

{Shri Raj Bahadur}

instead of 30th, to enable the members to give notice of amendments.

MR. SPEAKER : That will give members two days.

SHRI JYOTIRMOY BOSU : We do not have either a department or a secretariat at our disposal to move at that supersonic speed to consider this Bill. Sir, you must appreciate our difficulties. We have very limited resources.

SHRI DINEN BHATTACHARYYA (Serampore) : Sir, you are here to protect democracy. Is it not a fact that democracy is being curbed here? And everything is being done through you.

SHRI SHYAMNANDAN MISHRA : Sir, it is left to your ruling. The ruling party cannot hustle through the Bill without consulting the opposition, without consulting the BAC.

MR. SPEAKER : There are only two days left.

SHRI SHYAMNANDAN MISHRA : The BAC, which is responsible for the allotment of time, should meet and allot time.

MR. SPEAKER : Government say that they are bringing up this Bill during this session, and only two days are left. If Government want to bring it, only time can be allotted by the BAC. BAC cannot prevent the passage of the Bill; it can only allot time.

SHRI JYOTIRMOY BOSU : Sir, you have allowed the suspension of the rule to enable the Government to introduce the Bill. Why don't you suspend the BAC also?

MR. SPEAKER : BAC is not there to prevent legislation.

SHRI S. M. BANERJEE : Whenever a Bill has to be passed immediately and the Minister is unable to refer it to a Select Committee, there should a convention that the Minister will convene a meeting of all leaders of the opposition, discuss the problem with them and convince them of the necessity for urgent passage of that legislation. So, why not consult the opposition leaders today evening or tomorrow morning?

MR. SPEAKER : That is for the Minister to decide; not for the Speaker. You cannot expect me to bring about a meeting between the opposition and the Government.

PROF. S. NURUL HASAN : I will be quite happy to have the opportunity of discussing this Bill with the leaders of the opposition either late this evening or tomorrow morning.

SHRI SHYAMNANDAN MISHRA : But we have no time to go through the Bill. Sir, you will have to appreciate our physical limitation in this matter. Every minute of our time is booked. This is the most unseemly way in which this measure has been brought forward.

SHRI S. M. BANERJEE : It is not physical limitation but mental limitation.

12 50 hrs.

CONSTITUTION (THIRTY-FIRST AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : Sir, I beg to move :

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

SHRI SAMAR GUHA (Contd.) : On a point of order. I am not opposed to this Bill, Sir, but I want to draw your attention to certain technical matters. .

MR. SPEAKER : Kindly sit down. Let him conclude.

SHRI SAMAR GUHA : This is the Constitution (Thirty-first Amendment) Bill. Perhaps, you will remember, Sir, that in this House the Twenty eighth, Twenty-ninth and Thirtieth Constitution Amendment Bills are pending. Unless they are withdrawn, how can this Bill be taken into consideration? This is a wrong procedure. (*Interruption*)

MR. SPEAKER : Please sit down.

SHRI SAMAR GUHA : I am indicating to you the technicalities. .

MR. SPEAKER : I understand it. Please sit down. These are for the sake of numbering. A number of Bills come here. It does not mean that the Bills must follow the same order—earlier number first and the latter number later, and so on. I do not accept the point of order. They are not interconnected. (*Interruption*) Will he please sit down? He goes on speaking.

SHRI SAMAR GUHA : I object to this remark, 'he goes on speaking'. Every member has the right to raise a point of order. . I cannot understand this. .

MR. SPEAKER : You will never understand during the term of this Parliament.

SHRI SAMAR GUHA : There appears to be some contradiction, something wrong in the procedure. .

MR. SPEAKER : There is something wrong. I have already explained to you. Please sit down.

There is no need that these Bills should follow in the same serial order. We have

followed this practice in the past. After they are passed, they are numbered. If this is passed earlier, this will be numbered again as the first one, and if the other one is passed later, that will be given another number.

SHRI SAMAR GUHA : There will be a gap remaining. . (*Interruption*)

MR. SPEAKER : We have been doing that in the past also. I have given my ruling. Please sit down.

The Minister.

SHRI RAM NIWAS MIRDHA : Before the Transfer of Power in 1947, recruitment to certain services was being made by the Secretary of State and the more important conditions of service of such persons were prescribed by rules made by the Secretary of State. The Transfer of Power meant, in the case of these persons, a premature termination of a career under the ultimate authority of the British Government. With a view to ensuring that the Administration was not weakened by the loss of experienced officers, the Government of India undertook that those members of the Secretary of State's services who continued to serve under the Government of India after the Transfer of Power should do so on their then existing terms as to scales of pay, leave, pensionary rights and safeguards in matters of discipline and that provisions to this effect should be made in the Treaty to deal with matters arising out of the Transfer of Power. The Government of India expressed the hope that sentiments of patriotism would impel Indian officers to continue to serve their country.

Individual letters were accordingly sent to the officers concerned in which a specific reference was made to the guarantees being given by the Government of India for the protection of certain special conditions of service then existing. Subsequently, the Indian Independence Act, 1947, provided for the

[Shri Ram Niwas Mirdha]

continuance of the special conditions of service of these officers. In addition to the statutory guarantees, an endorsement was made in the covenant or agreement of officers of the Secretary of State's Services, guaranteeing the continuance of the special conditions of service. Subsequently, when the Constitution of India was enacted, Article 314 assured the continuance of these guarantees.

Even at the time of the consideration by the Constituent Assembly of the draft provision containing this guarantee, some members objected to the inclusion of such a provision. A strong plea was made by the then Home Minister Sardar Patel, that, having regard to the historical circumstances, such a guarantee should be incorporated in the Constitution and that at a subsequent stage, after matters stabilised, there should be no difficulty in effecting any changes that might be considered necessary by Parliament.

Because of the provisions of Article 314, the changes being made from time to time in the conditions of service of Government servants generally could not all be effected in the case of the officers of the former Secretary of State's Services. The concept of a class of officers with immutable conditions of service is incompatible with the changed social order. It is, therefore, considered necessary to amend the Constitution to provide for the deletion of Article 314 and for the inclusion of a new Article 312A which confers on Parliament the power to vary or revoke by law the conditions of service of the officers aforesaid and contains appropriate consequential and incidental provisions.

I commend the Bill for the consideration of the House.

MR. SPEAKER: Motion moved:

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

This is a Constitution Amendment Bill. So, we have to follow the procedure prescribed for it. I may inform the House that the voting on this will commence at 2 P. M. If the discussion on this Bill concludes earlier, then we will take up the next Bill, and the voting on this Bill will commence at 2 P. M. I am giving this advance notice. The voting on this Bill will be at 2 P. M. If the debate on this Bill finishes a bit earlier, then voting will be postponed to 2 p. m. and, meanwhile, discussion on the next Bill will be taken up.

Mr. Somnath Chatterjee.

SHRI SAMAR GUHA: Sir, as amended, this will be the Twenty-ninth Constitutional Amendment. But, exactly the Twenty-ninth Constitution Amendment Bill—another Bill with the same number—is already pending in the House. I fail to understand this. Would you kindly clarify this?

MR. SPEAKER: This has been the practice. It is not very much material—whether the number is this or that?

SHRI SAMAR GUHA: With the same number, how can there be two Bills? Is it possible? I would like to know from you, Sir. There is another Bill—Constitution (Twenty-ninth Amendment) Bill—pending in the House.

MR. SPEAKER: If you were a lawyer, it would have been easier for me to make you understand. It is the number of the Act that matters.

13 hrs.

SHRI SOMNATH CHATTERJEE (Burdwan): We, on this side of the House support this measure in so far as it seeks to remove the restrictions imposed on the powers of the Parliament by Art. 314 with regard to dealing with the service conditions of the ICS and in so far as it is a step toward the removal of a particular

vested interest which was enshrined in the Constitution when it was adopted in the year 1950.

The inclusion of Art 314 in the Constitution of India was itself an anachronism. Like the partition of the country, we had to pay this price to attain independence for the country in the manner that we did. It was in the nature of a surrender to the wishes of the British rulers of that time when the leaders of this country were unable to free themselves from the mentality of a subjugated nation.

We know that when this clause was being discussed in the Constituent Assembly, there was considerable objection but, Sardar Vallabhbhai Patel who was the Home Minister at that time gave a glowing tribute to the role played by the Indian Civil Service for the country during the British days and being a man with towering personality, he persuaded other members of the Constituent Assembly to adopt this clause. During the British days and thereafter there has been a considerable body of public opinion against the continuance of this Indian Civil Service. They have been described as forming the administrative arm of the British power in the country. Some have criticised the Indian Civil Servants as adopting the most un-Indian attitude to the Indian problems and also for their subservience to their British masters. After Independence, the Indian Civil Servants have been criticised as a hang-over of the British imperialism. Some have described them as a relic of the past and others have criticised their attitude as opposed to democratic ideals and social justice. Some have abused or accused them of having a vicious stranglehold on the administration of the country and, Sir, even some have gone to the length of accusing them of suobbery in the discharge of their duties and functions. Sir, it is not necessary now to go into these questions and to consider whether all these criticisms are really justified or not. But what is more important is to consider that this Art 314 found its way

into the Constitution and into the organic law of this country and has remained there undisturbed for the last 25 years although the Constitution has been amended for at least 27 occasions by this time. The Congress Party which has been having a dominant position in the Parliament found time to bring measures like the preventive detention laws as the Maintenance of Internal Security Act taking away the personal liberties of the people but did not find time to bring forward a measure like this to do away with the special privileges and the vested interests enjoyed by the Indian Civil Service for so many years. No explanation has been given why all these 25 years no step was taken when it was thought that these vested interests were against our national interests. It was only due to the efforts of Shri Madhu Limaye that the Constitution Amendment Bill was introduced in this House in the last Parliament and it was discussed in Parliament in 1970 and we find from the debate that many of the members of the ruling Party had not fully supported this measure and it was defeated in the House.

