godara, Shri Mani Ram	Krishnan, Shri G. Y.
Gogoi, Shri Tarun	Kulkarni, Shri Raja
Gohan, Shri C. C.	Kureel, Shri B. N.
Gokhale, Shri H. R.	Kushok Bakula, Shri
Gomango, Shri Giridhar	Lakkappa, Shri K.
Gopal, Shri K.	Lakshmikanthamma, Shrimati T.
Goswami, Shri Dinesh Chandra	Lutfal Haque, Shri
Gowda, Shri Pampan	Mahajan, Shri Vikram
Hansda, Shri Subodh	Mahajan, Shri Y. S.
Hanumanthaiya, Shri K.	Maharaj Singh, Shri
Hari Kishore Singh, Shri	Mahata, Shri Dabendra Nath
Hari Singh, Shri	Mahishi, Dr. Surojini
Hashim, Shri M. M.	Majhi, Shri Gajadhar
Ishaque, Shri A. K. M.	Majhi, Shri Kumaṛ
Jaffer Sharief, Shri C. K.	Malavjya, Shri K. D.
	Malhotra, Shri Inder J.

Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahipatray
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsh, Shri
 Munsal, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nagi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhani, Shri K.
 Purty, Shri M S
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M B
 Rao, Shrimati B Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath	Sinha, Shri R. K.
Rudra Pratap Singh, Shri	Sohan Lal, Shri T.
Sadhu Ram, Shri	Sokhi, Sardar Swaran Singh
Saini, Shri Mulki Raj	Stephen, Shri C. M.
Salve, Shri N. K. P.	Subramaniam, Shri C.
Samanta, Shri S. C.	Sudarsanam, Shri M.
Sanghi, Shri N. K.	Sunder Lal, Shri
Sangliana, Shri	Surendra Pal Singh, Shri
Sankata Prasad, Dr.	Suryanarayana, Shri K.
Sant Bux Singh, Shri	Swaminathan, Shri R. V.
Sathe, Shri Vasant	Swamy, Shri Sid:ameshwar
Satish Chandra, Shri	Swaran Singh, Shri
Satpathy, Shri Devendra	Tarodekar, Shri V. B.
Savant, Shri Shankerrao	Tayyab Hussain, Shri
Savitri Shyam, Shrimati	Tewari, Shri Shankar
Sayeed, Shri P. M.	Thakur, Shri Krishnarao
Sethi, Shri Arjun	Tiwari, Shri Chandra Bhai Mani
Shafee, Shri A.	Tiwari, Shri R. G.
Shafquat Jung, Shri	Tiwary, Shri D. N.
Shahnawaz Khan, Shri	Tombi Singh, Shri N.
Shailani, Shri Chandra	Tula Ram, Shri
Shankar Dayal Singh, Shri	Tulsiram, Shri V.
Shankar Dev, Shri	Ulkey, Shri M. G.
Shankaranand, Shri B	Unnikrishnan, Shri K. P.
Sharma, Shri A. P.	Vekaria, Shri
Sharma, Dr. H. P.	Venkatasubbaiah, Shri P.
Sharma, Shri Madhoram	Venkatswamy, Shri G.
Sharma, Shri R. N.	Verma, Shri Balgovind
Sharma, Dr. Shankar Dayal	Verma, Shri Sukhdeo Prasad
Shashi Bhusan, Shri	Vidyalankar, Shri Amarnath
Shastri, Shri Sheopujan	Virbhadra Singh, Shri
Shenoy, Shri P. R.	Yadav, Shri Chandrajit
Sher Singh, Prof.	Yadav, Shri D. P.
Shetty, Shri K. K.	Yadav, Shri N. P.
Shinde, Shri Annasaheb P.	Yadav, Shri R. P.
Shivappa, Shri N.	
Shukla, Shri B. R.	
Shukla, Shri Vidya Charan	
Siddayya, Shri S. M.	
Sidheshwar Prasad, Shri	
Singh, Shri Vishwanath Pratap	
Sinha, Shri Dharam Bir	
Sinha, Shri Nawal Kishore	

NOES

*Chavan, Shrimati Premalabai
Mavalankar, Shri P. G.

