

12.28 hrs.

CONSTITUTION (EIGHTH AMENDMENT) BILL—contd.

Mr. Speaker: The House will now proceed with the consideration of the following motion moved by Shri Govind Ballabh Pant on the 30th November, 1959, namely:

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

I have received notice of a privilege motion from Shri B. C. Kamble where he says that the vote on the motion must have been recorded yesterday itself and, therefore, an irregularity has been committed, which is a breach of privilege. I do not agree that it is a breach of privilege at all, and that is why I have not given him consent to raise it. But I would like him to state here whether any irregularity has been committed.

Shri Dwivedy has also written to me that he wishes to seek some clarification regarding voting before we put the Constitution (Eighth Amendment) Bill again to the vote. Now Shri Kamble.

Shri B. C. Kamble (Kopargaon): My point is, very briefly, under rule 367 when once you are pleased to direct that a division should take place and the 'Ayes' should go to the right lobby and 'Noes' to the left lobby, and the voting commences, then, under the rule, it is not permissible at all for you to rule that the voting should be suspended, or the decision should be postponed. I will read out the relevant portion—I hope I am not repeating and taking much time. The rule says:

"If the opinion so declared is again challenged, he".

Here "he" refers to the Speaker.

". . . he shall direct the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall call out his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member."

Here the word used is "shall"; that is to say, the Division Clerk "shall" call out the name, the member "shall" call out his Division Number. Further, the rule says:

"After voting in the Lobbies is completed".

That is to say, this process cannot be prevented; the process of voting cannot be prevented. That is prescribed in the rule itself. It further says:

"After voting in the Lobbies is completed, the Division Clerks shall hand over the Division Lists to the Secretary, who shall count the votes and present the totals of 'Ayes' and 'Noes' to the Speaker."

Therefore, it is mandatory upon the Division Clerk to hand over the Division Lists to the Secretary, and similarly upon the Secretary to count the votes and present the totals to you, and thereafter your duty follows; and that duty is:

"The result of a division shall be announced by the Speaker and shall not be challenged".

Therefore, when you receive the list, it is your duty towards this House that you shall announce the result, and further no member shall challenge it. That is the position.

Another point that I would like to make is this. It is possible that there is an error in the case of a division. If there is such an error, that error should be rectified. What is the position under such circumstances? Now I am reading from the Fifteenth Edition of *May's Parliamentary Practice*, page 410. The caption given is "Irregularity vitiating the Division". At page 404, at the end, there is a small paragraph which says:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered"

So far as this is concerned, this is all right.

" put the question again"

Mr. Speaker: ". . . . interrupt the process of division as soon as the irregularity is discovered"

What is the number of the page?

Shri B. C. Kamble: The number of the page is 410.

Mr. Speaker: Fifteenth Edition of *May*?

Shri B. C. Kamble: Yes, Sir. (*Inter-ruption*). Hon. Members will please here me. It says:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered, put the question again and proceed to take a division *de novo*."

That is to say, the process must follow then and there. It is true that we interrupt the process of division, but then another division will be called and completed. This is the position (*Interruption*).

An Hon. Member: Where is it said?

Mr. Speaker: Let him go on.

Shri B. C. Kamble: Now I am referring to page 111 of the same edition. According to what is stated there—and that is my point—there has been contempt of the House so far as yesterday's last portion of the proceedings is concerned

Mr. Speaker: What is the number of the page?

Shri B. C. Kamble: Page 111. In the middle of the page the caption is "Disobedience to Rules or Orders of either House" and it reads as follows:

"Disobedience to the orders of either House, whether such orders are of general application or require a particular individual to do or abstain from doing a particular act, or contravention of any rules of either House, is a contempt of that House."

That is to say, it is the duty of the Division Clerk to come the moment you declare a division. If there is a failure of doing that particular duty, it is no use arguing that the Tellers were not there or that the Division Officers or the Division Clerks were not there. The hon. Member, Shri Feroze Gandhi stated that there was some confusion. It was also stated that hon. Members were not familiar with the procedure and that there was no arrangement. With regard to that I submit that it was known that this is a Bill to amend the Constitution. It was also known that a division of a particular type will be necessary. It was further known that the hon. Home Minister was pleased to say that all the proceedings would be completed only yesterday. When hon. Members requested you and you, in turn, requested the hon. Home Minister to reply tomorrow, he said that he would like to finish this job only yesterday. That is to say, everything was completely known to you, to this House, to the hon. Members, to the hon. Home Minister and to the Division Clerks in the Secretariat, with regard to this particular kind of arrangement to be made. Therefore

[Shri B. C. Kamble]

my submission is that under these circumstances there has been a contempt of the House and you, Sir, as the custodian of the privileges of the House, will be pleased to uphold this particular point.

One minute more and I will finish. Finally, what I have to say is that apart from the merits or the demerits of this Bill or apart from the passing or not passing of this Bill, I would like to suggest that certain other way may be found. But then the reputation of this House must be maintained and yesterday's result should be declared or the Bill should be deemed to have been rejected by this House.

Shri Surendranath Dwivedy (Kendrapara): Sir, my intention is not to obstruct the passage of the Bill, which I want to be passed, nor is it to question your ruling. But, as has been pointed out by my hon. friend, certain irregularities have been committed and I want your guidance before you take to voting.

First of all I will refer to the automatic voting. The Rules provide a certain procedure. Before you ordered automatic voting you explained the process as to how voting was to be done. You made it quite clear. You said:

"If, in spite of my suggestion hon. Members say, 'My vote has not been recorded since I find something wrong in the machinery' and so on, I am not going to allow them to correct the mistake".

Then, this Rule makes it obligatory on you that as soon as the result of voting appears on the indicator boards, the result of the Division shall be announced and that it shall be challenged. You did not announce the result, but the result was known to everybody. There were only 242 votes in favour of the motion, that is, 11 short of the required number. Then before the result was announced an hon. Member got up and said, "My

button is not working." Then a hon. Minister got up and said, "Mine seems to have worked wrongly. I pressed 'Aye' button but I am shown as abstaining." Some other hon. Members also rose. This was quite contrary to what you yourself had stated.

Then, I think, because you wanted to be fair on the point since it is a very important Bill, you again said that we should go into the lobbies and record our votes. When hon. Members went into the lobbies—the procedure has been very clearly explained by my hon. friend, Shri Kamble—what happened is again objectionable. I have to say that the results were never announced although hon. Members had voted. It was avoided. I do not know why? The result was not announced and there was a lot of confusion instead. You took into account some objection raised by Shri Feroze Gandhi. But the rules in this regard are very clear. According to Rule 371, no objection can be raised to a point like this unless it is on the ground of personal, pecuniary or direct interest. Except on these grounds no objection can be raised.

Mr. Speaker: What is the Rule?

Shri Surendranath Dwivedy: Rule 371 of the Rules of Procedure and Conduct of Business in Lok Sabha.

He raised questions of a general nature, namely, that hon. Members have not been able to vote, that they have forgotten the procedure and that this has been done after two years. He raised all these matters. He did not make a point that he had not been able to record his vote. If he or any other hon. Member had said that, you were perfectly within your rights to ask those votes to be recorded in favour or against or in any way they preferred it to be recorded. That was not done. I want that this impression should not be carried outside that because there was a particular difficulty and that the required number of hon. Members were not present and thus the Bill was not going to be passed so some such

method was adopted and the situation was saved for the time being. I do not want that the reputation of the House should be interpreted in this way. Repeated demands were made even after Shri Feroze Gandhi had said that. There was an hon. Member, who said, "I request you to announce the result." When he advocated for postponement till today, there was again objection that it should not be postponed till today. We postponed it, but I think it was irregular, in the sense, as has been stated by Shri Kamble, that it had been repeatedly stated here that all stages of this Bill would be passed in the course of the day. That was very clear. I do not think you ever announced, as Speaker, that the voting would take place at 5 o'clock, which Shri Feroze Gandhi mentioned. There was nothing like that. In fact, it was stated that the first stage of the Bill would be over by 4.45 P.M. But the discussion continued and it was allowed to continue. The House agreed with you that we sit for a longer time to dispose of the matter. So there was no question of surprisingly or unexpectedly voting taking place. It was a failure on the part of the ruling party to take steps to make adequate number of hon. Members present in the House for the purpose of voting. In order to avoid this, I think, some such procedure was adopted, which to me seems completely irregular and unconstitutional and thus not in order. Therefore when you ask us to go to vote again, let us know what procedure you are going to follow. Let us have a clarification from you.

Shri Feroze Gandhi (Rai Bareilly): Sir, since my name has been mentioned, I wish to say something. The only point that I raised yesterday was that when you called for the physical division—I think I have been here longer than Shri Dwivedy and Shri Kamble. . . (Interruption).

Mr. Speaker: If he is stating a fact and if he has been here longer, how can one challenge it?

Shri Surendranath Dwivedy: I have been a Member of Parliament also since 1952 . . . (Interruption).

Shri Feroze Gandhi: Do not be so sensitive.