Let us have some statistics about the strength of the Indian Civil Service. Just before the Independence—the hon. Minister will correct me if my figures are wrong—there were 1084 ICS officers. After partition this number came down to 451. In April 1970 this number dwindled to 106 in active service; of this 106, 11 were in the Indian Foreign Service and 25 were in the State Service and 95 are working in the Centre. In March 1972, the number of ICS in active service came down to 56. Out of 14 who ought to retire this year, 2 have been granted extension. But the important point to note is that in 5 years' time there will be no Indian Civil Service at all. So far as this Service is concerned what is most interesting to note is that it is a dying species and is going to be extinguished in 5 or 6 years' time. Government has now suddenly risen from its slumber and wants to pass this legislation. We will of course support it because

[Shri Somnath Chatterjee]
of the principle behind it. But we are trying to find out from Government the reasons for waiting for all these 25 years, if they thought that this privilege should not be allowed to continue. It is important to bear in mind that by passing this Constitution (Amendment) Bill we are not doing away with privileges and special benefits that ICS are enjoying. We must pass a separate legislation which has got to be brought by the Government to do away with the privileges. Otherwise they will continue. This will be only an enabling power so far as this amending Bill is concerned. On the basis of the money value the special privileges that are now being enjoyed by the ICS people are not of such magnitude that this country cannot bear. But as I said we are supporting this because we do not want that there should be any category of the people having any vested interests and we want that the concept of equality should be restored in the Central Services, in the State Services, etc. and there should not be any discrimination. The question therefore arises: When is the Government going to bring about the legislation for the purpose of doing away with whatever special privileges which are being enjoyed by the Indian Civil Service?

Sir, on this side of the House we have very grave doubts as to whether any Bill will be introduced following this amending Bill. We don't know whether after the Government takes the power to bring about the Bill whether it will at all be introduced. Sir, if I may quote, with your permission from a speech that was delivered on the floor of this House, on the 28th April, 1970, while discussions were going on on the Constitution (Amendment) Bill moved by Shri Madhu Limaye?

I know that there are agreements with them,—that is, the ICS officers,—and these agreements certainly are very important. By merely

removing this Article, that is Article 314, those agreements do not go away. It will be necessary to have a law of Parliament to revise them and at that time Government will consider those conditions on merits. When we accept this Bill (that is, the amending Bill of Shri Madhu Limaye), it does not mean that we are going to do away with all the conditions of service that we agreed. There are certainly some differences about pension, leave, pay scale and so many other things. So each condition will have to be considered on merits and Government will take a decision of merits. As I said it is not our intention to denigrate any particular service. We want to recognise and recognise positively the good work done by the I. C. S. who have served the country for the last 12 years and there are certainly a large number of ICS officers who are serving the country even today. What we are urging is not out of ungratefulness to the service. But it is a question of accepting a principle that no class of people in India should have a special privilege to the extent of excluding the power of Parliament.

I was quoting from the speech of the then Home Minister Shri Yeshwantrao Chavan. He had made it clear then that the passing of the amending Bill did not mean that Government were going to do away with all the special conditions of service. Even in the year 1970 he gave a glowing certificate to the role played by the Indian Civil Service in this country. If I may quote from one more passage in the speech of the then Home Minister, he said :

“I have been in administration for the last twenty years. I have come in contact with more than two dozen ICS officers in different capacities, and I can say that without exception, all the officers with whom

I had an opportunity to work had done excellent work. It will be ungratefulness not to recognise the good work that they have done."

This is the attitude of Government. Therefore, merely passing the Constitution amendment Bill does not automatically do away with the special rights and privileges unless another Bill is brought forward for that purpose alone. This Bill gives only an enabling power. That is why we have grave doubts whether this Bill will be followed up by any other enactment which will actually do away with the special rights and privileges of the Indian Civil Servant. To that extent, we are of the view that this amending Bill is intended to be used more as a show-piece for the so-called progressive character of the Government and of the ruling party than for the purpose of affecting the vested rights and vested interests of the Indian Civil Servant.

13.11 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

From the Statement of Objects and Reasons appended to this Bill we find :

"The concept of a class of officers with immutable conditions of service is incompatible with the changed social order."

This was also stated by the hon. Minister in his introductory speech. It has taken the ruling party almost 25 years to discover this incompatibility, and now the circumstance which is being taken recourse to after 25 years to justify this measure is that their service conditions must not be incompatible with the changed social order. But what is the changed social order that we find after 25 years? There are hungry millions in this country; there are millions of unemployed, including the educated unemployed; there are people who have no roof over their heads; the rate of illiteracy is increasing; there is entrenched poverty in this country; there is complete stagnation

in various aspects of life. This is the position after 25 years. On the other hand, we find that there has been rapid growth of monopoly houses. There has been increase in their strength, and we find concentration of the country's wealth in the hands of 75 families.

While trying to take up the attitude that they are doing away with the special privileges and vested interests of a microscopic minority in this country which is almost extinct today and which will certainly become extinct in five years' time, this Government has been creating monopolies vested interests in favour of the monopolists and the zamindars and the rich farmers. This is the attitude that we find.

So, while supporting this measure, I would like to say that the real object is not to use it for the purpose for which the ruling party or the Government professes to use it, but it will be really another vote-catching slogan just like the slogan of *Garibi Hatao* or self-reliance which has been given out the country more to divert the people's attention from the realities of the situation, than for effecting or bringing about any real change in the situation.

Therefore, while we support this measure, we wish to point this out that Government owe an explanation to the country for having kept quiet for all these 25 years.

We find these days that there is considerable criticism on the part of the ruling party that many of their supposed activities are being throttled or being frustrated or many of their ideas cannot be put into action because of the alleged failure on the part of the bureaucracy to take up a committed attitude. But commitment to what? We find that in various places Government wants that the bureaucracy should be committed to its own ends, that is, should be committed the ruling party itself. This kind of demand for commitment from the bureaucracy is nothing but . . .

MR DEPUTY-SPEAKER What has all that got to do with the Bill ?

SHRI SOMNATH CHATTERJEE

The whole object is that they are trying to see that the special rights and privileges of the bureaucracy are taken away in our submission, this demand for a commitment from the bureaucracy is nothing but an attempt to explain away the incompetence and the inefficiency on the part of this Government in translating into action what they profess to achieve. With these words I support this Bill.

MR DEPUTY-SPEAKER I think the House agreed that the voting on this Bill would be at 2 O'clock. We have only 45 minutes, and there are seven names in the list excluding the Minister who has a right to reply. I request hon. Members who wish to speak to take only five to seven minutes each.

डा० गोविन्दबास (जबलपुर) उपाध्यक्ष जी, जो बिना हमारे सामने रखा गया उस का मैं हृदय से समर्थन करता हूँ। मेरे पहले जिस सदस्य ने भाषण दिया उन्होंने एक शिकायत की कि आखिर इतना लम्बा समय बीत गया, 25 वर्ष और अब यह विधेयक आया है। मैं समझता हूँ उनकी शिकायत उचित शिकायत थी। श्री मिर्धा ने संविधान सभा का भी जिक्र किया और उन्होंने बताया कि वहाँ भी कुछ सदस्य इस प्रकार के नियमों से विरुद्ध थे। मैं उनमें से एक था संविधान सभा का सदस्य और मेरा यह मत है कि जब हम समता की ओर जा रहे हैं तब किसी विशिष्ट व्यक्ति या किसी विशिष्ट फिरके या किसी विशिष्ट दल के लिये किसी प्रकार की सुविधाएँ देना यह अनुचित बात है।

जहाँ तक इन सरकारी अफसरों का सम्बन्ध है, मैं आप से कहना चाहता हूँ कि स्वराज्य के पहले हमने जिस प्रकार के

भारत की कल्पना की थी उस प्रकार का भारत यदि अब तक निर्मित नहीं हो सका, तो मैं सब अफसरों के लिये नहीं कहता हूँ, लेकिन अधिकांश के लिये कहता हूँ, अधिकांश यह अफसर उनके लिये जिम्मेदार है। इनके मन में उस प्रकार की भावनाएँ ही नहीं थी, और न आज है, कि भारतवर्ष को उन्हें किस प्रकार का बनाना चाहिये। और फिर इनकी संख्या कम है, यह प्रश्न नहीं है, इनका अंतर इनके मातहत जो आई० सी० एम० अफसर नहीं हैं, उनके ऊपर भी पड़ता है, और हम देखते हैं कि एव इस प्रकार का दल इस देश में बन गया है जिसके लिये लोकमान्य तिलक ने एक शब्द का प्रयोग किया था, नौकरशाही। सब से पहले नौकरशाही शब्द का उन्होंने उपयोग किया और नौकरशाही इस देश में जब अंग्रेज राज था उस समय भी और अभी भी सर्वाधिक हाँ गयी है।

मैं उस समय चीन गया था जिम मम। चीन की रक्त क्रान्ति को केवल तीन वर्ष हुए थे और मुझे बहा मालूम हुआ था कि क्या गवार्डियन के राज्य के समय जो राज कर्मचारी काम करते थे उन सब को माफ़ो सार्व ने अधिकार में आते ही पेशान दे दी थी। मैं तो चाहता था कि हमारे देश में भी यही होता। लेकिन हमारे देश में यह नहीं हुआ। और इसका हमने नतीजा देखा कि इन अफसरों के कारण, और इनके मातहत अफसरों ने जो आदर्श इन अफसरों से लिये उसके कारण देश का जैसा निर्माण हम करना चाहते थे वैसा निर्माण नहीं हो सका।

आप ने मुझे समय दिया, मैं अधिक समय नहीं खूगा, मैं केवल यह कहना चाहता हूँ कि मैं इसका समर्थन करता हूँ और मैं चाहता हूँ कि अब इस प्रकार के

अफसरों का निर्माण हो सके जो भारतवर्ष जिस तरह का हम बनाना चाहते हैं वैसा बनाने में योग्य दे सकें, न कि इस प्रकार के आई० सी० एस० अफसर जो कि अंग्रेज सरकार के सामने थे।

SHRI G. VISWANATHAN (Wandiwash) : Mr. Deputy Speaker, Sir, the Constitution (Thirty-first) Amendment Bill is brought before this House as a radical measure. The last ICS officer retires in 1979, and when we count the exemptions given in this Bill, I think the whole objective of the Bill is itself defeated. Even if it is true that all the privileges are going to be abolished, taking for granted that the follow-up action is going to be taken, the entire credit should go to Shri Madhu Limaye who moved a similar Bill in the last Lok Sabha. This is only an enabling provision and as the previous speaker pointed out, this will become useless unless again follow-up action is taken and another Bill is brought before this House. We know that this is not an easy thing, to abolish all the privileges of the ICS officers, because we know the power and the authority of these officers and their hold on this Government. Half a dozen ICS officers can join together and hold the entire cabinet to ransom. We know that there was a conflict once between the Home Minister and the Home Secretary; in the end the Secretary remained and the Minister was sent out. There were two senior ICS officers from Bihar; four or five sons of these officers are serving as IAS officers; all of them would be sent to a particular division in Bihar and will serve there for one or two years and they will be brought to Delhi and they will remain in Delhi for ever. This is what is happening and the Government is closing its eyes to all these.