MR. SPEAKER: The result† of the
division is:

Ayes. 307, Noes 2

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

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER: We shall now take
up Clause 3.

Are any amendments to Clause 3
being moved? No.

Then, the question is:

"That Clause 3 stand part of the
Bill."

The Lok Sabha divided:

Division No. 26]

[18.23 hrs.

*AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Meganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishnaiah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D
Besra, Shri S. C.
Bhagat, Shri B. R
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B
Chandrakar, Shri Chandulal
Chandrashekarappa Veerabasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachami, Shri A. M
Chhotey Lal, Shri
Chikkalingajah, Shri K.
Choudhary, Shri B. E.
Chowdhury, Shri Motnul Haque
Daga, Shri M. C.

*Wrongly voted for Noes.

†The following members also recorded their votes for Ayes:—

Sarvashri Kedar Nath Singh, Yamuna Prasad Mandal Sidram Reddy and
Shrimati Premalabai Chavan.

Dalbir Singh, Shri	Hari Singh, Shri
Dalip Singh, Shri	Hashim, Shri M. M.
Damani, Shri S. R.	Ishaque, Shri A. K. M.
Darbara Singh, Shri	Jaffer Sharief, Shri C. K.
Das, Shri Anadi Charan	Jagjivan Ram, Shri
Das, Shri Dharnindhar	Jeyalakshmi, Shrimati V.
Dassappa, Shri Tulsidas	Jha, Shri Chiranjib
Daschowdhury, Shri B. K.	Jitendra Prasad, Shri
Deo, Shri S. N. Singh	Joshi, Shri Poptatlal M.
Desai, Shri D. D.	Joshi, Shrimati Subhadra
Dhamankar, Shri	Kadam, Shri Dattajirao
Dharamgaj Singh, Shri	Kadam, Shri J. G.
Dharia, Shri Mohan	Kadannappalli, Shri Ramachandran
Dhusia, Shri Anant Prasad	Kader, Shri S. A.
Dinesh Singh, Shri	Kailas, Dr.
Dixit, Shri Jagdish Chandra	Kakodkar, Shri Purushottam
Doda, Shri Hiralal	Kakoti, Shri Robin
Dube, Shri J. P.	Kale, Shri
Dumada, Shri L. K.	Kamakshaiah, Shri D.
Dwivedi, Shri Nageshwar	Kamala Prasad, Shri
Engti, Shri Biren	Kamble, Shri T. D.
Gandhi, Shrimati Indira	Kamla Kumari, Kumari
Ganesh, Shri K. R.	Kapur, Shri Sat Pal
Ganga Devi, Shrimati	Karan Singh, Dr.
Gangadeb, Shri P.	Kasture, Shri A. S.
Garcha, Shri Devinder Singh	Kaul, Shrimati Sheila
Gautam, Shri C. D.	Kavde, Shri B. R.
Gavit, Shri T. H.	Kedar Nath Singh, Shri
George, Shri A. C.	Kinder Lal, Shri
Ghosh, Shri P. K.	Kisku, Shri A. K.
Gill, Shri Mohinder Singh	Kotoki, Shri Liladhar
Giri, Shri V. Shanker	Kotrashetti, Shri A. K.
Godara, Shri Mani Ram	Krishnan, Shri G. Y.
Gogoi, Shri Tarun	Kulkarni, Shri Raja
Gohain, Shri C. C.	Kureel, Shri B. N.
Gokhale, Shri H. R.	Kushok Bakula, Shri
Gomango, Shri Giridhar	Lakkappa, Shri K.
Gopal, Shri K.	Lakshmikanthamma, Shrimati T.
Goswami, Shri Dinesh Chandra	Lutfal Haque, Shri
Gowda, Shri Pampan	Mahajan, Shri Vikram
Hansda, Shri Subodh	Mahajan, Shri Y. S.
Hanumanthaiya, Shri K.	Maharaj Singh, Shri
Hari Kishore Singh, Shri	Mahata, Shri Debendra Nath