Sir, what actually happened in the lobbies was that I went to a table which was marked 'Ayes'. I enquired of the person who was there and I was told, "No, you go to some other place. It is for 'Noes'." At that very table I found several hon. Members, who had already declared their votes before me, whilst I was standing there . . . (Interruption). Shrimati Chakravartty, I am not concerned with why this did not happen or why this did happen. I am only telling exactly what was taking place in the lobby. At some of the tables, I found that of the two sheets containing division numbers, whereas one was correct, the other was wrong. It was impossible for the Members to find out at which particular table they had to record their votes. (Interruptions).

Mr. Speaker: Order, order.

Shri Feroze Gandhi: When I made this suggestion yesterday, I pointed out that this had happened in the lobby. It is very surprising that neither Shri Surendranath Dwivedy nor Shri B. C. Kamble nor anybody in the House objected to what I said.

Some Hon. Members: No, no. (Interruptions).

Mr. Speaker: Order, order.

Shri Feroze Gandhi: Not a single Member in this House objected to what I had said concerning the facts that took place in the lobby. If what I had said was wrong, that was the time to have got up and objected. (Interruptions).

Mr. Speaker: Order, order.

Shri Braj Raj Singh (Ferozabad): May I submit, Sir, . . .

Mr. Speaker: Order, order. Is he going to create confusion here? I am really seeing this persistent effort.

[Mr. Speaker]

When I make an observation, hon. Members are a little offended. When hon. Members both Shri B. C. Kamble and Shri Surendranath Dwivedy spoke—they are not the Leaders of their Groups; but I do not make any distinction between the Leader and any Member—I allowed them to go on uninterrupted. No hon. Member from this side, whether a Minister or an ordinary Member, ever raised any objection or even interrupted. In answer to this, I have called on Shri Feroze Gandhi, to say what he wants to say. Why should there be such interruptions? I am not prepared to allow this kind of things. We want an orderly process. We are now saying that what happened yesterday was irregular. Shall we commit another irregularity today? I am really surprised. I would appeal to hon. Members, particularly Leaders of the Groups to see that their followers do not interrupt in any manner when another Member in this House is speaking. I will allow fair opportunity to every Member to have his full say. When it is replied to, this kind of interruption creates the impression that they do not want to hear any reply in justification of the manner in which proceedings took place yesterday. Is it proper?

An Hon. Member: They also interrupt.

Mr. Speaker: No, no. The hon. Member is going on interrupting. I am really surprised. He has not adjusted himself to this House.

Acharya Kripalani (Sitamarhi): May I submit, Sir, if in the proceedings there is a contradiction of the statement that has been made, I think the Member is entitled to say, there is a contradiction of what the hon. Member is saying and what is in the report. I think you should allow him.

Shri Feroze Gandhi: Could you read out the portion which contradicts what I said?

Mr. Speaker: Order, order. Acharya Kripalani has said calmly.

Do you mean to say that I would have disallowed Shri Surendranath Dwivedy if, at the end of what Feroze Gandhi had said, he had said that this is not borne out by the record? I would certainly allow that.

Acharya Kripalani: That is what he said.

Mr. Speaker: While he was speaking, he went on interrupting. I am appealing to the Leaders. Would they advise the Members to interrupt and say, you are wrong. That is rather strange.

Shri Feroze Gandhi: Mr. Speaker, I insist that Shri Surendranath Dwivedy read out from the record, who objected to the facts when I said that this thing happened. Who objected to what I said in so far as it concerned facts? Kindly read it out. This is a big irregularity that is committed. Acharya Kripalani is the leader of the Party to which Shri Surendranath Dwivedy belongs. He said that his follower wanted to read out facts. Why does he not read it out?

Mr. Speaker: Leave it to me.

Shri H. N. Mukerjee (Calcutta—tral): Mr. Speaker, I do not understand why tempers are ruffled because we are discussing a matter which affects all sides of the House, all parties. As far as the substance of the motion of yesterday was concerned, many of us supported the motion and we voted for it twice over. It is not in regard to matter of form that any kind of acrimony might be raised. Acrimony could arise only on points of substance. We are concerned with a matter of form which is involved here.

I beg of you to let me say that it is very important that we observe the forms which have been evolved as a result of long experience. I say this perhaps in an unaccustomed fashion. We have been told ever so often that perhaps we on our side are more prone to breaking the rules which are

the result of long experience. I would beg of you to remember this that after all, these rules are very important and we should not deviate from them.

My submission is, with all respect, that yesterday certain things happened which really amounted to a deviation from the rules. You called for a Division because, this being a Bill to amend the Constitution, a Division was necessary. The automatic process worked, and as far as we can say, that worked perfectly well and the calculation appeared there. When the calculation appeared there was necessarily even on our side, a certain perturbation because the 'Ayes' did not seem to have the requisite majority. May be that was at the back of your mind and at the back of the mind of the House when you asked for another Division, because, you suspected that, may be, the mechanical process had been at fault and you wanted us to go into the lobby and vote in the old fashion. I have had experience of the old days when we did not have this mechanical device and we used to go into the lobby and vote. Yesterday, I certainly admit what Shri Feroze Gandhi says that there was a great deal of confusion. But, even in the early days, there used to be a great deal of confusion when on one side there was a concentration of votes. If the 'Ayes' have too many on their side and the 'Noes' have too few, naturally, there has to be a certain amount of physical crowding. There was that crowding. We all felt uncomfortable for a time. It is also a fact to which I can vouch with my own experience that after an initial period of discomfort, we all succeeded in recording our votes. If we had not succeeded in recording our votes, as soon as we came back to the House, we would have conveyed to you the fact of our inability to record our vote. As far as I know, nobody conveyed to you the idea that because of conditions there, they had been physically prevented from recording their vote. The

Division was taken in the lobbies in accordance with whatever rules have been made in your pleasure. After that, under the rules, it is obligatory on you to declare the result as it is conveyed to you by the Officers of the House. The Officers of the House, for some unaccountable reason, did not appear to come here to convey to you the result. You were not pleased to announce the result. You said that Division would take place tomorrow. I feel that there has been a very definite deviation from the rules in this regard.

I suggest for your consideration very seriously that since these rules should not be violated with impunity, it is necessary that the Leader of the House preferably with your permission moves for a suspension of the rules in regard to the manner of taking Division and after having suspended the rules in your discretion, you may have another, so to speak, assessment of the desire of the House in regard to the motion. Without that kind of suspension of the Rules of the House, we cannot ride rough shod over the rules as we appear to have done. I say with great respect, I do think that the rules have been violated yesterday. We should be very careful about it. That is why I suggest, in order to maintain decorum and propriety in regard to this matter which is very important, there may be a motion preferably by the Leader of the House for suspension of the rules concerned and then we can proceed in the proper fashion towards registering our verdict in regard to the Home Minister's motion.

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, I was going to make a submission that it is for you to interpret rule 367 (3) (a) and (b) whether it is not obligatory on the Speaker to declare the result of the Division as soon as it appears on the Indicator Board. I was going to make the submission that has already been made by Shri H. N. Mukerjee that if you are pleased to interpret that rule as mandatory, perhaps, the best way

[Shri Frank Anthony]

out would be for any Member with the consent of the Speaker, under Rule 388 to move that the Rule be suspended because of the admitted confusion at the time and the difficulties that have been experienced.

Shri Khadilkar (Ahmednagar): Yesterday many of us felt that the procedure followed causing a little confusion in the House was a dubious procedure. It is my personal experience also and I support Shri Feroze Gandhi because I could not find where I was to say "Yes" or "No". That was the difficulty. There was a good deal of confusion.

My hon. friend Shri Kamble has tabled a motion of privilege.

An Hon. Member: Did you vote or not?

Shri Khadilkar: I did vote, but there was confusion too. That is a fact that must be admitted.

An Hon. Member: But you could vote.

Shri Khadilkar: So, what Shri Feroze Gandhi says is correct. (*Interruptions*).

Mr. Speaker: Am I to adjourn the House again on account of confusion? Hon. Members must be allowed to say what they want to say. I have been repeatedly requesting hon. Members to observe silence in the House when another hon. Member is speaking.

Shri Khadilkar: My hon. friend Shri Kamble moved the motion of privilege because, according to him, a contempt was committed. But we are the masters of the procedure of the House under the Constitution, and we are to regulate it. If at all a contempt is committed and if there is a remedy to rectify the situation, resort should be had to that in order to keep up the prestige of the House. If an irregularity at a particular moment is committed, no action should be taken in haste or out of prestige, because it would bring down the dignity of this House in the eyes of the people. And, after all, when you read *May's Par-*

liamentary Practice or this procedure, you find it is a game; if you lose a catch, you lose the game. You just cannot amend the rule to give you a second chance.