These privileges of the ICS officers were opposed even in the days of the Constituent Assembly and stalwarts like Shri Anantha-

sayanam Ayyangar opposed these privileges; I quote him:

"Possibly they (British) wanted the interests of the Indian bureaucrats to be safeguarded because they were loyal to them and they did not want to let them down when our own Government came in. I am not in favour of any provision in the Constitution. We could as well incorporate it in an Act of Parliament later on. But we must have the power to regulate. These are becoming 'super sovereigns' of this country."

Unfortunately, another stalwart of the Congress Party, the late Sardar Vallabhbhai Patel was the strong defender of these privileges. Once he asked: do you want to run this Government by the Congress workers? He goes on to say:

"I feel very sad that the very instruments from whom we have to take work, we have been continuously quarrelling with. If that is so, we are not doing a service to the country; we are doing a great disservice."

The previous speaker quoted Mr. Chavan, the then Home Minister. I do not find any difference between the speech of Sardar Vallabhbhai Patel then in 1947 and the speech of Mr. Chavan in 1970. I do not know whether the same speech is going to be repeated by Mr. Mirdha in 1972.

It is all right that the Government is going to abolish the ICS privileges. What about the exemptions? In the Statement of Objects and Reasons, it is stated:

"The concept of a class of officers with immutable conditions of service is incompatible with the changed social order."

I agree. Then why have you granted so many exemptions? The Bill says:

[Shri G Viswanathan]

"Provided that in the case of any such person who is holding or has held the office of the Chief Justice or other Judge of the Supreme Court or a High Court, the Comptroller and Auditor-General of India, the Chairman or other members of the Union or a State Public Service Commission or the Chief Election Commissioner, nothing in sub clause (a) or sub-clause (b) shall be construed as empowering Parliament to vary or revoke, after his appointment to such post, the conditions of service to his disadvantage except in so far as such conditions of service are applicable to him by reason of his being a person appointed by the Secretary of State or the Secretary of State in Council to a civil service of the Crown in India."

This is a long list they are going to exempt all these ICS officers. The hon. Minister should clarify this, if they are going to exempt all these people there is no purpose in bringing forward this Bill. We can allow events to run their course, the last of them will retire in 1977. Action must be taken immediately and these exemptions should not be given, if you really mean to abolish the privileges of ICS officers.

SHRI AMRIT NAHATA (Barmer)
I congratulate the Government. It has redeemed a pledge which has been given to this House and the people. I welcome the Bill because it abolishes an anachronism. The privileges enjoyed by the Indian Civil Service are out of tune with the present times. This is probably the first legislative measure that the Government is undertaking to disturb the establishment of services. This could be the first in a series of measures that should be directed at changing and restructuring the whole administrative set-up.

During the British regime, the Services had to perform a particular role, mainly collection of revenue and maintenance of

law and order. With the advent of freedom, the character of our State has changed, the functions of the Government have changed. Today, the Government functions with the prime purpose of implementing either welfare measures, or developmental measures, or certain radical measures or even socialistic measures. The set up which the Britishers built up for this country's administration is wholly unsuitable, is totally out of tune with the very purpose and the very character, of the State that we are building up in this country.

Sir, these Civil Services, now even the Administrative Services which have replaced the Civil Services, are not qualitatively different from each other. Maybe, the civil servants were given some training in England and they had developed certain outlook. But, essentially the character of the Indian Administrative Service is not very much different from the Indian Civil Service.

SHRI G VISWANATHAN There is difference.

SHRI AMRIT NAHATA No essential difference. That is what I said. There is no essential fundamental difference. The outlook is the same, the class from which they come is the same. Most of these ICS Officers, when they retire, find very cosy jobs in big business houses. Even, while they are serving the Government their relations are serving the big private business houses and they enjoy all the privileges.

So the essential question is that, today, if certain radical measures or socialistic measures or developmental measures or welfare measures are to be implemented, who will implement them? The question of commitment is related to this. We do not want the administrative machinery to be committed to the policies and programmes of a particular party. That is not the meaning of commitment. Even when we say that the services should be

committed to the Directive Principles and Preamble of the Constitution, that also does not carry us anywhere. It is a vague thing. Any man who enters the services may take an oath of allegiance to the Constitution. That is not enough. The essential question is are these generalists, as they are called, in a position to implement the developmental, welfare and radical measures. Implementation is a job of experts, of specialists, of technicians, of engineers, of doctors and of technocrats. They are to execute the policies of the head of the Government, who are the Ministers, who are generalists, who are politicians, and who are there to give the backing of the State and the sanctions of the people. Between these generalists, the Ministers and the specialists, who execute, is there at all a necessity for another rung of generalists? Commitment means—if a doctor is committed to his profession, that is commitment. Let him implement his job. If an engineer is committed to his job, that is commitment. But these generalists to—what are they committed? Their job is supposed to inform the Ministers and to advise the Ministers. Let us not be complacent. These civil servants and administrative servants have performed political functions and they have also taken policy decisions. Implementation of a policy itself is a policy, and therefore, this duplication of generalism must go and we do not want any intermediary between the political generalists, the Ministers at the top, and the actual executives who are at the bottom to execute the policy.

MR. DEPUTY-SPEAKER : What you want to be done now ?

SHRI AMRIT NAHATA : The implication is very obvious and I do not want to be explicit in things which are implicit.

In a developing economy, there is no place for any thing like the Indian Civil Service or the Indian Administrative Service. So long as they are not abolished, the Government must see to it that

their social position, their accoutrement, their training is not something which is absolutely out of tune with the requirements of the State. They should be recruited from people who are the beneficiaries of the Government policies. They should be recruited from the class who are the beneficiaries of the Government policies. Their social position and their social outlook must be looked into. (*Interruptions*) In the institute which trains these administrative officers, even today a formal dress is necessary and compulsory for dinner.

MR. DEPUTY-SPEAKER : This is a much larger issue.

SHRI AMRIT NAHATA : This should be the first measure in the direction of a series of measures. At least let Government implement the recommendations of the Administrative Reforms Commission on personnel policy. We hope this welcome measure will be followed by many more measures in the direction of reconstructing the whole administrative set-up.

DR. RANEN SEN (Barasat) : Sir, while supporting this Bill, I am reminded of a saying "Better late than never". Mr. Chatterjee had referred to the non-official Bill moved by Shri Limaye, which was defeated in April, 1970. What was the Government doing for the last two years? Is it due to the fact that in a section of the Government there is a soft corner for these ICS men who are enjoying special privileges even now, which is considered to be anachronism in a free India striving for social justice? I am reminded of the statement made by Lord Curzon about ICS men :

"No spark of imagination strikes upon their minds. No spark of initiative springs from the breast. If left to themselves, they will instinctively oppose and throttle every reform."

[Dr Ranen Sen]

This was the general character of the ICS who were considered to be the steel frame of the British empire.

The old tradition remains even now. The ICS officers who rule the roost are still opposing every democratic reform. While saying this, I acknowledge that there have been some illustrious ICS Indians—the famous trio consisting of Shri Surendranath Banerjee, Shri R. C. Dutt and Shri Bihari Lal Gupta, the grandfather of Mr Indrajit Gupta—who really created a record in the history of India and they were never liked by the Britishers. From that height, we find there is the ICS gentleman involved in the Takru Commission enquiring into the shady business. So, there have been ICS and ICS. There are very few people like Shri R. C. Dutt or Shri Bihari Lal Gupta or Netaji Subash Chandra Bose who went into the ICS but did not join it or even Aurobindo, who also went into the ICS but did not join it. These are real exceptions in our Indian history. But generally the ICS officers—both Britishers and Indians—have been the steel frame of the British empire. Not only Sardar Patel but even Mr Chavan paid wholesome praise for the ICS officers just two years ago. This is the reason why Government acts haltingly in bringing such measures. I would remind Mr Mirdha that this is only an enabling Bill and after it is passed, further measures will have to be taken. I understand that during the days of transfer of power, due to the Independence of India Act and various other covenants, treaties and agreements, it was not possible to do away with the Services of the ICS officers immediately. It is quite apparent that even after independence, these ICS officers have been really halting the march of India towards democracy and socialism. Even today I do not quite understand what are the exact privileges enjoyed by the ICS officers. Is it a fact that when they go overseas on leave for their holidays they can

draw their salaries and allowances in sterling? Of course, their right to draw their pension in sterling has been curtailed by some governmental measures. This must be explained by the government.

Then, there is always rivalry between ICS and IAS. In West Bengal this rivalry has reached the extent of open hostility between these two categories. The sooner these super class organisations are abolished in this country the better it will be for the country. So, in addition to this measure relating to ICS officers, government should bring forward other measures to reduce the privileges of other super-class officers.