Mahishi, Dr. Sarojini	Patel, Shri Arvind M.
Majhi, Shri Gajadhar	Patel, Shri Natwarlal
Majhi, Shri Kumar	Patel, Shri Prabhudas
Malaviya, Shri K. D.	Patil, Shri Anantrao
Malhotra, Shri Inder J.	Patil, Shri C. A.
Mallanna, Shri K.	Patil, Shri E. V. Vikhe
Mallikarjun, Shri	Patil, Shri Krishnarao
Mandal, Shri Jagdish Narain	Patil, Shri T. A.
Maurya, Shri B. P.	Paswan, Shri Ram Bhagat
Mehta, Dr. Jivraj	Patnaik, Shri J. B.
Mehta, Dr. Mahipatray	Peje, Shri S. L.
Mirdha, Shri Nathu Ram	Prabodh Chandra, Shri
Mishra, Shri Bibhuti	Pradhni, Shri K.
Mishra, Shri G. S.	Purty, Shri M. S.
Mishra, Shri Jagannath	Raghu Ramaiah, Shri K.
Mishra, Shri L. N.	Rai, Shrimati Sahodrabai
Modi, Shri Shrikishan	Raj Bahadur, Shri
Mohammad Tahir, Shri	Raju, Shri P. V. G.
Mohammad Yusuf, Shri	Ram, Shri Tulmohan
Mohapatra, Shri Shyam Sunder	Ram Dhan, Shri
Mohsin, Shri F. H.	Ram Prakesh, Shri
Mohammed Khuda Bukhsh, Shri	Ram Sewak, Ch.
Munsi, Shri Priya Ranjan Das	Ram Singh Bhai, Shri
Murmu, Shri Yogesh Chandra	Ram Surat Prasad, Shri
Murthy, Shri B. S.	Ram Swarup, Shri
Nahata, Shri Amrit	Ramshekhhar Prasad Singh, Shri
Negi, Shri Pratap Singh	Rana, Shri M. B.
Oraon, Shri Kartik	Rao, Shrimati B. Radhabai A.
Oraon, Shri Tuna	Rao, Shri J. Rameshwar
Pahadia, Shri Jagannath	Rao, Shri Jagannath
Palodkar, Shri Manikrao	Rao, Dr. K. L.
Pandey, Shri Damodar	Rao, Shri K. Narayana
Pandey, Shri Krishna Chandra	Rao, Shri M. S. Sanjeevi
Pandey, Shri Narsingh Narain	Rao, Shri Nageswara
Pandey, Shri R. S.	Rao, Shri P. Ankineedu Prasada
Pandey, Shri Sudhakar	Rao, Dr. V. K. R. Varadaraja
Pandit, Shri S. T.	Rathia, Shri Umed Singh
Pant, Shri K. C.	Raut, Shri Bhola
Paokai Haokip, Shri	Reddi, Shri P. Anthony
Parashar, Prof. Narain Chand	Reddy, Shri K. Kodanda Rami
Parikh Shri Rasiklal	Reddy, Shri K. Ramakrishna
Partap Singh, Shri	Reddy, Shri M. Ram Gopal
Parthasarathy, Shri P.	Reddy, Shri P. Bayapa
Paswan, Shri Ram Bhagat	Reddy Shri P. Narasimha

Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri Vishwanath Pratap

Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kiahore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sundarasanam, Shri M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Thakur, Shri Krishmarao
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uickey, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri N. P.
 Yadav, Shri H. K.

NOES

Mavalankar, Shri P. G.

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

Ayes: 305, Noes: 1; -

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

The motion was adopted

Clause 3 was added to the Bill

MR. SPEAKER: We shall now take up Clause 1. There is an amendment by the Law Minister.

SHRI H R GOKHALE Sir, I beg to move:

Page 1, line 3—

for "(Thirty-fifth Amendment)"

substitute "(Thirty-third Amendment)" (6).

MR. SPEAKER: The question is:

Page 1, line 3—

for "(Thirty-fifth Amendment)".

substitute—"(Thirty-third amendment)". (6)

The motion was adopted.

MR. 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

MR. SPEAKER: Now, the question is:

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

The motion was adopted

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

SHRI H. R. GOKHALE. I beg to move

"That the Bill, as amended, be passed"

MR. SPEAKER: Motion moved.

"That the Bill as amended, be passed".