Therefore, I entirely agree with Shri Mukerjee's suggestion that in order to regularise the procedure, the rule should be suspended, and a *de novo* consideration of the Bill should take place. That is the only way out of it. A privilege motion is not a way out of it because if at all any irregularity has taken place, we are here to regularise it. Let us admit that some irregularity has crept into the procedure that was followed yesterday. Therefore, I would entirely agree and appeal to the Prime Minister to follow a procedure to regularise the irregularity that occurred in confusion yesterday.

With these words, I support the suggestion of Shri Mukerjee.

Shri Braj Raj Singh: I want to bring to your notice rule 158 of the *Rules of Procedure*. It is under the Chapter "Bills seeking to amend the Constitution".

In this rule it has been provided:

"Voting shall be by division whenever a motion has to be 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."

My point is this, that saying that the Members were not clear that a division was to take place, or that a division was to take place at a particular time, is not correct. It is mandatory under the rule. Voting in the circumstances, when the Constitution is to be amended, has to take place by way of division. So, saying that the physical count in the lobbies, due to utter confusion, could not take place, I think is not correct, because there was no specific complaint yesterday by any Member that he could not record his vote.

So, my submission is this. Because the matter is quite serious, we are

bound to amend the Constitution, and the whole House, except perhaps friends of the Republican Party, were of the opinion that the Bill should be passed, and I am sure all of them voted for the passing of the Bill. Even then we could not collect 253 Members to get the Bill passed. So, in a situation like this we must be very careful, because when the Constitution has to be amended, the whips of the Congress Party must be alert, they must collect the requisite number beforehand.

In the circumstances, we must suspend the rule and rectify the position.

Shri Siva Raj (Chingleput—Reserv-
ed—Sch. Castes): I entirely agree with the point of view which was stressed before you by the previous speakers, more especially by Shri Kamble, Shri Surendranath Dwivedy and Shri H. N. Mukerjee. But on a question of fact, I want to state one or two things.

The time for Shri Feroze Gandhi to have suggested the postponement of voting was when you called for the first division. At that time he was quiet, but after seeing the indicator, he became wise, and wise after the event. Then he started the theory that Members, thinking that the voting would come at a particular time, waited for it, and that having not come, they had gone away. Then you thought that the machine failed, that the men would not fail. So, you ordered going into the lobby. What happened? Again my hon. friend comes to the House and says not merely the machine failed, the Members also failed. It was very shocking to hear especially when my young friend, Shri Pattabhi Raman, son of a very brilliant man in India said, "I do not know how to vote". The curious part of it is that he is a Member of the Panel of Chairmen. It is very astounding what arguments people can trot out in an emergency.

That apart, I also join with my friend in my appeal to you to see that you uphold the dignity and the prestige of this House. Whatever ruling you may give we are prepared to abide by it.

I once again appeal to you to see that whatever happens, the dignity of this House is maintained. Does not matter whether the Government is in power, or is not in power. I do not think it is our duty to come and help a Government which should not be helped.

Shri Mahanty (Dhenkanal): I am afraid the issues have been thoroughly confused. I would like first to extricate the issues from this debris of confusion. The points are the following:

(1) Whether the voidance of the result of voting of yesterday is regular; if so, under what rule? I am afraid there is no rule which can declare the result of a particular division void.

(2) Whether another voting can be taken today on a particular issue over which the House had divided yesterday. If this point is held, then it will be for the House to be convinced under what circumstances the result of the division has been declared null and void.

(3) Whether the Speaker can waive the rules at this stage. You can kindly see rule 368. There is a certain procedure for the suspension of rules. A Member has to move that the rule, in regard to a particular motion, be suspended, and then if the House is so disposed, after you take the sense of the House, only then the suspension of the rule can be permitted. But I am afraid this suspension of rules cannot hold good in respect of a Bill seeking to amend the Constitution. You will find that in respect of

*Expunged as ordered by the Chair.

[Shri Mahanty]

Bills seeking to amend the Constitution, the Rules of Procedure have enumerated their own rules. They are almost mandatory and obligatory in character. There must be a division, and it must be carried by two-thirds majority present and voting. Therefore, according to my limited understanding of the Rules of Procedure, at this stage, the rules cannot be suspended.

13 hrs.

The fourth point, which is more important, is this. Yesterday, as I find from the proceedings, you have ultimately held:

"I feel that a snap vote ought not to decide this matter."

I venture to think that this cannot be termed as a snap vote; it is a cold-blooded pre-meditated division. Whatever Shri Feroze Gandhi or Shri C. R. Pattabhi Raman might have stated, ultimately what holds good is your conclusion, which is:

"Under the circumstances, I feel that a snap vote ought not to decide this matter."

The last issue is this. After all the word 'snap' is well defined in any dictionary. 'Snap' means 'accidental', 'for which no provision had been made', or 'which came unawares'. But here is a cold-blooded pre-meditated division for which the House was ready, for which you had also directed us that we must stay on till all the proceedings were finished.

Shri Joachim Alva (Kanara): May I ask for your ruling on this? The phrase 'cold-blooded pre-meditated division' is a reflection on the House.

Shri Mahanty: I do not know how 'cold-blooded' means an aspersion. Certainly, he is very much warm-blooded. What I am submitting is this. Your ruling was that it was a snap vote, and that this should not be decided on a snap vote. Even though I have not the temerity to question your ruling, most humbly I would

like to point out that it was not a snap vote.

My last point is this. Shri Feroze Gandhi asked 'Did anybody controvert it?'. I do not mean to say that whatever he says is so sacrosanct unless it goes controverted.

Shri Feroze Gandhi: Let my hon. friend read it out.

Shri Mahanty: I am reading it out. Please see page 3778 of the uncorrected debates.

"Shri Feroze Gandhi: I have not finished yet..." etc. etc.

Shri Feroze Gandhi: There should be no 'etc. etc.'. The hon. Member may read it out completely.

Shri Mahanty: I am reading it. This is what he stated:

"Another thing is that the division was announced for five o'clock. It has taken place at 5.20 P.M. I think it is unfair to hon. Members to say that the division will be held at five o'clock and then to have it at 5.20 P.M. Therefore, I proposes that the voting should take place some time tomorrow.

Some Hon. Members: No";

Shri Feroze Gandhi: I am saying that with regard to the voting.

Shri Mahanty: Let him not interrupt me. (Interruptions)

Mr. Speaker: Order, order.

Shri Mahanty: I am not yielding.

If Shri Feroze Gandhi, being a senior Member, and having had the privilege of being a Member of this House for the last eight or ten years, symbolises Shri Surendranath Dwivedy, or as a matter of fact, anybody else, as the entire House, then, I am out of court. He asked 'Did anybody controvert it?' Here, you will find . . .

Shri Feroze Gandhi: Did anybody controvert what happened in the Lobby? (Interruptions).

Mr. Speaker: I have been repeatedly asking hon. Members to keep quiet and not to interrupt, while another hon. Member is speaking. That applies to both sides of the House.

Shri Mahanty: Then, again, to continue with the quotation, this is what I find in the uncorrected debates:

"Some Hon. Members: No."

According to my understanding of the language, this is the most emphatic refusal or controverting, if that was needed at all. Then, this is what I find:

"Shri Feroze Gandhi: The voting can take place any time tomorrow."

Shri C. R. Pattabhi Raman (Kumbakonam): There seems to be a lot of confusion with regard to the marking on paper. You will see that presently . . .".

I do not know he could anticipate that.

" . . . I am doing it for the first time after I came to this House. So, I suggest that this may be taken up first thing tomorrow morning."

An Hon. Member: Sir, I request you to announce the result.

Shri B. K. Gaikwad: It should not be postponed till tomorrow."

Therefore, even this objection could not have been upheld under any rules of procedure. The first thing that I would like to know is under what rule it has been upheld. This kind of objection cannot be upheld by the Chair. I venture to submit that there is no rule of procedure under which such personal objections can be upheld. If somebody did not know how to mark the paper, well, under the rules, he could have been in his seat, and he could have asked the Secretary, and the papers would have been

brought to him, and he would have marked on the paper; he need not have run to the Lobby. That is what has been provided for in the Rules of Procedure.

Therefore, I submit that there was no rule under which these objections of a personal nature could have been upheld. Further, there is nothing in these proceedings to show that these objections have been upheld. You have declared the result of yesterday's division as void, not on account of these personal objections, but on account of the fact, that, according to you, this was a snap vote. I submit that this was not a snap vote.

These issues which I have raised are very important, not from the point of view of this particular Bill, but from the point of view of procedure, and I believe, under your guidance, the Chair will not give an imprimatur to a kind of a convention which will be ultimately bad, bad for the House, bad for the Lok Sabha, and bad for the dignity of Parliament as well.

Mr. Speaker: Now, the Law Minister.

Shri C. R. Pattabhi Raman (Kumbakonam) rose—

Mr. Speaker: I have called the Law Minister now.

The Minister of Law (Shri A. K. Sen): We are not really dealing with the merits of the unfortunate occasion which gave rise to all that happened yesterday, and resulted in your decision. We are really concerned with the legality or the regularity of the proceedings. Yesterday, you gave your decision; your decision cannot be challenged. That is my submission. But since you have been good enough to allow the liberty to the hon. Members to deal with the validity of your decision, I shall certainly reply to some of the criticisms which have been offered from the other side of the House.