Finally, this being only an enabling measure, government should immediately come forward with the necessary measure to reduce their privileges. Secondly, government should make it clear as to what are the present privileges enjoyed by the ICS officers which they will not enjoy any longer. Thirdly, are government prepared to curtail the special privileges of all the special cadres or aristocracy, in our administration? With these words, I support this Bill, though it is belated.

श्री शशि झुषण (दक्षिण दिल्ली)

उपाध्यक्ष मन्दीय, मैं इस विधेयक का समर्थन करता हूँ। इसको बहुत पहले माना चाहिए था लेकिन यह कुछ देर में आया। अब जब कि यह आया है तो प्रगति की जा धारा हमारे देश में बह रही है, उसकी कड़ी में यह एक जोड़ के समान है। माननीय गिरि राष्ट्रपति के चुनाव के बाद से इस क्षेत्र में जो नए क्रांतिकारी परिवर्तन हुए और नया सूरज कान्ति का उदय हुआ उनमें राजाम्रो के विशेषाधिकार हों, सम्पत्ति पर विशेषाधिकार हों या आई० सी० एस० के विशेषाधिकार हों, उस कड़ी में ये सब विच्छेद-परिवर्तन जुड़े हुए हैं। हमारे साथियों ने कहा कि पिछले दिनों क्यों नहीं

इस विधेयक को लाया गया। पिछले दिनों इसका जाना सम्भव नहीं था। श्री मधु सिंघवे जिस समय यह प्रस्ताव लाए थे उस वक्त की देश की राजनीतिक स्थिति और आज की देश की राजनीतिक स्थिति में भरीम एवं बड़ा अन्तर है।

पुराने आई० सी० एस० अफसरों का जिनका अभी उनकी प्रशंसा का जिक्र किया गया है, उनका मुझे अधिक ज्ञान नहीं है। लेकिन सन् 1942 अगस्त में जब देश के नौजवान ब्रिटिश साम्राज्य के विरोध में गोलियां खा रहे थे, फांसी के तख्तों पर झूल रहे थे, जेलों में बन्द हो रहे थे उस वक्त आई० सी० एस० की परीक्षा सेवा में जा रहे थे। उनके प्रति क्या कहा जाए इतिहासकार बताएंगे मैं नहीं कहना चाहता। लेकिन यह विधेयक उनके खिलाफ बिल्कुल नहीं है, आई० सी० एस० ट्राइब के खिलाफ बिल्कुल नहीं है। यह तो सीधे प्रगति की दिशा में एक कदम है। बहुत से आई० सी० एस० अफसर भी विशेषाधिकारों से तंग आ गए थे। वे स्वयं भी चाहते थे कि उनको इससे मुक्ति मिले। आई० सी० एस० ब्यूरोक्रेसी खारी की सारी जो है वह मोनो-पोलिस्ट्स को तरजीह देती हो, ऐसी बात नहीं है। कुछ एक दो-चार आई० सी० एस० ऐसे भी हैं जो देश में समाजवाद लाना चाहते हैं, अपनी जिम्मेगी में लाना चाहते हैं, जल्दी से जल्दी लाना चाहते हैं और वे उसी तरह बेज़ार और बेचैन हैं जैसे आज देश में प्रगतिशील ताकतें बेज़ार हैं। ब्यूरोक्रेसी तो कमिटेड नहीं है उसको आप इस विधेयक में क्यों रखते हैं? लेकिन जो आई० सी० एस० ज्युडिशरी में चले गए हैं या दूसरी सेवाओं में चले गए हैं या जो अभी-अभी रिटायर हो गये हैं, टंकक कमीशन के बैठते ही कुछ आई० सी० एस०

ने अपने को रिटायर कर लिया और रिटायर होते के बाद उनके विशेषाधिकार रहते हैं, मैं चाहता हूँ कि इस बिल में किसी तरह उनको भी सीमा में लाया जाए। जब विशेषाधिकारों की समाप्ति हो रही है तो अगर कोई जत्र बन गया है या कुछ और बन गया है तो उसको भी इस विधेयक के साथ जोड़ देना चाहिए। विशेषाधिकार पूर्णतया समाप्त होने चाहिए। हमारे देश में कमिटेड जूडिशरी भी होनी चाहिए और कमिटेड ब्यूरोक्रेसी भी होनी चाहिए क्योंकि हम देश में समाजवाद स्थापित करना चाहते हैं और सेवा अधिकारी यह सरकार का एक बहुत बड़ा भग है। इस सम्बन्ध में भी आगे समाजवादी दिशा में कुछ एडमिनिस्ट्रेटिव रीस्ट्रिक्चरिंग होना चाहिए। उस और इस दिशा में भी हम कदम उठाएँ, यह दरल्वास्त करते हुए मैं इस विधेयक का समर्थन करता हूँ।

श्री अटल बिहारी वाजपेयी (स्वालयर):
उपाध्यक्ष सहोदय, यह संविधान में हकतीसवीं बार संशोधन किया जा रहा है। मैं संविधान को कोई जड़ दस्तावेज़ नहीं मानता हूँ। लेकिन संविधान में संशोधन करना मात्र राष्ट्र की प्रगति का परिचायक नहीं हो सकता है। हमने संविधान में कितनी बार संशोधन किया है, इसके आधार पर हमारी परिवर्तनशीलता प्रकट नहीं होती है।

जब संविधान बना, तो संविधान के निर्माताओं ने आई० सी० एस० के लिए कुछ विशेषाधिकार रखे। बाद में 1970 में जब उन्हें समाप्त करने की सांग की गई, तब भी सरकार की ओर से उसका विरोध किया गया। मान जो विधेयक लाया गया है, वह संसद् को इस बात का अधिकार देता है कि वह कानून बनाकर आई० सी० एस०

[श्री अटल बिहारी वाजपेयी]

अफसरों के विशेषाधिकारों को समाप्त कर सके। मैं समझता हूँ कि संसद् के पास ऐसा अधिकार होना चाहिए और इस दृष्टि से यह विधेयक एक कमी की पूर्ति करता है।

कई मित्रों ने इस बात का उल्लेख किया है कि इस विधेयक में चीफ जस्टिस या सुप्रीम कोर्ट या और हाई कोर्ट के जजों या कंट्रोलर एण्ड आडिटर जेनेरल के बारे में जो अग्रवाद रखे गये हैं, उन्हें निकाल देना चाहिए। मुझे लगता है कि उन्होंने इस विधेयक का नहीं पढ़ा है, या इसका मशा उनकी समझ में नहीं आया है। पार्लियामेंट कानून बनाकर सुप्रीम कोर्ट या हाई कोर्ट के जजों की सेवा की शर्तों में ऐसा संशोधन नहीं कर सकती है, जो उनके हितों के विरुद्ध जाता हो। हमने स्वेच्छा से यह अधिकार छोड़ा हुआ है और इस विधेयक में इस बात की रक्षा की गई है। आई० सी० एम० अफसरों के विशेषाधिकार समाप्त करना अलग बात है और बाकी के जिन उच्चाधिकारियों को हमने संविधान के अंतर्गत संरक्षण प्रदान किया है, उनकी सेवा की शर्तों को उनके हितों के विपरीत बदलना अलग बात है। मैं समझता हूँ कि यह अग्रवाद रहना चाहिए और यह अग्रवाद उचित है और इसको आई० सी० एम० के प्रिविलेजिज से जोड़ने की आवश्यकता नहीं है।

मैं यह जानना चाहूँगा कि जब यह विधेयक कानून बन जायेगा और उसके बाद विशेषाधिकारों को समाप्त करने विषयक दूसरा कानून आयेगा, तो उसका असर कितने लोगों पर होगा, उससे कितने व्यक्ति प्रभावित होंगे, कितने विशेषाधिकार छीने जाएंगे और उससे ग्राम आदमी का कितना लाभ होगा। कहीं ऐसा तो नहीं है कि हम पहाड़ खोदने जा रहे हैं और उसमें से बूढ़ा

निकलने वाला है। अगर मंत्री महीदय कहे कि यह सांख्यिक बात है, आज विशेषाधिकारों की आवश्यकता नहीं है और हम एक विशेषाधिकार-विहीन समाज की रचना करने जा रहे हैं, तो मरा निवेदन है कि विशेषाधिकार केवल आई० सी० एम० अफसरों के ही नहीं है। आज विशेषाधिकार रखने वाला जो एक नया वर्ग पैदा हो रहा है, उसके विशेषाधिकारों का क्या होगा? एक तरफ हम विशेषाधिकार समाप्त करते जा रहे हैं और दूसरी तरफ एक नये विशेषाधिकार-सम्पन्न राजनैतिक वर्ग की रचना करते जा रहे हैं। ये दोनों बातें साथ-साथ चलने वाली नहीं हैं।

अगर सरकार ने संविधान में संशोधन करना ही था, तो नौजवानों को रोजगार का अधिकार देने के लिये संविधान में संशोधन होना चाहिए था। राजगार का अधिकार मूलभूत अधिकारों में शामिल नहीं किया गया है। बेकार नौजवान आज सरकार से रोजगार की मांग नहीं कर सकता। राजगार से अभाव में वह सरकार के अपना काम चलाने का भत्ता नहीं मांग सकता। सरकार संविधान में बहुत से संशोधन कर रही है। एक संशोधन वह यह भी कर दे कि वह फण्डामेंटल राइट्स में काम करने के अधिकार को शामिल कर दे।

अगर देश के जीवन में परिवर्तन करना है, तो कोई बुनियादी संशोधन करना होगा। ऊपर की लीपा-पोती करने वाले संशोधन किसी का संतोष नहीं कर सकते। हा, सरकारी पार्टी यह दावा कर सकती है कि हमने जो बादा किया था, हमने उसको पूरा कर दिया है। लेकिन यह वादा ऐसा नहीं है, जो जनता के जीवन को बदल सके। हम ऐसे वादों को अमल में लाए जाने का इन्तजार कर रहे हैं।

SHRI P. VENKATASUBBAIAH (Nandyal) : I whole-heartedly support this measure with respect to Parliament being empowered in regard to the privileges and rights of ICS officers. Some friends have expressed an apprehension with regard to the conditions in respect of the Supreme Court judges, the Chief Justice and the Comptroller and Auditor General. I would like to inform my hon. friends that this is a different matter altogether.