SHRI P. G. MAVALANKAR: Mr. Speaker Sir, when I am rising to speak on the third reading of this Bill, I must say that I am finding myself in a rather unusual situation. I find that usually in our House for any kind of discussion the attendance, particularly after 6 O'Clock is very very thin. But I can see today the Government benches full to their capacity. Even the Prime Minister is present. The other unusual aspect of the matter is that I hardly see anyone on this side of the House. That does not of course, bother me because I have not come here as a member of this or that party.

When I speak as I am going to speak on this Bill, I wish to say in all humility but with all the emphasis at my command that I want to point out some of the dangerous implications of the Bill which Government has brought forward to amend the Indian Constitution. During the last one and a half years I have been more or less privileged to address this hon. House with a comparatively thin attendance. It is really a privilege therefore, that I have got today of addressing almost all the members

Sarvaswari R. K. Khabalkar, Pattabhn Rama Rao, Yamma Prasad Mandali and
*The following members also recorded their votes for Ayes

Sidram Reddy.

of the majority party of this House, including the Prime Minister.

Mr. Speaker, Sir, this Bill according to me.... (Interruptions) Because I am only one here, I seek special protection from you. I need special consideration from my esteemed friends of the party in majority I shall not take more time than is absolutely necessary

MR. SPEAKER: I am sure, you are very welcome.

SHRI P. G. MAVALANKAR: Apparently this Bill is simple. But if you look at the implications of this Bill, you will find that it is a strange Bill because it will create many complicated situations, even if for the sake of argument this Bill were to be considered desirable. I am with the House and ask with the majority of this House, when they say that no MLA or MP should be coerced. What I want to suggest is even if this Bill is desirable it is not going to be workable in practice. I shall tell you very quickly why it is not workable.

It is said that this Bill is to strengthen the democratic process. But I want to suggest in all seriousness that in actual practice, if this Bill were to be passed and I do not see any prospects otherwise this Bill will mean that Government will be responsible for bringing in an amendment of the Constitution which is both anti-democracy and anti-people in character. Because, by bringing forward this Bill my esteemed friend Shri Gokhale has done only half the thing. He has tried to protect, and very rightly I say the MPs and MLAs, the elected representatives of the people from undue and wrong intimidation, coercion and violence by any section of the people, whether they belong to any party or not. My grievance however, is that the hon. Law Minister has brought an incomplete Bill only. By having this Bill he gives protection to the MPs and MLAs. But he leaves the people at large completely at the mercy of such

MLAs and MPs who during their five year period of membership of the Assembly or Parliament may choose to act in a manner or in a style which would be both unresponsive and irresponsible. If the MLAs or MPs choose to act in an unresponsive or irresponsible manner, I want to ask the hon. Law Minister where is the remedy in the hands of the people under our Constitution? Should our people tolerate the irresponsible and unresponsive elected representatives of the people for five long years in the name of parliamentary democracy?

My hon. friends have been saying that extra-parliamentary methods are being adopted to dislodge the MLAs and MPs. I am with them. But I ask a counter-question: Is it not true that a number of MLAs and MPs—no matter to which party they may belong to or they may belong to no-party we have seen it in the recent past—deliberately flout the aspiration, expectation and demands of the people in this country? If therefore the common people are going to be considered as mere spectators and helpless witnesses for five long years, surely the Constitution, to that extent is inadequate and incomplete. It is from this angle that I wish the Law Minister had clubbed with his provision the remedy of recall as well..

MR. SPEAKER: He may try to conclude.

SHRI P. G. MAVALANKAR: Kindly allow me some more time.

Therefore this is incomplete and inadequate. Of course the problem of forcible resignations is real and genuine. I have myself seen in Gujarat and I am very sorry to say, and I am ashamed of the fact that many MLAs in many State of Gujarat were coerced. In fact, at the very start of the Nav Nirman movement, I said it in public it is on record—that the movement of the students and

[Shri P. G. Mavalankar]

the youth must be carried on a non-violent and non-party basis. I continued this dialogue with my young friends and students. I have the privilege of knowing and meeting thousands of my young friends in Gujarat. I pleaded with them; I argued with them; I cajoled them; I flattered them; I persuaded them; but I failed. But that does not mean that my own position is compromised. When I found that, I dissociated myself from the violent and partisan movement as early as possible on 15th January, this year. But everybody knows what the later events were.