[Shri A. K. Sen]

My submission is that all the rules do not exhaust every possible situation, a situation like what took place yesterday . . . (Laughter). No. That is such a trite saying that it needs no repetition. The position is that the rules provide for a division either by means of this electrical apparatus or by physical division according to the old rules which are still embodied in our rules of procedure. If the mechanism fails, as it did yesterday . . .

Some Hon. Members: It did not.

Shri A. K. Sen: Let us not question your decision. You held, and no objection at that time was raised that the mechanism had failed, and, therefore, division was ordered, and division was taking place. But in the process of the division, before the counting was completed and before the results could have been conveyed to you, some hon. Members pointed out to you the utter confusion which was prevailing, and the breakdown virtually of the mechanism of physical division.

Shri Feroze Gandhi: Nobody contradicted that.

Shri A. K. Sen: I am coming to that. In fact, at that stage, nobody contradicted that position. In fact, when you found, as a matter of fact—whether your finding was correct or not, whether somebody else could have come to the same conclusion or not is not the question; the question is that you found—on the representations made to you during the process of voting that there was utter confusion and breakdown of the physical division, and, therefore, you decided that it should be postponed till today. I do not see any reason why notwithstanding your decision that the system had broken down you should be still obliged to announce the result of the voting. The obligation comes only when the system works and the results are conveyed to you by the tellers. The language of the rule is—if I might read it out

once again, it has been quoted already by the hon. Member who has given notice of this motion—

"367B. (2) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table when the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker."

Now this stage had not arisen. This obligation on the Division Clerk will only arise if the mechanism works, not before the working is completed (*Interruptions*). I will give examples which are quite convincing. Suppose a fire breaks out actually at the time of the voting in the Lobby and it is brought to your notice. I have no doubt that the Speaker has the authority to suspend the voting. Your obligation never arises until the results are conveyed to you by the Division clerks. Therefore, there was no obligation.

I may read out the residual clause which governs your powers as also the business of the House, rule No. 389:

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct".

You have directed that as a result of this confusion, the Division could not proceed and, therefore, you have directed it to be held today.

If I have understood the hon. Members who have criticised your decision yesterday, the burden of their criticism is that your decision that the mechanism had broken down was not justified. But that, I submit, is absolutely irrelevant. It is for you to decide whether the mechanism has failed or not. You have, rightly or wrongly, decided so. Therefore, the result must follow—having decided that the mechanism has failed—that the voting must proceed today.

Name Hon. Members rose—

Mr. Speaker: I have heard sufficiently with regard to this matter.

Acharya Kripalani: May I say a word? I am surprised that my hon. and learned friend, the Law Minister, has laid down a proposition which will be very dangerous. He says that no rules can exhaust possible situations (*Interruptions*).

Shri A. K. Sen: I did not say that. I said no rules can meet all possible situations.

Acharya Kripalani: It is a very strange proposition. If this proposition gets currency, anything might be done. Further, Sir, nobody has questioned your decision. The hon. Members want that you reconsider your decision in accordance with the rules of procedure laid down. I think this is a very fair proposition. It will be confusing the issue to say that anybody has questioned your ruling. That question does not arise. In reconsidering your decision, I will only submit one thing: please remember the impression that will be left upon the public outside about the sanctity of the vote in this House.

Mr. Speaker: I am extremely grateful to hon. Members for having put both sides of the question. I consider it a very serious matter. I will not do anything which will prejudice the decisions of this House or the integrity of the Chair or of the House or in any contingency override the Rules. If necessary, the rules may be modified or suspended but not broken. I am alive to that.

Now, hon. Members will bear with me in patience. I shall state the facts and say how I came to that conclusion. I must give credit to both sides of the House, that they were anxious to dispose of this matter yesterday. When a suggestion was made to the hon. the Home Minister that the voting or, at any rate, the conclusion of this debate on the Bill

might be postponed to this day, the hon. Home Minister was the first to say that it must be disposed of yesterday itself. Therefore, it is not that somehow or other this should be dragged on for any advantage or any consideration. Of course, there was a desire among Members that this need not be proceeded with in a hush; it might be more leisurely disposed of today. Now, we tried our best to see that it was disposed of yesterday.

Ordinarily, we have been adopting the automatic system of voting here. When I told the House that I would not entertain any complaints to the effect that the machine had broken down or hon. Members had carelessly pressed the wrong button or did not press the button at all, it was more of a warning. Actually, under the Rules, it is not competent for me to say, if an hon. Member says that the mechanism did not work, that notwithstanding that, I will not allow his vote to be recorded. The relevant Rule says:

“A Member who is not able to cast his vote by pressing the button provided for the purposes due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced”.

I wanted to give the warning lest a number of hon. Members should rise in their seats and say that the mechanism did not work, that they did not press the buttons with both hands and so on. The House will recollect that till now, repeatedly, I have been allowing hon. Members from one side or the other to make representations to the effect that they did not press the button correctly or that the vote was not correctly recorded and so on. I wanted to avoid a similar situation here, and to get through the business. What happened was this: I shall read out from

[Mr. Speaker].
the relevant portion of the proceedings of yesterday.

"Mr. Speaker: Order, order Hon. Members will resume their seats. One hon. Member said that his machine there did not work at all. Who are the other hon. Members who have a similar complaint?"

"Dr. P. S. Deshmukh: Mine seems to have worked wrongly. I pressed 'Aye' button but I am shown as abstaining"....

That was what the recorder had shown. The hon. Minister is certain that he pressed the button rightly. It may be wrong. Then six hon. Members rose. Therefore, I said:

"I order a division by going into the lobbies where this mistake cannot be committed".

No objection was taken to this.

Then, until I actually announce the result of the Division, the Division is not completed and the House has not decided one way or the other. That is, the result has to be declared, just as no election is complete until the result of the election is declared. Before the announcement of the result of the election, nobody can be deemed to have won the election or lost it. Likewise, until the result of the Division is declared by me, the Division is not complete and the result not known. That stage had not come.

What happened in this particular case was this. I was watching from here. We have established here six 'Ayes' Lobbies and two 'Noes' Lobbies. Hon. Members will see notices being put up in the Lobbies saying that Division Numbers such and such to such and such shall go into one particular Lobby, Division Numbers such and such to such and such shall go into another Lobby and so on. As soon as I enquired about the voting, the Secretary came and told me that it was not anticipated and, therefore, the clerks had not gone

there. There are eight clerks in the different booths set up in the Lobbies. Now, it took some time. There was confusion. Members who had gone to one Lobby, not finding anyone there, rushed to another Lobby. I was seeing for some time as to what exactly was happening.

This is a serious matter. I did not want any mistake to be committed. Further, this was a peculiar situation. Unlike in previous votings where large sections of the Opposition opposed and went to the 'Noes' Lobby, Shri Surendranath Dwivedy and others, who are not accustomed to go into the 'Ayes' Lobby had come into the 'Ayes' Lobby. Shri Surendranath Dwivedy himself said there was confusion. He agreed with Shri Feroze Gandhi.

Shri Surendranath Dwivedy: I did not say that. Shri Khadiikar said that, but he voted all right, sir.

Mr. Speaker: I am sorry. He voted all right. I referred to what Shri Khadiikar said. He said there was confusion and delay in making arrangements at the various booths. It was in order to avoid any such difficulty and irregularity that I took that decision. Amendment of the Constitution can be made, according to the Constitution, only if there is a vote in favour of it by a majority of the total membership of the House and also a two-thirds majority of the Members present and voting. Therefore, even if all say 'Aye' or 'No', it is the duty of the Chair to count whether the amendment is carried or rejected by a majority of the total membership of the House and a majority of two-thirds of the number of Members present and voting. Then only I can declare the result. I have to be satisfied that the constitutional provision is observed in regard to voting on this matter, that is to say, if it is passed, it is passed by a majority of the total membership of the House and by a majority of two-thirds of the number of Members present and voting.

Shri Surendrasath Dwivedy: Suppose it is lost. Suppose there was not the requisite number.

Mr. Speaker: Therefore, counting is necessary.

An Hon. Member: If it is lost?

Mr. Speaker: Even if it is lost, I must count before I declare it is lost. It is not merely on voices that I can dispose of it. Actual counting is necessary in this matter.

And, when the mechanism was not properly working and some complaint was made, instead of allowing each hon. Member to get up and say that he voted this way or that way I wanted to be on surer ground. Unfortunately, this mechanism of division also failed. The clerks could not be there in time and then there was a rush. The Opposition had also to vote for the 'Ayes'. This matter was brought to my notice. It is not only a question of a snap vote. Shri Pattabhi Raman said that there was confusion.

Acharya Kripalani: Confusion could have been cleared away.

Mr. Speaker: Shri Pattabhi Raman said:

"There seems to be a lot of confusion with regard to the marking on paper. You will see that presently. I am doing it for the first time after I came to this House. So I suggest that this may be taken up first thing tomorrow morning."