ICS was considered to be a steel frame, and after attainment of independence, as our friends have pointed out, certain opinions were expressed that the ICS officers should continue to hold the same privileges and rights which they were enjoying under the alien rule. I would like to point out in this connection that the service which were considered to be the steel frame were moulded and recruited in different conditions, and those conditions donot prevail after independence.

With regard to the history of transfer of power, the man who played a very crucial role, Mr. V. P. Menon, is not an ICS officer, but he has acquired knowledge and has helped with regard to the smooth transfer of power.

SHRI R. BALAKRISHNA PILLAI (Mavolikara) : Even without ICS, Malayalees can do it.

SHRI P. VENKATASUBBAIAH : What is in this measure is that it is again reiterating the supremacy of Parliament in matters of regulating the privileges and rights of any individual.

SHRI PILOO MODY (Godhra) : Parliament has no supremacy. The supremacy is at No. 1, Safdarjang Road.

SHRI P. VENKATASUBBAIAH : When people say that this is of no consequence because the people who are affected are very few, I am not prepared to accept that argument. This is a step in the direction of streamlining the administration

and also to abolish the artificial barriers that had been built up between one class of officers and another class of officers. That is the fundamental point with regard to this amendment of the Constitution.

In this connection I would also emphasize that, with regard to the recruitment of IAS officers and also their privileges and their functioning in the matter of performing certain duties in accordance with the principles and policies laid down, the hon. Minister may please have a thorough look into the matter to see why only from a particular class of people the majority of even IAS officers are getting recruited.... (Interruption)

MR. DEPUTY-SPEAKER : That is a much bigger question.

SHRI PILOO MODY : They are men of property.

SHRI P. VANKATASUBBAIAH : I would urge on the hon. Minister to see that there is a thorough overhaul in the administrative set-up and also to see that they work for the betterment of the people.

With these words, I support the Bill.

SHRI PILOO MODY : I was listening just now to my friend, Mr. Venkatasubbaiah, and I thought that he would have very revolutionary, dynamic and progressive things to say. But, unfortunately, I cannot find a single thing which would justify the bringing forward of this Bill which really is an exercise in futility. I think, for the propaganda purposes of Congress, this Bill may have some value, but as far as any material difference to the ICS—and, as a matter of fact, to the bureaucratic service—is concerned, we find that this Bill really contributes nothing. It does not change the mode of thinking, the mode of behaviour, the mode of practice of the administrative services of this country. I am wondering really what excuse the Law

[Shri Piloo Mody]

Minister is going to bring forward for wasting the time of the House and also altering the Constitution of this country Is it just to prove to the people that we have now become so progressive that we can do away with the ICS and cut them down to size, because it is precisely the ICS services which they have used in every conceivable way to bring forward not only their own ideas but also their own political party ?

So, Sir, I take a very serious view of the Government bringing forward Bills like this which are meaningless, qualitatively and quantitatively meaningless Nothing is going to happen as a result of this. There is going to be not the slightest difference between the practice that existed before the Bill and the practice that will exist after this Bill, and wasting the time of the House in this fashion and, at the same time, hoodwinking the people of this country, I think, to say the least, is condemnable

SHRI SAMAR GUHA (Contd) My friend, Mr. Piloo Mody, has characterised this Bill as an exercise in futility Certainly, I should say that to those who look at the whole thing from the patriotic point of view, it is to remove an imperialist stigma that continued for the last 25 years on the statute book The credit goes to Mr Madhu Limaye who highlighted this imperialist and, I should say, invidious distinction between the royalist class of ICS officers and the I.A.S. officers

If our Independence was not born out of a British Act in the House of Commons and if India's independence was seized as visualised by the great revolutionary, Netaji Subhas Bose, I should say, perhaps nobody would have dared at the time of the Constitution-making that they should support this heaven-born service of the royalist concept, a privileged class and a specially privileged class whose whole

function was to create an atmosphere of awe, wonder, horror and terror in the minds of the Indian people for the British Crown

At the time of Partition, there were only 1300 ICS officers and just after the Partition, 451 opted for India and at the moment there are only 97 ICS officers. . . (Interruptions) This is the figure that I collected from the Government statistics This includes those working in the public sector undertakings also By 1979 they will completely vanish and there will not remain even a single one of them

I want to draw the attention of Mr. Nahata who has made a somewhat wrong statement Here is a reply given by Mr Chavan on 19 3 71 The Home Minister says

“The total capital value of annuity transferred to the UK Government with effect from 1 4 55 was 88 806 20 pounds equivalent to Rs 118 crores ”

This is from the High Commission sterling balances that were transferred And one of the privileges that was enjoyed by these ICS officers was that they could draw their annuity in pounds

13 55 hrs

[MR. SPEAKER in the Chair]

After 1957 it was changed The amount was between £ 350 and £ 900 depending upon the period of service they put up Still they were enjoying these things. They could get this annuity pound if they wanted. There are twelve distinctions between the ICS and IAS officers

The ICS junior scale is Rs 450—1350 whereas for IAS it is Rs 400 to 1,000, Senior ICS scale is Rs 1000 to Rs. 2250 and for a senior IAS it is Rs. 900 to 1800 Superior Service ICS officers get Rs. 4000 whereas in the case of Superior Service IAS the amount is Rs. 3500 The Joint

Secretary from the ICS gets Rs. 3000 whereas if it is from IAS he gets Rs. 2500 only. Not only so. For leave benefits also, the ICS are getting more than the IAS officers. An ICS man cannot be retired by the State Government. This position is still continuing. No penalty measure can be taken against any ICS officer. For an IAS officer you can do it. If you compel them and they resign they have to be given an annuity of over Rs. 13, 333 whereas if the IAS officer does so, his amount will be Rs. 8,000 per annum. As I said in the beginning, this vested interest should be removed from our constitution. I do not know why there should be this invidious distinction even now. Why should such invidious distinction be allowed to continue even after 25 years of our independence? They, the ICS men, were not really indianised, they were not put at par with other Indian Administrative Officers.

As soon as this Bill is passed, I hope, some provision will be made to see that no longer any ICS officer is entitled to use any of these privileges and the ICS certificate. A separate service as ICS was a concept brought about by the British imperialists to maintain and increase their domination over the people of India. This imperialist stigma must go and go finally. Thank you.

श्री शिवनाथ सिंह (कुं.कुनु) : उपाध्यक्ष जी, हम 31वें संविधान संशोधन विधेयक का मैं समर्थन करता हूँ। लेकिन इसके साथ मैं मैं यह कहना चाहता हूँ कि हम भारतीय जब तक बहुत ही आवश्यक न हो किसी परंपरा को तोड़ना नहीं चाहते, वरना पिछले 25 साल से एक यह परम्परा चली आ रही थी जिसकी कोई आवश्यकता नहीं थी। इसके सम्बन्ध में बहुत कुछ कहा गया है। हम नहीं चाहते कि हमारी सर्विसेज् में इतनी असंग-भसंग कैंटेगरीज् हों। यह हो सकता है कि

एक आई० ए० एस० आफिसर हो, दूसरा स्टेट का आफिसर हो, उनकी तनखाह में फर्क हो। लेकिन उनकी सर्विस की गारंटी के लिये हम कोई क्लास में फर्क नहीं रखना चाहते। एक आई० सी० एस० आफिसर के लिये यह विधान है कि वह तनखाह विदेशी मुद्रा में ले सकता है, फिर सर्विस के बाद में पेंशन विदेशी मुद्रा में ले सकता है और और बहुत-सी उनके क्लास के लिये सर्विस कंडीशंस में ऐसी भिन्नताएं थीं जो हमारी सर्विसेज् के माइंड में आपस में एक दूसरे से टकराती थीं। आई० ए० एस० आफिसर जो आई० सी० एस० आफिसर के बराबर का काम करते हैं उनके लिए यह दिक्कत थी। इसलिये सरकार जो यह सगोधन विधेयक लाई है, उससे रास्ता खुला है और हम इसका स्वागत करते हैं।

14 hrs.

जैसा अभी श्री वाजपेयी जी कह रहे थे कि वह इसमें दिये गये प्रोबीजो को सपोर्ट करते हैं, हो सकता है उनकी समझ में यह बात न आई हो। इस प्रोबीजो में कहा गया है कि एस कैडर का जो व्यक्ति सुप्रीम कोर्ट या हाई कोर्ट का चीफ जस्टिस या जस्टिस बन जायगा, उसके विशेषाधिकार रह सकते हैं, मैं ऐसा समझता हूँ कि पोस्ट के अनुसार जो विशेषाधिकार हो सकते हैं, वे तो रह सकते हैं, लेकिन आई० सी० एस० के जो विशेषाधिकार हैं, वे उस पोस्ट पर कायम रहेंगे, यह बात मेरी समझ में नहीं आती। आई० सी० एस० का व्यक्ति चीफ जस्टिस या जस्टिस बने, तो उसके दूसरे विशेषाधिकार हो और बाहर का आदमी बने तो उसके दूसरे विशेषाधिकार हों, यह उचित नहीं है। इसलिये हम इस भेद को स्वीकार नहीं कर सकते और मैं सरकार से निवेदन करूंगा कि वह इस प्रोबीजो को हटाये।

[श्री शिवनाथ सिंह]

जो अधिकांश मामले स्टेट्स को उनकी लिमिट के अन्दर दिये हैं, उनका मैं समर्थन करता हूँ।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) I have heard the speeches made by hon Members on various aspect of this Bill, and some of the observations, it seems were not well founded, and a proper reading of the Bill would probably have dispelled their misconceptions