The point is that although the problem is genuine the remedy suggested by the hon. Law Minister is full of dangerous implications. I want to ask you, Mr. Speaker, Sir: Did the Government ever show any courtesy to your goodself of consulting you before they came to this House with this kind of a Bill because it brings in your office and your own functioning as the Speaker of the Lok Sabha? I want to ask further: Was the Speakers' Conference enabled to be seized of the matter so that a considered opinion of the Speakers' Conference, after discussions, could have been obtained? If both of these things had been done then the Law Minister could have said "We have also the agreement of the Speakers or they are in agreement with us. Therefore, we have brought forward this Bill."

But I am very sorry to say that the Government has not shown any such country nor have the shown any such consideration. This shows that they have brought forward this Bill with undue, indecent and unseemly haste. The Government have acted more or less, with a sense of panic and have rushed in thoughtlessly where angles of democracy would have feared to tread.

Even without this amendment a sort of convention does exist. The Constitutions says:

"(b) resigns his seat by writing under his hand...."

So, the signature must be genuine, not forged. Then it says:...." his seat shall thereupon become vacant." It is not stated that it becomes vacant automatically. The word 'thereupon' is important.

You will remember Sir in a joke, you said a few weeks ago, addressing me personally "If you Mr. Mavalankar, resign, I will have no hesitation whatsoever in accepting the resignation." I had some difficulty in my home town. When the people got the news, they asked me, "why was the Speaker so anxious to have your resignation?"

The Constitution wording is very clear. It says:

"...shall thereupon become vacant."

Not automatically. It means that the Speaker even today without the Law Minister's present Bill, has the inherent right of going into the question of whether the resignation is genuine or otherwise.

Now, I would like to quote only three precedents. In 1952, in Kerala there was a case of Thankamma vs. Speaker of the Travancore-Cochin Assembly. Then, again in Kerala, in 1964, there was a case of Kuji Krishnan vs. Kerala Legislature. In 1965, in U.P., there was a case of Surat vs. Sudama, in the Allahabad High Court. In fact, in all these cases the court ruling was that the Speaker should not accept resignation blindly and that the Speaker has the inherent right to enquire whether the resignation is genuine or voluntary.

So, I ask the Law Minister as to where was the special urgency; special necessity, to have this additional legal and Constitutional provision of forcing the speaker to go into the genuineness or otherwise of the resignation.

MR. SPEAKER: When the Speaker of Gujarat, Mr. Leua, took some time to accept the resignation, you expressed an opinion contrary to what you are doing now.

SHRI P. G. MAVALANKAR: I never said anything. I never opined on that occasion at all. All that I submitted on that occasion was that the matter was pending before the Gujarat High Court, and when I said that, you immediately told me, 'Give me your resignation and I will accept it', I did not opine at all. I only submitted that the matter of Gujarat Speaker's accepting or not accepting the resignation was before the Gujarat High Court, the matter was subjudice and, therefore, I was asking whether this matter could be brought before the House, but you said nothing on it. I never opined.

In the British Constitution there is no provision for a Member of the House of Commons to resign. The Members of the House of Commons cease to be members only at the time of dissolution of the House. That is why, if a Member of the House of Commons in England wants to resign he applies for what is called the 'Chiltern Hundreds', which is an ancient and nominal 'office of profit', a sine cure job. It is a nominal 'office of profit' and, therefore, he applied; for it and he automatically ceases to be a member. I would like the Law Minister to reply to this point whether in Australia, Switzerland, Ireland, Japan, Canada, Sweden and other mature democracies of the world, any such amendment which he is providing for is there in their Constitutions.

Finally, I want to refer to the situation in Gujarat. My esteemed friends, Mr. Stephen and many other friends from the Congress party, have repeated again and again in the Gujarat debate and also in today's debate that what happened in Gujarat was all violent, anti-democratic, etc. I want this House to know that in

Gujarat, during this revolt, as many as five young people were killed....

AN HON. MEMBER: No.

SHRI P. G. MAVALANKAR: What is the use of shouting just 'no'? This is the difficulty with the members of the Congress party. The point is that 5 young people in Gujarat became the victims of the violence of the MLAs of the ruling Congress. You can go and find out from the administration, and if I am proved wrong, I am prepared to withdraw my words. My only point is this. Let this House not be given only one side of the picture. If coercion was practised on the MLAs, some MLAs practised violence on the young people of Gujarat; five young people died. But no legislator was seriously hurt, and certainly no M.L.A. lost his life.