Acharya Kripalani: If there is confusion in the House you will restore order.

Mr. Speaker: I do restore order. Shri Feroze Gandhi said that there was not only confusion but one other thing also about 5 o'clock and all that. Under these circumstances, what is

to be considered is this; whether I have got the right at that stage to adjourn the House either under the rules or under the general practice as enunciated in *May's Parliamentary Practice* which has been referred to also. Of course, there are the residuary powers under rule 389.

The second thing is, assuming that I have got jurisdiction or power, whether I have exercised it properly or not and whether an irregularity has been committed.

So far as the first portion is concerned, whether it is right or not, let us remember what exactly has happened. It is only after the lists are brought to me that I have to declare the result. As soon as I order division, hon. Members have to go to the one side or the other. If a Member presents himself before the Clerk, he has to record 'Yes' or 'No'. All that is right. But I can do so only after it is completed. Before lists were brought here and while Members were going to the one side or the other, some hon. Members raised this question. At that stage it was brought to my notice that there seemed to be a lot of confusion.

I took all matters into consideration, not merely the snap vote. The last sentence always refers to something. In view of all this confusion and the desire on my part to avoid any confusion so that we may know how many have voted for and how many against, I was obliged to adjourn. That was what happened. What was referred to by Shri Kamble is far from saying anything against the procedure that was adopted. This supports the procedure that has been adopted.

On page 410 of *May's Parliamentary Practice*, it is said:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered, put the

[Mr. Speaker]

question again and proceed to take a division *de novo*."

Therefore, at that stage, before the results were in my hands, while yet the Members were going into the lobbies and before all of them had cast their votes, there was a lot of confusion here. I heard from the Secretary, that the clerks could not come there in time. (Interruption). Therefore, I felt there was confusion in this matter. I wanted confusion to be avoided and, therefore, I ordered fresh division. But even then there was this difficulty and, therefore, I rightly exercised my right.

The next question that was raised was that I should have called a division once again there and then.

Acharya Kripalani: Yes.

Mr. Speaker: It is not said, there and then. It is only *de novo*. It is not said that immediately I must do that with closed doors. Even if I call a fresh division I will have to throw the doors open and invite other Members. Under those circumstances the division we had yesterday would be as good or as bad as a division I call today. 'Immediately' is not borne out by any authority.

We are bound to refer to *May's Parliamentary Practice* to give us guidance wherever there is no specific rule. I am aware that in our own Rules we have got rule 389. I can invoke the residuary clause wherever there is no specific rule. Where there is no specific rule I am bound to exercise my discretion in the best interests. I am supported in my view by *May's Parliamentary Practice*.

The hon. Law Minister referred to a particular case. Certainly, that is another point. Even after I call a division hon. Members may come and say that they began to fight or some-

thing wrong occurred and it is impossible to vote. Only this morning Shri Nayar, one of our Members, brought it to our notice that in the matter of filing objections some people were arrested and, therefore, he wanted an assurance from the hon. Home Minister that they will have another opportunity—not immediately, that very evening. Even there, that very day was not pressed. The hon. Home Minister said that he will give them ample opportunities to file those objections.

Therefore, under those conditions to see that no irregularity was committed, I said this will take place 'tomorrow'. The circumstances and what has happened have amply justified the course that we have taken. Now, in calmer moments hon. Members will go to the lobbies when I call the division and record their votes calmly and take as much time as they like. Then I will declare the result.

Shri B. C. Kamble: May I say this?

Mr. Speaker: There is no right of reply.

Shri Siva Raj: We walk out as a protest.

Shri D. A. Katti (Chikodi): This is a black day in the history of Parliament and it is murder of democracy.

Mr. Speaker: The question is:

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

Let the lobbies be cleared.

12.28 hrs.

(At this stage Shri Siva Raj, Shri B. K. Gaikwad, Shri D. A. Katti, Shri Manay, Shri H. N. Sonale, Shri Nana Patil and Shri B. C. Kamble left the House.)

The Lok Sabha divided.

Division No. 1]

AYES

[13-30 hrs.

Abdul Latif, Shri
Achar, Shri
Achint Ram, Shri
Agerwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Aney, Dr. M. S.
Anthony, Shri Frank
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ayyakkannu, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerjee, Shri S. M.
Banerji, Shri P. B.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumateri, Shri
Beck, Shri Ignace
Bhagavati, Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogji Bhai, Shri
Bist, Shri J. B. S.
Brahm Prekash, Ch.
Brajewar Prasad, Shri
Chakravarty, Shrimati Renu
Chanda, Shri Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chandramani Kalo, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Das, Shri K. K.
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Deb, Shri N. M.
Deb, Shri P. G.
Deb, Shri Dasratha
Debn, Shri Maraji
Dandod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Bacharan, Shri V.
Ganapathy, Shri
Gandhi, Shri Petase
Ganga Devi, Shrimati
Ganpati Ram, Shri

Gautam, Shri C. D.
Ghosal, Shri Anrobindo
Ghosh, Shri N. R.
Gopalan, Shri A. K.
Govind Das, Seth
Gruha, Shri A. C.
Gupta, Shri C. L.
Gupta, Shri Ram Krishan
Hajarnava, Shri
Harvani, Shri Anar
Hansda, Shri Subodh
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kanakasbai, Shri
Kanunoo, Shri
Karmarkar, Shri
Kasiwal, Shri
Koyal, Shri P. N.
Kedaria, Shri C. M.
Kesar Kumari, Shrimati
Keshava, Shri
Keshkar, Dr.
Khadilkar, Shri
Khadiwala, Shri
Khan, Shri Sadath Ali
Khat, Shri Shah Nawaz
Khawaja, Shri Jamal
Kistaiya, Shri
Kodiyan, Shri
Kotaki, Shri Liladhar
Kottukapally, Shri
Kripalani, Shrimati Sucheta
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnappe, Shri M. V.
Krishnaswami, Dr.
Kumaran, Shri M. K.
Kumbhar, Shri
Kunhan, Shri
Kureel, Shri B. N.
Lackhi Ram, Shri
Laskar, Shri N. C.
Mahade Ahmed, Shrimati
Mahanty, Shri
Mahadeo Prasad, Shri
Majhi, Shri R. C.
Majithia, Sardar

Maleviya, Pandit Govind
Malhotra, Shri Inder J.
Malviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri K. B.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Masuriya Din, Shri
Mathur, Shri Hariash Chandra
Mathur, Shri M. D.
Matin, Qazi
Mehdi, Shri S. A.
Mehta, Shri B. G.
Mehta, Shrimati Kriahna
Melkote, Dr.
Menon, Shri Krishna
Menon, Shri Narayanankutty
Minimata, Shrimati
Misra, Shri Bibhuti
Misra, Shri L. N.
Misra, Shri S. N.
Misra, Shri R. D.
Misra, Shri R. R.
Mohideen, Shri Gulem
Mohiuddin, Shri
Morarka, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Muniswamy, Shri N. R.
Murthy, Shri B. S.
Nadar, Shri Thanulingam
Nair, Shri C. K.
Nair, Shri Kutukrishnan
Naldurgkar, Shri
Nanda, Shri
Naniappa, Shri
Naraindin, Shri
Narasimhan, Shri
Narayanansamy, Shri R.
Naskar, Shri P. S.
Nathwani, Shri
Nayar, Shri V. P.
Negi, Shri Nek Ram
Nehru, Shri Jawaharlar
Nehru, Shrimati Uma
Newari, Shri
Oza, Shri
Padam Dev, Shri
Pahadia, Shri
Palaniyandy, Shri
Palchoudhuri, Shri
Pande, Shri C. D.
Pandey, Shri Satju
Pangarkar, Shri
Pangtahi, Shri
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Parrathi, Shri Krishnan
Patel, Shri N. N.