This Bill has been brought forward to remove a constitutional impediment that lay before Parliament in changing the service conditions of persons belonging to the Secretary of State service as we can broadly call them

It is true that the removal of article 314 by itself would not remove the special service conditions that govern this class of officers, but a follow up legislation will have to come so that the special conditions that govern their services at present could be modified and brought more in consonance with the service conditions as generally obtain in our country

It is not correct to say that this is merely a show-piece legislation, because Government do intend to bring forward another legislation as a follow-up to this which would spell out clearly in what way we want to change the conditions of service and bring them in line with those of other officers

There has been one misunderstanding regarding the so called exemption. Actually, there is no exemption, and what has been quoted in the proviso has not been well taken. Actually, all ICS officers

who have retired and covered by this. All ICS officers who hold these constitutional offices are also covered by this. All ICS officers who have retired and who have held these positions are also covered by this. A special mention had to be made because if one holds these constitutional positions, one's conditions of service cannot be varied to one's disadvantage. But here, power is being taken to vary those conditions, in case these pensions or salaries or other conditions of service arise out of the person being an ICS officer. It means that we are going much beyond in regard to these officers. We are going to exempt them from something to which they would normally have been entitled to, if this Bill were not there, that is from the protection to the constitutional positions which have been mentioned here, namely the Auditor-General of India, the judges, the Chief Election Commissioner etc whose conditions cannot be varied to their disadvantage under the Constitution as it stands. But if these conditions of service are there by virtue of his being an ICS person whether serving or retired, his conditions can be varied in spite of the fact that he has holding a constitutional position. So, this fear is not at all well founded, and we have not left out any person who belongs to these services

Another special feature is that we have provided an express provision in the Constitution, by virtue of article 312A which we now want to be incorporated in the Constitution, to exclude from the purview and jurisdiction of the Supreme Court and other courts disputes arising out of any provision of a covenant of these officers. We do not want that a court should sit in judgment when we make changes in their service conditions or changes in the covenant. That care has also been taken that the courts' jurisdiction should not interfere in our efforts to change these service conditions. These are some of the main features and I have tried to dispel some of the doubts that hon Members held.

As regards the number of officers who are affected various figures have been given, and I might see the record straight. On 27th May, 1972, there are in service 81 members of the Indian Administrative Service who, before becoming such members, were members of the Indian Civil Service, (including seven officers permanently seconded to the Indian Foreign Service); 26 members of the Indian Police Service who, before becoming such members, were members of the Indian Police; and four judges of the high courts who were formerly members of the ICS. Thus, on 27-5-1972, there are in service a total of 111 officers to whom article 314 applies. The last officer would retire in 1979.

Reference was made by some Members to Shri Madhu Limaye's Bill. It is true this matter has come before this House on a number of occasions. A Private Member's Bill was introduced in 1965 by Shri Viswanath Pande and Shri Sinhasan Singh, but was withdrawn. Shri Madhu Limaye introduced his Bill in 1967, which fell through for want of adequate majority. He introduced another Bill in 1970 which lapsed with the dissolution of the fourth Lok Sabha in 1970. There is even now a Bill by Shri Chintamani Panigrahi on the subject, which is pending as a non official Bill. So, many hon. Members of this House have taken an interest in this matter, and it is in deference to the wishes of the House and the opinion expressed here and outside that the Government has brought forward this constitutional amendment which, as I said, will be followed up by another legislation spelling out in concrete terms changes that are to be made in regard to these officers.

I request the House to adopt this Bill.

MR. SPEAKER: Before I put the motion to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be done by division. Let the lobbies be cleared.

The Lobbies have been cleared.

The question is:

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

The Lok Sabha divided.

Division No. 9]

[14.12 hrs.

AYES

Achal Singh, Shri
 Afzalpurkar, Shri Dharamrao
 Agarwal, Shri Shrikrishna
 Ahirwar, Shri Natthu Ram
 Ahmad, Shri F. A.
 Ambesh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Babunath Singh, Shri
 Bahuguna, Shri H. N.
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banerji, Shrimati Mukul
 Barua, Shri Bedabrata
 Basappa, Shri K.
 Basumatari, Shri D.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhagirath Bhanwar, Shri
 Bhandare, Shri R. D.
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Dinesh
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Bhattacharyya, Shri Chapananadu
 Bharua, Shri B. S.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh

Bosu, Shri Jyotirmoy
Brahman, Shri Rattaniai
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D B
Chandrappan, Shri C K
Chatterjee, Shri Somnath
Chaturvedi, Shri Roshan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachemi, Shri A M
Chhotey Lal, Shri
Chittababu, Shri C
Choudhury, Shri Momul Haque,
Daga, Shri M. C
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Dharmidhar
Dasappa, Shri Tulaidas
Daschowdhury, Shri B K
Deb, Shri Dasaratha
Deo, Shri S N Singh
Dhamankar, Shri
Dharia, Shri Mohan
Dhusja, Shri Anant Prasad
Dinesh Singh, Shri
Doda, Shri Hiralal
Dube, Shri J P
Dutta, Shri Biren
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K R
Ganga Devi, Shrimati
Gangadeb, Shri P

Gautam, Shri C. D
Gogoi, Shri Tarun
Gokhale, Shri H R
Gamango, Shri Giridhar
Gopal, Shri K
Goswami, Shrimati Bibha Ghosh
Govind Das, Dr
Gowda, Shri Pampan
Gowder, Shri J M
Guha, Shri Samar
Gupta, Shri Indrajit
Halder, Shri Madhuryya
Haidar, Shri Krishna Chandra
Hansda, Shri Subodh
Hari Kishore Singh, Shri
Ishaque, Shri A K M
Jagjiwan Ram, Shri
Jamilurrahman Shri Md
Janardhanan, Shri C
Jevalakshmi, Shrimati V
Jha, Shri Chiranjob
Joseph, Shri M M
Joshi, Shrimati Subhadra
Kadam, Shri J G
Kadannappalli, Shri Ramachandran
Kader, Shri S A
Kahandole, Shri Z. M.
Kakodkar, Shri Purshottam
Kakoti, Shri Robin
Kamakshaiiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T D
Kapur, Shri Sat Pal
Karan Singh, Dr
Kaul, Shrimati Sheila
Kavde, Shri B R
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kinder Lal, Shri
Kotoki, Shri Liladhar

Kulkarni, Shri Raja
Kureel, Shri B. N.
Lakkappa, Shri K
Lakshminarayanan, Shri M R
Lambodar Baliyar, Shri
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y S.
Maharaj Singh, Shri
Mahishi, Dr Sarojini
Majhi Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K D
Malhotra, Shri Inder J
Mallanna, Shri K
Mandal, Shri Jagdish Narain,
Marandi, Shri Iswar
Mehta, Dr. Mahipatray
Mehta, Shri P M
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S
Mishra, Shri Jagannath
Mishra, Shri L N
Misra, Shri S N
Modak, Shri Bijoy
Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohapatra, Shri Shyam Sunder
Moham, Shri F. H
Muhammad Khuda Bukah, Shri
Mukherjee, Shri Saroj
Murthy, Shri B S
Nahata, Shri Amit
Nair, Shri N Sreekantan
Nimbalkar, Shri
Orson, Shri Tuna
Pahadia, Shri Jagannath
Pamuli, Shri Paripoornanand

Panda, Shri D K.
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R S.
Pandey, Shri Tarkeshwar
Pandit, Shri S T
Panigrahi, Shri Chintamani
Pant, Shri K C
Paokai Haokip, Shri
Parashar, Prof Narain Chand
Parikh, Shri Raskial
Partap Singh, Shri
Paswan, Shri Ram Bhagat
Patel, Shri Ramubhai
Patil, Shri Anantrao
Patil, Shri E V Vikhe
Patil, Shri S B
Pillai, Shri R Balakrishna
Purty, Shri M S
Qureshi, Shri Mohd Shaif
Radhakrishnan, Shri S
Raghu Ramaiah Shri K
Raj Bahadur, Shri
Raju, Shri M T
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Rani Surat Prasad, Shri
Ram Swarup, Shri
Rana, Shri M B
Rao, Shrimati B Radhabai A
Rao, Shri Jagannath
Rao, Dr K. L
Rao, Shri M S Sanjeev
Rao, Shri Nageswara
Rao, Shri P Ankineedu Parasada
Rao, Shri Pattabhi Rama
Rao, Dr. V K R. Vardaraja
Rathia, Shri Umed Singh,
Raut, Shri Bhola

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Ravi, Shri Vayalar
Reddy, Shri B. N
Reddy, Shri P. Narasimha
Reddy, Shri P. V
Keddy, Shri Y. Eswara
Richhariya, Dr. Govmd Das.
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sait, Shri Ibrahim Sulaiman
Samanta, Shri S. C.
Sambhal, Shri Ishaq
Sankata Prasad, Dr
Sant Bux Singh, Shri
Sarkar, Shri Shakti Kumar
Sathe, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr Ranen
Sethi, Shri Arjun
Sezhiyan, Shri
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shaakaranand, Shri B
Sharma, Dr H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawai Kishore
Sharma, Shri R. N.
Sharma, Dr Shankar Dayal
Shashi Bhusan, Shri
Shastri, Shri Ramavatar
Shastri, Sari Sheopujan
Sher Singh, Shri
Shetty, Shri K. K.

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Constitution
(31st Amdt.) Bill

Shinde, Shri Annasahab P.
Shiva Chandrika, Shri
Shrivappa, Shri N
Shrivanath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Shiddheshwar Prasad, Shri
Singh, Shri V. N. P
Sinha, Shri Dharam Bih
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravelu, Shri
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tiwari, Shri R. G.
Tiwary, Shri K. N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Vishwanathan, Shri G.
Yadav, Shri Chandrajit

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Yadav, Shri Karan Singh
Yadav, Shri R. P.
Zulfikar Ali Khan, Shri

NOES

Mody, Shri Pilo
Shakya, Shri Maha Deepak Singh

MR SPEAKER : The result* of the division is *Ayes 274, 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—(Insertion of new Article 312 A.)