Mr. Raghavjibhai Leua, the then Speaker of the Gujarat Assembly, accepted this inherent right of the Speaker. He was saying to the resigning M.L.A.s, 'Come after five days, come after ten days, come after 15 days' In fact, he adopted a lengthy procedure. But the Speaker had exercised the inherent right which is there in the Constitution.

In conclusion I would say that my objection to this Bill is this. By having this provision, although MPs and MLAs are sought to be protected though I do not know how they will be protected and even if they are protected, by having this what will happen concurrently is that the dignity of your exalted office, the office of the Speaker of the Lok Sabha, and the dignity of this august House will also be jeopardised.

They will be jeopardised because by this Bill the hon. Law Minister has exposed you, Sir, and your office, to the ultimate authority of the jurisdiction of the Supreme Court. The Speaker is the Presiding Officer in the House and therefore his doings in the House are not challenged in the court of law.

(Shri P. G. Mavalankar)

But his accepting or not accepting any resignation is a matter which will be challenged by a court of law. Therefore, the Speaker's conduct will come under judicial review. If this is so, I ask: Is it right? Is it democratic? Is it proper?

My final charge is that the Speaker's impartiality, the Speaker's dignity, the Speaker's independence,—all these— are sought to be damaged by this Bill and if such a damage takes place, really it will be an irreparable damage.

It is from this angle that I vehemently oppose this Thirty-fifth Constitution Amendment Bill at this third reading stage and I do hope before long you, Mr. Speaker, will come to this House and tell the Law Minister that your experience and the experience of other Speakers, voiced through the Speaker's Conference is that this Bill brings the Speaker's office into public controversy, political controversy, and therefore. Mr. Gokhale, please amend it a second time, so that the Speaker is kept out of this arena'

SHRI MUHAMMED KHUDA BUKISH (Murshidabad): Sir, I wish to submit that the honourable Presiding Officers are also Members of the Houses. Should a resignation be extracted from the honourable Presiding Officers by coercion, how the proposed Bill will deal with an eventuality of that kind? I want clarification on that point.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, I have dealt with most of the points which have been raised by Mr. Mavalankar in my original reply and no new points were raised.

As far as the point which has been raised on this side is concerned, it is true that the Speaker is a Member of the Legislature. But the Speaker does not tender his resignation to

himself even under the existing law. If he tender; his resignation and if there is some force somewhere. It is easier to tender protection to one authority than to several hundreded legislators.

I have nothing more to add.

MR. SPEAKER: I will now put the Bill, as amended, to the vote of the House, let the lobbies be cleared.

The question is:

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

The Lok Sabha divided.

Division No. 27]

[18.48 hrs.]

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Anikineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai Shri Vidya Dhar
Balakrishnaiah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Bera, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.

Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhuvarahan, Shri G.
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh-Kotah, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandrakar, Shri Chandulal
 Chandrashekarappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabal
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar

Engli, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jaffar Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kale, Shri
 Kamakshaiyah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.

Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narsin
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahapatray
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Mohammad Tahir, Shri
 .Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Khuda Bukhsb, Shri