Patel, Shri P. R.	Sankarapandian, Shri	Sinha, Shri K. P.
Patel, Shri Rajeshwar	Sarbadi, Shri Aftt Singh	Sinha, Shri Satya Narayan
Patil, Shri R. D.	Satish Chandra, Shri	Sinha, Shri Satyendra Narayan
Patil, Shri S. K.	Satyabhama Devi, Shrimati	Sinha, Shrimati Tarakeswari
Pattabhi Raman, Shri C. R.	Selku, Shri	Sinhaem Singh, Shri
Pillai, Shri Thanu	Sen, Shri A. K.	Sinatek, Shri Nardeo
Prabhakar, Shri Naval	Sen, Shri P. G.	Somani, Shri
Pragi Lal, Shri	Shah, Shri Manabendra	Srivastava, Shri
Prodhan, Shri B. C.	Shankar Deo, Shri	Soren, Shri
Radhia Raman, Shri	Shankariya, Shri	Subbarayan, Dr. P.
Raghubir Sahai, Shri	Sharma, Pandit K. C.	Subramanyam, Shri T.
Rahman, Shri M. H.	Sharma, Shri D. C.	Sultan, Shrimati Malmoona
Rai, Shrimati Sahodrabai	Sharma, Shri R. C.	Supakar, Shri
Rai Bahadur, Shri	Shastri, Swarni Ramanand	Sumat Prasad, Shri
Ram Carib, Shri	Shobha Ram, Shri	Sunder Lal Shri
Ram Saran, Shri	Siddananiappa, Shri	Surya Prasad, Shri
Ram Shankar Lal, Shri	Siddiah, Shri	Syed Mahmud, Dr.
Ramaswamy, Shri S. V.	Singh, Ch. Badan	Tantia, Shri Rameshwar
Ramaswamy, Shri K. S.	Singh, Ch. Ranbir	Tariq, Shri A. M.
Ramsul, Shri S. N.	Singh, Sardar Hukam	Tewari, Shri Dwarikanath
Ramdhani Das, Shri	Singh, Sardar Iqbal	Thakore, Shri M. B.
Rane, Shri	Singh, Sardar Jogendra	Thimmasiah, Shri
Ranga, Shri	Singh, Sardar Swaran	Thomas, Shri A. M.
Rangarao, Shri	Singh, Seth Achal	Tiwari, Pandit Babu Lal
Rao, Shri Thurumala	Singh, Shri Babunath	Tiwari, Shri R. S.
Raut, Shri Bholu	Singh, Shri Bahadur	Tiwari, Pandit, D. N.
Reddy, Shri K. C.	Singh, Shri Birbal	Tula Ram, Shri
Reddy, Shri Nagi	Singh, Shri Braj Raj	Uike, Shri
Reddy, Shri Viswanatha	Singh, Shri Daljit	Upadhyay, Pandit Munishwar
Roy, Shri Bishwanath	Singh, Shri Dinra	Dutt
Rup Narain, Shri	Singh, Shri H. P.	Upadhyaya, Shri Shiva Datt
Sachu Ram, Shri	Singh, Shri K. N.	Varma, Shri B. B.
Sahu, Shri Rameshwar	Singh, Shri L. Achaw	Varma, Shri M. L.
Saigal, Sardar A. S.	Singh, Shri M. N.	Varma, Shri Ramungh Bhai
Samanta, Shri S. C.	Singhu, Shri Karni	Viswanath Prasad, Shri
Semantinar, Dr.	Sinha, Shri Anirudh	Vyas, Shri Radhical
Samoaniam, Shri	Sinha, Shri B. P.	Wasnik, Shri Balkrishna
Senganna, Shri	Sinha, Shri Juban	Yajnik, Shri

NOES

Chavan, Shri D. R.	Katti, Shri D. A.	Siva Rai, Shri
Gokwad, Shri B. K.	Manay, Shri	Sonule, Shri H. N.
Kamble, Shri B. C.	Parmar, Shri K. U.	Suganchi, Shri

Mr. Speaker: The result of the division is:

Ayes : 291

Noes : 9.

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—(Amendment of Article 333)

Mr. Speaker: We shall now proceed with the clause-by-clause consideration of the Bill. Usually we do not take any votes during the lunch hour. Therefore, we shall take votes on all the clauses at 15.30 hours; I hope it will be convenient to Members. In the meanwhile we shall get along with the clauses. Let us take clause 2 now. Are there any amendments?

Shri Narayanankutty Menon (Mukundapuram): Sir, I beg to move:

Page 1,—

after line 10, add—

“Provided that such nomination shall only be made in pursuance of the recommendation made by the leader of the majority party, if any, or that of the biggest single party in the assembly.” (16)

Shri Kodiyan (Quilon-Reserved-Sch. Castes): Sir, I beg to move:

Page 1,—

After line 11, add—

“Explanation.—The Governor in making the nomination shall act on the aid and advice of the Council of Ministers appointed immediately after the elections to the Legislative Assembly.” (17)

Shri Narayanankutty Menon: Sir, my amendment to this clause is regarding the powers given to the Governor for nominating representatives of the Anglo-Indian community to the Assembly. On principle, Sir, we are opposed to the power of nomination being given to the Governor, but because the Bill is so worded and because there are practical difficulties in providing separate constituencies for the Anglo-Indian community, while accepting the principle that the Anglo-Indian community should be given a representation in the Assemblies of West Bengal and Kerala, we take objection to the rule that the Governor should be given unfettered powers to determine who is to be the representative nominated from the Anglo-Indian community.

Ordinarily, Sir, the powers given under our Constitution to both the Governors and the President are so restricted and limited that they act always and exercise the powers given to them under advice of the Ministries either in the States or in the Centre. But in this peculiar situation there is a peculiarity because the nomination is to be effected by the Governor at a time when there may not be any Cabinet existing in one of the States. A similar situation arose in Kerala State immediately after the last elections. After the results of the general elections were announced and before the Governor constituted the State legislature the Governor there made a nomination of a particular member to be representing the Anglo-Indian Community. At that time there was no Cabinet and it was the President's rule. The Governor was, therefore, exercising his powers unfettered.

As was the position in our State, we find that Governors as a rule do not belong to that particular State and they exercise certain functions when the President's rule is there. At that time we could not understand, when the Governor chooses a particular individual to be the representative of the Anglo-Indian Community of that State, under whose advice and on what information the Governor would pick out a particular representative. It so happens that in these particular States where the party positions are so precarious and a particular party is voted to power with a one-man majority, it is possible for the Governor to nullify that electoral majority by nominating a particular individual of his own choice if he acts without the advice of any responsible person.

My amendment seeks to prevent the Governor from acting in an arbitrary manner and without the proper advice of an elected representative. Therefore, my amendment provides

[Shri Narayanankutty Menon]

that the discretion given to the Governor to nominate a representative of a particular community should be governed by the advice of the leader of the majority party returned in the general elections. If that one safeguard is provided, the Governor will not be able to nullify the elected majority of a particular party as it has happened in the Kerala State.

Yesterday it was pointed out by Shri Frank Anthony and later on by the hon. Minister that there is no danger as far as nomination is concerned. It may be because the Central Government nominated my hon. friends here and they belong to the Opposition, but in the Kerala Legislature it happened in a different way. Immediately the Governor made the nomination he announced his intention to join the Congress Party and on every legislation that was brought before the Assembly there he voted with the Congress Party and against the Government. I am not saying that if it is the desire of the community that their representative should belong to the Congress Party he should not be nominated; certainly he should be nominated. But the Governor did not make any attempt in the Kerala State to find out public opinion or the real representatives of that community there, or to find out whether this particular gentleman represented that community. Therefore, there was that danger of putting up a person, as a sort of a balance, on the party which did not enjoy a legislative majority. Therefore, I submit that even though I am not agreeable to the principle of nomination because there are procedural difficulties, as has been put forward by the Home Minister, in the way of finding out separate constituencies—while completely supporting the position that there should be representation for the Anglo-Indian community—I press my amendment to the effect that the Governor should always act under the advice of the ministry, if there is a ministry, or of the leader of the group or the party

which has been returned in the general election.

I would also add this. It might not be the intention of the Government to introduce this Bill with the idea that the power of nomination should be arbitrarily given. The only excuse given yesterday by the hon. Minister was the procedural difficulty. I cannot understand that there will be a procedural difficulty for specifically providing that the Governor should act under the advice of the representatives of the people who are elected and that the Governor should not take the advice of anybody else.

Furthermore, as it has been stressed in this House, while we have got a written Constitution, it does not provide for certain cases of emergencies. So, our Constitution can be enriched only by a convention that we are able to follow today, in the formative stages of the administration under the new Constitution. The principle of nomination of representatives of the people is not unknown to the primary principle of the Constitution since we find a provision for reservation of seats under article 334 of the Constitution. Therefore, while giving power to the Head of the State which is completely abrogatory of the other provisions of the Constitution, let us build up a certain convention today, that that power will be exercised only after getting the advice of the representatives of the people. I think it fit that the amendment should be moved because originally it was understood that the Head of the State will act only on the advice of his ministry. Because there was a peculiar and extraordinary situation that arose, where the Governor, in haste and without waiting for a few more days for the ministry to be formed in the State, acted in a very arbitrary manner, where there was nobody in the State to advise him, it should not be said that such a procedure should be followed. Then, it was thought that it was not possible that any proper advice regarding the representatives of the community

could be obtained in an impartial manner by the Governor. It was wrong on the part of the Governor to build up a convention wherein an impression could be created in the country that he was acting arbitrarily in that manner. It is to prevent the arbitrary feature in the exercise of his power that the Constitution has given certain provisions, and it is because of that that I am moving this amendment.

I hope that the hon. Minister will accept my amendment and thus fetter the discretion of the Governor so that the principle of the Constitution regarding the elected representatives will be restored, subject to the procedural difficulty of finding out a separate constituency for the Anglo-Indian community.