MR SPEAKER We take up Clause 2 now

SHRI RAM NIWAS MIRDHA There is an amendment, No 2. I beg to move

Page 1, line 16,—

for "(Thirty-first Amendment)"
substitute—

"(Twenty-eighth Amendment)" (2)

MR SPEAKER The amendment is to be carried by simple majority. Later on I shall put the clause as amended and then we shall have to go through the same procedure.

The question is

Page 1, line 16,—

for "(Thirty-first Amendment)"
substitute—

"(Twenty-eighth Amendment)" (2)

The motion was adopted

SHRI RAM NIWAS MIRDHA :
I beg to move

Page 2, line 7—

for "(Thirty-first Amendment)"
substitute—

"(Twenty eighth Amendment)" (3).

MR. SPEAKER : The question is
Page 2, line 7,—

for "(Thirty-first Amendment)"
substitute—

"(Twenty-eighth Amendment)" (3)

The motion was adopted

MR. SPEAKER . The question is:

"That clause 2, as amended,
stand part of the Bill "

The Lok Sabha divided

Division No 10]

[14 20 hrs

AYES

Achal Singh, Shri
Atalpurkar, Shri Dharmarao
Agrawal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Ahmed, Shri F. A
Alagesan, Shri O. V
Ambeah, Shri
Ankineedu Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bahuguna, Shri H. N.
Bajpai, Shri Vidya Dhar
Balakrishnaiah, Shri I.
Banerji, Shrimati Mukul
Barua, Shri Bedabrata

*The following Members also recorded their votes

AYES. Sarvshri S. Mohan Kumaramangalam, G Y. Krishnan, P. Antony Raddi,
Yamuna Prasad Mandal, Shankar Deo and Appalanaidu,

NOES Shri H M Patel.

Basappa, Shri K.
Basumatari, Shri D.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri Jagadish
Bhattacharyya, Shri S. P.
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Bosu, Shri Jyotirmoy
Brahman, Shri Rattanlal
Brahmanandji, Shri Swami
Brij Raj Singh-kotah, Shri
Chakreshwar Singh, Shri
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachemi, Shri A. M.
Chhotey Lal, Shri
Chittibabu, Shri C.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.

Deb, Shri Dasaratha
Deo, Shri S. N. Singh
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dimesh Singh, Shri
Dixit, Shri G. C.
Doda, Shri Hiralal
Dube, Shri J. P.
Dutta, Shri Biren
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C.D.
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gopal, Shri K.
Goswami, Shrimati Bibha Ghosh
Govind Das, Dr.
Gowder, Shri J. M.
Guha, Shri Samar
Gupta, Shri Indrajit
Halder, Shri Madhuryya
Halder, Shri Krishna Chandra
Haneda, Shri Subodh
Hari Kishore Singh, Shri
Ishaque, Shri A. K. M.
Jagjwan Ram Shri
Jamalurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Joahi, Shrimati Subhadra
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.

Kahandole, Shri Z. M.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kamakshaiyah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kotoki, Shri Liladhar

Krishnan, Shri G. Y.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kurcel, Shri B. N.

Lakkappa, Shri K.

Lakshminanthamma, Shrimati T.

Lakshmarayanan, Shri M. R.

Lambodar Baiyyar, Shri

Lutfal Haque, Shri

Mahajan, Shri Vikram

Mahajan, Shri Y. S.

Maharaj Singh, Shri

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Malaviya, Shri K. D.

Malhotra, Shri Inder J.

Mallanna, Shri K.

Mandal, Shri Jagdish Narain

Mandal, Shri Yamuna Prasad

Marandi, Shri Iswar

Mehta, Dr. Mahipatray

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Mishra, Shri L. N.

Misra, Shri S. N.

Modak, Shri Bijoy

Modi, Shri Shrikishan

Mohammad Tahir, Shri

Mohammad Yusuf, Shri

Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.

Muhammad Khuda Buksh, Shri

Mukherjee, Shri Saroj

Murthy, Shri B. S.

Nahata, Shri Amrit

Nair, Shri N. Sreekantan

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Tuna

Pahadia, Shri Jagannath

Painuli, Shri Paripoomanand

Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Pandey, Shri Tarakeshwar

Pandit, Shri S. T.

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parashar, Prof. Narain Chand

Parikh, Shri Rasiklal

Partap Singh, Shri

Paswan, Shri Ram Bhagat

Patel, Shri Ramubhai

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri S. B.

Pillai, Shri R. Balakrishna

Pradhan, Shri Dhan Shah

Purty, Shri M. S.

Qureshi, Shri Mohud. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri
Raj Bahadur, Shri
Raju, Shri M. T.
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Rana, Shri M. B.
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Parasada
Rao, Shri Pattabhi Rama
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Reddy, Shri P. Antony
Reddy, Shri B. N.
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Reddy, Shri Y. Erwara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rundra Partap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sambhali, Shri Ishaq
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Sathre, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr. Ramon
Sethi, Shri Arjun

Sezhiyan, Shri
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Sankar Dayal Singh, Shri
Sankar Dev, Shri
Shankaranand, Shri B.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Sher Singh, Shri
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shiva Chandika, Shri
Shivanath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri V. N. P.
Sinha, Shri Dharam Bir
Sinha, Shri R. R.
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravelu, Shri
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tayyab Hussain Khan, Shri
Tiwari, Shri R. G.

Tiwary, Shri K. N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Ulaganambi, Shri R. P.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vijay Pal Singh, Shri

Vikal, Shri Ram Chandra

Vishwanathan, Shri G.

Yadav, Shri Chandrajit

Yadav, Shri Karan Singh

Yadav, Shri R. P.

Zulfiqar Ali Khan, Shri

NOES

*Joseph, Shri M. M.

Lalji Bhai, Shri

Nayak, Shri Baksi

Patel, Shri H. M.

MR. SPEAKER. The result** of the division is : Ayes 283 ; Noes 4

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, as amended, was added to the Bill.

MR. SPEAKER : As there are no amendments to clause 3, I will put it to the vote straightway. The question is :

"That clause 3 stand part of the Bill."

The Lok Sabha divided

Division No. 11]

[14.23 hrs.

AYES

Achal Singh, Shri

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Ajagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Appalanaidu, Shri

Austin, Dr. Henry

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishnaiah, Shri T

Banerji, Shrimati Mukul

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhagirath Bhanwar, Shri

Bhandare, Shri R. D.

Bhargavi Thankappan, Shrimati

Bhatia, Shri Raghunandan Lal

Bhattacharyya, Shri Dinesh

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bhattacharyya, Shri Chapalendu

Bhaura, Shri B. S.

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

*Wrongly voted for NOES.

*The following Members also recorded their votes :

AYES : Sarvshri Pampan Gowda, Giridhar Gomango, N Shivappa, Ebrahim Sulaiman Sait, P.M. Mehta and M. M Joseph;

NOES : Shri Piloo Mody.

Bosu, Shri Jyotirmoy
 Brahman, Shri Rattanlal
 Brahmanandji, Shri Swami
 Brij Raj Singh Kotah, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D B
 Chandrappan, Shri C K
 Chatterjee, Shri Somnath
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary Shri Nitiraj Singh
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A M
 Chhotey Lal, Shri
 Chittibabu Shri C
 Choudhury, Shri Moinul Haque
 Daga, Shri M C
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Dharnidhar
 Dasappa, Shri Fulsidas
 Daschowdhury, Shri B K
 Deb, Shri Dasaratha
 Deo, Shri S N Singh
 Dhamankar, Shri
 Dharia, Shri Mohan
 Dinesh Singh, Shri
 Dixit, Shri G C
 Doda, Shri Hiralal
 Dube, Shri J P
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Engtl, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh Shri K R
 Ganga Devi, Shrimati
 Gangadeb Shri P
 Gautam Shri C. D.

Gogoi, Shri Tarun
 Gohain, Shri C C
 Gokhale, Shri H R
 Gomango Shri Giridhar
 Gopal, Shri K
 Goswami, Shrimati Bibha Gboeh
 Govind Das, Dr
 Gowda, Shri Pampan
 Gowder, Shri J M
 Guha, Shri Samar
 Gupta, Shri Indrajit
 Haldar, Shri Madhuryya
 Halder, Shri Krishna Chandra
 Hansda Shri Subodh
 Hari Kishore Singh Shri
 Ishaque Shri A K M
 Jigjiwan Ram, Shri
 Jamurrallah, Shri Md
 Janardhanan, Shri C
 Jeyalakshmi, Shrimati V
 Jha, Shri Chiranjib
 Joseph, Shri M M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J G
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A
 Kahandole Shri Z M
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshiah, Shri D
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kambale, Shri T D
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Kavde, Shri B R
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kunder Lal, Shri

Kotoki, Shri Liladhar
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Misra, Shri S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit

Nair, Shri N. Sreekantan
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Panda, Shri D. K.
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintaman
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Pillai, Shri R. Balakrishna
 Pradhan, Shri Dhan Shoh
 Purty, Shri M. S.
 Qureshi, Shri Mghd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Raj Bahadur, Shri
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri M. S. Sanjeevi

Rao, Shri Nageswara
Rao, Shri P. Ankincedu Parasada
Rao, Shri Pattabhi Rama
Rao, Dr. V. K.R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Reddi, Shri P. Antony
Reddy, Shri B. N.
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Reddy, Shri V. P.
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Samanta, Shri S. C.
Sambhal, Shri Ishaq
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr. Ranen.
Sethi, Shri Arjun
Sezhiyan, Shri
Shafquat Jung, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore

Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Ramavater
Shastri, Shri Sheopujan
Sher Singh, Shri
Shetty, Shri K. K.
Shinde, Shri Aannasaheb P.
Shiva Chandika, Shri
Shivappa, Shri N.
Shivanath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri V. N. P.
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri I.
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravelu, Shri
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tayyab Hussain Khan, Shri
Tiwari, Shri R. G.
Tiwary, Shri K. N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Unnikrishnan, Shri. K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.

Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vijay Pal Singh, Shri
 Viewanathan, Shri G.
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Zulfiquar Ali Khan, Shri

NOES

Lalji Bhai, Shri
 Mody, Shri Piloo
 Nayak, Shri Baks
 Patel, Shri H. M

MR. SPEAKER : The result* of the division is : Ayes 283; Noes 4.

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.

Clause 1—(Short title and commencement)

SHRI RAM NIWAS MIRDHA : I beg to move—

Page 1, lines 3 and 4,

for "(Thirty-first Amendment)"—
 substitute—

"(Twenty-eighth Amendment)"

MR. SPEAKER : The question is :
 Page 1, lines 3 and 4,

for "(Thirty-first Amendment)"
 substitute—

"(Twenty-eighth Amendment)" (1)

The motion was adopted.

MR. SPEAKER : The question is :
 "That clause 1, as amended, stand part of the Bill"

The Lok Sabha divided :

Division No. 12]

[14.24 hrs.

AYES

Achal Singh, Shri
 Afzalpurkar, Shri Dharamrao
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Alagesan, Shri O. V.
 Ambesh, Shri
 Ankinedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bahuguna, Shri H. N.
 Bajpai, Shri Vidya Dhar
 Balakrishnaiah, Shri T.
 Banerji, Shrimati Mukul
 Barua, Shri Bedabrata
 Basappa, Shri K.
 Basumatari, Shri D
 Bhagat Shri B. R.
 Bhagat Shri H. K. L.
 Bhandare, Shri R. D
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Bhattacharyya, Shri Chapalendu
 Bhaura, Shri B. S.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Bosu, Shri Jyotirmoy
 Brahaman, Shri Rattantial
 Brahmanandji, Shri Swami
 Brij Raj Singh Kotah, Shri

*The following Members also recorded their votes for AYES :

Sarvshri Shahawaz Khan, D. R. Chavan, Dharamrao Afzalpurkar, Sodbu Ram and Anant Prasad Dhusia.

Chakieshwar Singh, Shri
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachemi, Shri, A. M.
Chhotey Lal, Shri
Chittibabu, Shri C.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deb, Shri Dasaratha
Deo, Shri S. N. Singh
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Doda, Shri Hiralal
Dube, Shri J. P.
Dutta, Shri Biren
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gogoi, Shri Tarun
Gohain, Shri C. C.

Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shrimati Bibha Ghosh
Govind Das, Dr.
Gowda, Shri Pampan
Gowder, Shri J. M.
Guha, Shri Samar
Gupta, Shri Indrajit
Haldar, Shri Madhuryya
Halder, Shri Krishna Chandra
Hansda, Shri Subodh
Ishaque, Shri A. K. M.
Jagjiwan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Joseph, Shri M. M.
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kamakshaiyah, Shri D
Kamala Kumari, Kumari
Kamala Prasad, Shri
Kamble, Shri T. D.
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadiilkar, Shri R. K.
Kinder Lal, Shri
Kotoki, Shri Liladhar
Krishnan, Shri G. Y.
Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 LakshmiKanthamma, Shrimati T.
 Lakshminarayanan, Shri M. R.
 Lambodar Ballyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Misra, Shri S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nabata, Shri Amrit
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna

Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Panda, Shri D. K.
 Pandey, Shri Krishna Chandra
 Pandey, Shri R. S.
 Pandey, Shri Tarakeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Pillai, Shri R. Balakrishna
 Pradhan, Shri Dhan Shah
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramasah, Shri K.
 Raj Bahadur, Shri
 Raju, Shri M. T.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankinedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh

Raut, Shri Bhola
Ravi, Shri Vayalar
Reddi, Shri P. Antony
Reddy, Shri B. N.
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Robatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra, Pratap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sambhali, Shri Ishaq
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr. Ranen
Sethi, Shri Arjun
Sezhiyan, Shri
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shaahi Bhushan, Shri

Shastri, Shri Ramevatar
Shastri, Shri Sheopujan
Sher Singh, Shri
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shiva Chandrika, Shri
Shivappa, Shri N.
Shivanath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri V. N. P.
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravelu, Shri
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tayyab Hussain Khan, Shri
Tiwari, Shri R. G.
Tiwary, Shri K. N.
Tula Ram, Shri
Tulsiram, Shri V.
Ukey, Shri M. G.
Ulaganambi, Shri R. P.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Viswanathan, Shri G.
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R P
Zulfiqar Ali Khan, Shri

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

MR. SPEAKER . The question is

"That the Bill, as amended be passed".

The Lok Sabha divided.

Division No 13]

[14 27 hrs.

NOES

Lalji Bhai, Shri
Mody, Shri Piloo
Nayak, Shri Baksī
Patel, Shri H. M.

MR SPEAKER The result* of the division is Ayes 284, Noes 4

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 1, as amended, was added to the Bill

MR SPEAKER Now the Enacting Formula and the Title will just be carried by simple majority

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 RAM NIWAS MIRDHA . I beg to move :

AYES

Achal Singh, Shri
Afzalpurkai, Shri Dharamrao
Agrawal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Ahmed, Shri F A.
Ajiagesan, Shri O V
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bahuguna, Shri H N
Bajpai, Shri Vidya Dhar
Balakrishmah, Shri J
Banerji, Shrimati Mukul
Barua, Shri Bedabrata
Basappa, Shri K
Basumatari, Shri D
Bhagat, Shri B. R
Bhagat, Shri H K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Jagadish

*The following Members also recorded the votes for AYES

Sarvshri Hari Kishore Singh, Narsingh Narain Pandey and M. S. Purty.

Bhattacharyya, Shri S. P.
 Bhattachayya, Shri Chapalendu
 Bhaura, Shri B. S.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Bosu, Shri Jyotirmoy
 Brahman, Shri Rattanlal
 Brahmanandji, Shri Swami
 Brij Raj Singh Kotah, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chittibabu, Shri C.
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Dhamankar, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hirajal
 Dube, Shri J. P.
 Dutt, Shri Biren

Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Guha, Shri Samar
 Gupta, Shri Iadrajit
 Haldar, Shri Madhuryya
 Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Ishaque, Shri A. K. M.
 Jagjwan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Joseph, Shri M. M.
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kumbale, Shri T. D.
 Kapur, Shri Sat Pal

Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumarangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Misra, Shri S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Panda, Shri D. K.
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Pillai, Shri R. Balakrishna
 Pradhan, Shri Dhan Shah
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramajah, Shri K.
 Raj Bahadur, Shri
 Raju, Shri M. T.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri

Rana, Shri M B
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Dr K L
 Rao, Shri M S Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V K R Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bholia
 Ravi, Shri Vayalar
 Reddi, Shri P Antony
 Reddy, Shri B. N
 Reddy, Shri M Ram Gopal
 Reddy, Shri P Narasimha
 Reddy, Shri P V
 Reddy, Shri Y Eswara
 Riegharaya, Dr Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Biswanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Saini, Shri Mulki Raj
 Sait, Shri Ibrahim Sulaiman
 Samanta, Shri S C
 Sambhali, Shri Ishaq
 Sankata Prasad, Dr
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vacant
 Savitri Shyam, Shrimati
 Sayeed, Shri P M
 Sen, Dr Ranen
 Sethi, Shri Arjun
 Sezhiyan, Shri
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra

Shambhu Nath, Shri
 Shankar Daya! Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B
 Sharma, Dr H. P
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma Shri R N
 Sharma, Dr Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Sher Singh, Shri
 Sheity, Shri K K
 Shinde, Shri Annasaheb P.
 Shiva Chandika, Shri
 Shivappa, Shri N
 Shivanath Singh, Shri
 Shukla, Shri Vidya Charan
 Siddayya Shri S M
 Siddheshwar Prasad, Shri
 Singh Shri V N P
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K
 Sohan Lal Shri I
 Sokhi, Shri Swaran Singh
 Solanki, Shri Somchand
 Sonar, Dr A G
 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
 Swatantra, Shri Teja Singh
 Swell, Shri G O.
 Tayyab Hussain Khan, Shri
 Tiwari, Shri R G

Tiwary, Shri K. N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbasah, Shri P
Verma, Shri Balgovind
Vrema, Shri Sukhdeo Prasad
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Viswanathan Shri G.
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R P
Zulfiqar Ali Khan, Shri

NOES

Ialji Bhai, Shri
Mody, Shri Piloo
Nayak, Shri Bakshi
Patel, Shri H M

MR. SPEAKER : The result* of the division is : Ayes—286; Noes— 4.

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 : The Constitution Amendment Bill, as amended, is passed.

11.28 hrs.

CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL

MR. SPEAKER : Legislative Business No. 10.

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE): I beg to move :

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

The Kerala Land Reforms Act, 1963 is the principal land reform law in the State of Kerala and was included in the Ninth Schedule to the Constitution by the Constitution (Seventeenth Amendment) Act, 1964. In the Course of implementation, the State Government faced serious practical difficulties and to overcome them, that Act was extensively amended by the Kerala Land Reforms (Amendment) Act, 1969 and the Kerala Land Reforms (Amendment) Act, 1971.

Certain crucial provisions of the principal Act as amended were challenged in the High Court of Kerala creating a climate of uncertainty in the effective implementation of land reforms in the State. Although the High Court of Kerala has generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provisions thereof, like sections 29A (bar of proceedings under Chapter XII of the Code of Criminal Procedure in certain cases), 32 (bar of suits for eviction, etc., pending application for determination of fair rent), 45A (adjustment of rent appropriated), 50A (2) (conferment of fishing rights on a tenant being a Varamdar), 73 (scaling down of arrears of rent) and Explanation

*The following Members also recorded their votes for AYES :

Sarvshri M. Ankincedu, Y. S. Mahajan, Dinesh Bhattacharyya and Shrimati Subhadra Joshi.