Munsii, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri

Ram Sewak, Ch.	Shafquat Jung Shri
Ram Singh Bhai Shri	Shahnawaz Khan, Shri
Ram Surat Prasad, Shri	Shailani, Shri Chandra
Ram Swardup, Shri	Shankar Dayal Singh, Shri
Ramshekhar Prasad Singh, Shri	Shankar Dev, Shri
Rana, Shri M. B.	Shankaranand. Shri B.
Rao, Shrimati B. Radhabai A.	Sharma, Shri A. P.
Rao, Shri J. Rameshwar	Sharma, Dr. H. P.
Rao, Shri Jagannath	Sharma, Shri Madhoram
Rao. Dr. K. L.	Sharma, Shri R. N.
Rao, Shri K. Narayana	Sharma. Dr. Shankar Dayal
Rao, Shri M. S. Sanjeevi	Shashi Bhushan, Shri
Rao, Shri P. Ankineedu Prasada	Shastri, Shri Sheopujan
Rao, Shri Pattabhi Rama	Shenoy, Shri P. R.
Rao, Dr. V. K. R. Varadaraja	Sher Singh, Prof.
Raut, Shri Bhola	Shety Shri K. K.
Reddi, Shri P. Antony	Shinde, Shri Annasaheb P.
Reddy, Shri K. Kodanda Rami	Shivappa, Shri N.
Reddy, Shri K. Ramakrishna	Shivnath Singh, Shri
Reddy, Shri M. Ram Gopal	Shukla. Shri B. R.
Reddy, Shri P. Bayapa	Shukla, Shri Vidya Charan
Reddy, Shri P. Narasimha	Siddayya, Shri S. M.
Reddy, Shri P. V.	Siddheshwar Prasad Shri
Richhariya, Dr. Govind Das	Singh, Shri Vishwanath Pratap
Rohatgi, Shrimati Sushila	Sinha, Shri Dharam Bir
Roy, Shri Bishwanath	Sinha, Shri Nawal Kishore
Rudra Pratap Singh, Shri	Sinha, Shri R. K.
Sadhu Ram, Shri	Sohan Lal, Shri T.
Saini, Shri Mulki Raj	Sokhi, Shri Swaran Singh
Salve. Shri N. K. P.	Stephen, Shri C. M.
Samanta, Shri S. C.	Subramaniam Shri C.
Sambhali, Shri Ishaque	Sudarsanam, Shri M.
Sanghi, Shri N. K.	Sunder Lal, Shri
Sangliana, Shri	Surendra Pal Singh, Shri
Sankata Prasad, Dr.	Suryanarayana, Shri K.
Sarkar, Shri Sakti Kumar	Swaminathan, Shri R. V.
Sathe, Shri Vasant	Swamy, Shri Sidrameshwar
Satish Chandra, Shri	Swaran Singh, Shri
Satpathy, Shri Devendra	Tarodekar, Shri V. B.
Savant, Shri Shankarrao	Tayyab Hussain, Shri
Savi.ri Shyam, Shrimati	Tewari, Shri Shankar
Sayeed, Shri P. M	Thakur, Shri Krishnarao
Sethi, Shri Arjun	Tiwari, Shri Chandra Bhal Mani.
Shafee, Shri A.	Tiwari, Shri R. G.

Tiwary, Shri D N.
 Tombi Singh, Shri N
 Tula Ram, Shri
 Tulsaram, Shri V
 Ukey, Shri M G.
 Unnikrishnan Shri K P
 Vekaria, Shri
 Venkatasubbaiah, Shri P
 Venkatswamy, Shri G
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Virbhadra Singh, Shri
 Yadav, Shri Chandrajit
 Yadav, Shri D P.
 Yadav Shri N P
 Yadav, Shri R P

Mavalankar, Shri P G

NOES

MR SPEAKER The result* of the
 the division is:

Ayes 308, Noes 1

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

The motion was adopted

MR SPEAKER Now, the Minister
 of Parliamentary Affairs

18 49 hrs

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMEN-
 TARY AFFAIRS (SHRI K RAGHU
 RAMAIAH) Sir, in view of the
 objections raised this morning and to
 avoid all further objections, I propose
 that the Government Business be
 taken up tomorrow, the 9th May, 1974
 in the following order—

- (1) The Constitution (Thirty-Fourth) Amendment Bill, 1974;
- (2) Further consideration of the Coal Mines (Conservation and Development) Bill,
- (3) Demands for Grants Gujarat for 1974-75,
- (4) Gujarat Appropriation (No 2) Bill, 1974,
- (5) Further consideration of the Cinematograph (Second Amendment) Bill, 1973, as passed by the Rajya Sabha

MR SPEAKER I hope there is no
 objection from anybody

The House now stands adjourned
 till 11 A M tomorrow

18 50 hrs.

The Lok Sabha then adjourned till
 Eleven of the Clock on Thursday, May
 9 1974 Vaisakha 19 1896 (Saka)

*The following members also recorded their votes for AYES -

Sarvashri Sidram Reddy, Yamuna Prasad Mandal and Nageshwara Rao.