Shri Kadiyan: Under our Constitution the Governors are empowered to nominate representatives of the Anglo-Indian community to all legislative assemblies of the States. As my hon. friend Shri Narayanankutty Menon has pointed out, although under the Constitution the Governor has the authority, it is generally the practice that Governors act according to the advice of his council of ministers. Whether it be the Governor or the President, the Governor and the President always under the advice of their councils of ministers immediately under them.

Now, it has become a democratic convention in our country that always, in all matters relating to the State's administration, the advice given by the council of ministers is given due consideration by the Governor or the Head of the State. Unless this particular proviso is added to this clause in the amending Bill, I am afraid that the violation of this democratic convention will again be repeated in other States also. It is with this object that I moved my amendment. My amendment makes it mandatory or obligatory on the part of the Governors to adhere strictly to the advice given by the

council of ministers. The nomination of a representative of the Anglo-Indian community can wait till a ministry is formed after the elections. When an election is held and the result of that election is proclaimed, then the Governor remains the sole representative of the President. After the election, it is my contention that the Governor has to act according to the verdict of the people and according to the desire or advice given by the majority party. If it is not possible to accept the advice of the majority party after the election, my contention is that the nomination can wait till a ministry is formed. Therefore, I think an amendment is absolutely necessary and I hope the hon. Minister will accept my amendment.

Shri Frank Anthony: Mr. Speaker, I feel that I am bound to oppose this amendment for several reasons. I agree that it is more or less an explicit constitutional convention for the Governor to act on the advice of his ministers, but I believe that so far as this special provision is concerned, when it was put into the Constitution, special notice was taken of the fact that while the Governor will normally and ordinarily act as the Constitutional head when he is charged with the responsibility of a particular kind relating to a particular community, he would act also as the custodian of the interests of that community.

My hon. friend who moved this amendment said that the choice of the nominee should rest in the final analysis with the ministry in power. I completely repudiate that thesis. This provision that has been given to the Anglo-Indian community has not been given for the benefit of the party in power. I myself have had an unfortunate experience in one or two States where I have had to underline the fact that the ministry in power there is not to nominate a person whom it thinks will carry its particular political complexion. The nomination is not given for the benefit of this party or that party and not for

[Shri Frank Anthony]

the benefit of the ruling party. Nomination is ostensibly given for the benefit of the Anglo-Indian community.

My hon. friend Shri Narayanan-kutty Menon said that the person who was nominated did not possess a representative capacity in Kerala State. I repudiate that statement also. The gentleman who was nominated was recommended by the only organisation in this country which has a real representative capacity so far as the Anglo-Indian community is concerned. And I must say this: that by and large, Governments in all the States and also at the Centre have accepted the advice of this representative organisation in this particular matter.

Then I envisage a real danger if this amendment is accepted. It is this. If, as in Kerala, there is a particular party which enjoys an extremely precarious majority, it will deliberately ignore the needs of the community; it will deliberately ignore the representative character of people who are recommended for nomination and it will pick up from here or there—they will probably go off the highways and by-ways—merely to put in people whom they know they can depend upon for the purpose of keeping their precarious majority intact. I feel that for this reason, if this provision is to have any real meaning, then it should be retained in its present form so that the Governor, if he finds that there is a deliberate attempt on the part of a ministry to put in a person who has no representative capacity whatsoever, then, certainly as the custodian of the interests of a particular minority, he will put in a person who fulfils a representative capacity.

Mr. Speaker: Shri Kamble.

Shri Surendranath Dwivedy (Kendrapara): I have got my amendment No. 27.

Mr. Speaker: That is to clause 3 and not clause 2. We are on clause

2. I will call him when that clause is taken up.

Shri B. C. Kamble: With regard to the amendments to clause 2, I would like to make a few observations. My first point is with regard to the Governor. I request the hon. Home Minister to clarify the position. What is the position of a Governor? In that connection, I would like to read out the provisions of sub-clause (2) of article 163, where it is stated:

"If any question arises whether any matter is or is not a matter as respect which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion."

14 hrs.

Therefore, I am of the opinion that the Governor must have his discretion, and that discretion he must always use as he deems fit. I am not of the opinion that the Governor should be merely a rubber stamp and that he should always act in accordance with the directions as may be given by the Council of Ministers. The Governor has his own constitutional position. I am quite sure that under the Constitution if any Governor were of the sort as is prepared to act on his own, there is nothing in the Constitution, or in the structure of Government, either at the Centre or at the States, which will prevent him from acting as he deems fit. But, then, the Union Government has not made the position clear with regard to the authority that the Governor has been enjoying. We hope the Union Government is considering the question of framing certain rules with regard to the authority of the Governor. The Home Ministry should frame them quickly so that many of the things could be avoided. That is my first observation with regard to the Governor.

Then I have two other things to say. The hon. Home Minister has been

pleased to come forward with clause (2) to make certain provision with regard to a community. I am not here to oppose it, but what I want to ask is this. Is the Home Minister prepared to extend this principle to other communities which are deserving communities? Once a principle in regard to a provision for a community is accepted, there should not be discrimination with regard to other communities. Therefore, I am pleading with the Home Minister, and also before this House that once a principle has been accepted, then if there are other deserving communities, the same principle should be applied and the same protection should be given to those communities also.

Here I would like to point out something to Shri Frank Anthony, and that is this: should we stand for nomination? At the Round Table Conference, it was unanimously accepted that there should not be any nomination at all. Therefore, if we are to work democratically, then we should deprecate nomination; we should not uphold nomination. I would ask my hon. friend, Shri Frank Anthony: why is he shy of asking for representation as Anglo-Indian community? Why is he satisfied with mere nomination? He is making a compromise. If he comes forward to make a representation that Anglo-Indians need be represented in different legislatures, including this Parliament, he has a legitimate right to say so. But now he is satisfied with the nomination. I am completely against nomination. If the Anglo-Indian community has any grievance, it should place its demand before the States, or should come before this House.

Then I come to my third observation. Is it not in the interests of the different communities which are being discriminated against that they should be brought together under one piece of legislation? Here I may point out to another provision in the Constitution, which relates to the financial aid that is given to the Anglo-Indian community, which is embodied in article 337.

What is going to happen to the particular provision, under which aid will be given for a period of ten years? Is Government going to extend it also by bringing forward another amendment? Otherwise, the aid must stop. If the Government is proposing to amend the Constitution later on, after two years, then the Government should have given proper consideration to all these things whether that has to be extended or not. Financial aid is a narrow thing and representation is a bigger thing. When you consider the bigger thing, how can you leave a narrow thing? Therefore, the whole position ought to have been considered and then this piece of legislation should have been brought forward. I had written to the hon. Home Minister and brought certain points to his notice. Therefore, I would submit that even if it is too late now and that piece of legislation has to be passed thereafter, it is advisable for mutual respect that if there are different communities for whom certain protections, safeguards are necessary, they should be brought together and certain device found out whereby all this is done. These are the observations that I have to make.

Shri Achar (Mangalore): I would like to make only one submission. It is very necessary that constitutional conventions should be built up in this country. From that point of view, we have to remember that the Anglo-Indian community is given representation because they occupy a peculiar position; not because they are a minority. That aspect has already been argued and mentioned by others. That is why this constitutional provision has been made, though we are opposed to any kind of nomination. So, we have to consider that aspect of the position, the peculiar position of their special condition.

The next point that we have to consider is this: what is the best method of protecting their interest? What is the best convention that we have to build up while having these nominations? The best convention we would have to build up will be the feeling in

[Shri Achar]

the community, the public opinion in the community as to whom they would like to have. Of course, it is not by regular election or anything of that kind. I am sure it will not be difficult for the President, or for the Governor, to find out whom exactly they would like to have. There may be controversies and in all cases, there may not be unanimity. But I feel it will not be difficult, whether it be the Governor or the President, to find out what exactly the public opinion in that particular community is. Party questions need not come in this Bill. If we consider that particular aspect of building up conventions, public opinion of that particular community should have the final voice in the matter. I am only suggesting that a convention should be built up in that matter. That is why I am opposing the amendment of Shri Narayanankutty Menon. It should be provided in the Bill itself.

It is a usual democratic convention that the party in power should have the discretion to advise the Governor or the President. In a democracy, it is a well-known fact that the party in power enjoys that right. There is no doubt about it. But it is also unusual that such a provision is not made in any Constitution, or the orders anywhere; no convention provides like that.

14.10 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

So, I submit, so far as nomination is concerned, it must be left to the absolute discretion of the Governor or the President. That does not mean that he should set aside the opinion of the party or Ministry in power. I would submit that we can even trust the parties.

That is why I said that a convention is necessary. Even, supposing a particular party is in power and the community as such is not in favour of that party, I would submit and go to the extent of saying that the party in power must respect the feeling of the community and accept the persons

whom they would like to have as their representatives. We are having an instance here in the Parliament itself now. We find that we have got one of the ablest Members of our House, Shri Anthony. I did not know him personally previously. I have come to know him only for the last two or three years that I have been here. We have got the ablest man, but at the same time I find that he is not in the party. Though the Congress Party is in power, they have nominated him.

That is the point that I wanted to make. I feel that the House as well as the Ministry and everybody else must try to build up this convention of having the real leader of the community as a Member, whether it is in the Parliament or whether it is in any of the local assemblies as in Kerala. I would submit that it would be improper to have a provision in the Bill itself that it must be under the advice of the party in power.

Shri Surendranath Dwivedy: May I seek one clarification? I have given notice of an amendment to clause 3 to which you will come later. But I have a difficulty about which I want your guidance. I had also given notice of an amendment to clause 2 for the omission of that clause. But that amendment was not accepted. It was said that we cannot give notice of an amendment seeking to omit a clause. Now, if clause 2 is accepted by the House, what happens to my amendment to clause 3?

Mr. Deputy-Speaker: He can vote against it. It may not be accepted.

Shri Surendranath Dwivedy: Of course, I have a right to vote as I like. But what happens if that clause is adopted?

Mr. Deputy-Speaker: He would have the same advantage and purpose served if he votes against it. It may not be accepted. There will be no question of deletion then. The same purpose will be served. But if it is accepted then perhaps he has to suffer,

Pandit Thakur Das Bhargava (Hissar): I may submit that my hon. friend's amendment is that Anglo-Indians may not be given any nomination at all. He feels that they may not be given any separate representation in this matter. Now if clause 2 is passed, I am afraid that amendment to clause 3 will not be allowed. So, he should be allowed to put in an amendment here. If he is allowed to put in an amendment here then of course he will have the right to move it. Otherwise it means that he cannot move this amendment.

Mr. Deputy-Speaker: But his amendment is that the clause be deleted.

Pandit Thakur Das Bhargava: Not the whole clause, but a part of it. It relates to two things.

Mr. Deputy-Speaker: That is what he told me just now.

Pandit Thakur Das Bhargava: This clause refers to two things.

Mr. Deputy-Speaker: What is the number of his amendment?

Shri Surendranath Dwivedy: No. 27.

Shri Supakar (Sambalpur): Part can be omitted.

Pandit Thakur Das Bhargava: In that case he will be debarred from moving that amendment because we have taken a decision on clause 2.

Mr. Deputy-Speaker: No. 27 is to clause 3. What is the number of the amendment to clause 2?

Shri Surendranath Dwivedy: It is not here. I had given notice of an amendment seeking omission of the clause which was not accepted by the office.

Mr. Deputy-Speaker: The notice of amendment that he gave sought that that clause be omitted. So it was rightly rejected because he could have the same purpose served by voting against it. There are no such amendments, namely, that the clause be omitted. Therefore the Office must have got the orders of the hon.

Speaker and that must have been rejected. That has rightly been done. If he had asked for the deletion of some part of that, then certainly there would not have been any objection. How can I help him now?

Pandit Thakur Das Bhargava: The substance of the point to which he wants to call your attention is this. He is of the view that Anglo-Indians should not be given this right at all. That he wants to secure by deletion of some portion of Article 334. As a matter of fact, if we pass clause 2, he would be debarred from moving any such amendment because then we give the power to the Governor to nominate. Then the right is there. Otherwise the Governor cannot nominate.

Mr. Deputy-Speaker: But Panditji would realise my difficulty that the only amendment he gave notice of to clause 2 was that that clause be omitted. That could not be admitted. Now he feels a difficulty that he will not be able to move the amendment that he desires to clause 3. Now if he wants to move another amendment to clause 2, unless the Government is prepared to accept it I cannot waive the notice. Therefore there would be that difficulty. Therefore I cannot allow him to move another amendment to clause 2 now, at this moment, unless that amendment be acceptable to the Government.

Pandit Thakur Das Bhargava: Then it can be remedied only by this. If he is of the view that Anglo-Indians should not be given any right at all, this is the proper clause on which he can be allowed to speak. Otherwise he will not be allowed to speak and he will not be allowed to move his amendment.

Mr. Deputy-Speaker: Nobody has said that he will not be allowed to speak. How does Panditji say that? Who said that?

Pandit Thakur Das Bhargava: He stood up and wanted to move his

[Pandit Thakur Das Bhargava] amendment. From that I understood that he wanted to speak. He was asked to wait till clause 3 was taken up.

Mr. Deputy-Speaker: That is not the correct interpretation. Nobody denies him the right to speak. Nobody says that.

Shri Thimmamah (Kolar—Reserved Sch. Castes): I want to know whether both clause 2 and clause 3 have been taken up together.

Mr. Deputy-Speaker: Clause 2 under discussion. As soon as this discussion is finished, we will take up clause 3.

Shri Surendranath Dwivedy: I was thinking that I would rather speak on clause 3 because I had my amendment to that clause. But since I find....

Mr. Deputy-Speaker: Panditji thought that you were being denied the right of speaking.

Pandit Thakur Das Bhargava: He stood up. He wanted to move that amendment.

Shri Surendranath Dwivedy: About speaking, nobody denied me that right. I never said that I was denied that. I thought that I would put forward my point of view while moving my amendment to clause 3. Therefore I was not participating in this debate on clause 2. Now I want to speak.

I have heard the hon. Home Minister's reply at the consideration stage and I must say that I am not convinced at all. Of course, he did not defend that nomination is a sound principle and that it fits in well in a democratic constitution. He is not quite happy about it. But he explained that because the Constituent Assembly in its wisdom had thought of such provisions, he did not want to make a departure from that. At the same time he said, "What have I done? Even if we nominate, we are presenting two Members to the

Opposition." I do not think this is a viewpoint which can be accepted. It is not a question of whether the Opposition gets two additional Members or the Congress Party gets them. It is a question of principle, namely, whether after working our Constitution for ten or twelve years now we still feel that nomination is a desirable principle to be perpetuated. That is the question at issue.

At the same time what I feel is that the Anglo-Indians, who have such able persons like my hon. friend, Shri Frank Anthony and others, do not need any protection. If really they want to serve their community, and not only the community but the Indian nation as a whole, they must seek suffrage from the community as a whole. They should not depend on the mercy and charity of the majority party, whichever will be ruling over this country, to nominate them by some backward procedure to the representative bodies like this and pollute them to that extent.

Therefore if we abolish this system of nomination, they would be compelled not only not to look to the sweet will and mercy of the ruling party, but will go forward to meet and try to integrate themselves in every section of the community so that ultimately they become one amongst the entire community which we really desire that they should become and that their should be no discriminatory behaviour. They should also not feel that the other communities are not looking to their interest. That is the main point which I want to stress. I still feel that the hon. Home Minister will see wisdom and will not introduce this nomination system.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, होम मिनिस्टर साहब ने फरमाया कि क्या हर्ज है अगर नायि-नेशन के जरिये कुछ एंग्लो इंडियन इस हाउस में और सेजिस्टेटिव एसेम्बली

में प्रायें और जब दस वर्षों तक उनको यह हक मिला है तो प्रायें भी इस के न मिलने से उन में भारी डिस्कॉन्ट होगा, जैसे कि हमारी शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स में भी होगा अगर उनके रिजर्वेशन को कंटिन्यू नहीं किया गया। मैं इस प्रार्थना का जवाब देने के लिये तैयार नहीं हूँ क्योंकि मैं समझता हूँ कि दस वर्ष तक जब उनको यह हक दिया गया और फ्राइन्दा नहीं दिया गया तो उनमें डिस्कॉन्ट जरूर होगा। लेकिन क्या यह बाजिब है कि डिस्कॉन्ट के प्रार्थना को इतनी वक्त दी जाये कि हम अपने उसूल को छोड़ दें? जनाब को इसकी हिस्ट्री याद है, आप को मालूम है कि किस तरह से नामिनेशन का हक मंजूर किया गया और एंग्लो इंडियन्स को यह हक दिया गया ताकि दश म एकता बनी रहे। बिना इसके दिये हुए सेपरेट एलेक्टोरेट का डर था। डर था कि एंग्लो इंडियन्स और बाकी माइनारिटीज सेपरेट एलेक्टोरेट मांगेंगे और इस पर बड़ी जोर शोर की बहस हुई कि उनको सेपरेट एलेक्टोरेट दिया जाये। चुनावें जो माइनारिटी कमेट्री यो उसमें यह मांग की गई कि माइनारिटीज जितनी हैं उनको रिजर्वेशन दिया जाये और इसको उसने माना। जब हम माइनारिटी कमेट्री में बहस करने के वास्ते प्राये तो सबसे पहला नम्बर एंग्लो इंडियन्स का प्राया। बाकी का नम्बर बाद में प्राया। मैं भ्रज करना चाहता हूँ कि कास्टिट्यूट एसेम्बली में और उसके बाद में भी मैं प्रिंसिपल के ऊपर सेपरेट एलेक्टोरेट के सक्त खिलाफ था। चुनावें जिस बत में नामिनेट किया गया, मैंने कहा कि मेरा डिसेंट दर्ज किया जाये। मैं नहीं चाहता कि हिन्दुस्तान में किसी कम्प्यूनिटी को रिजर्वेशन दिया जाये। अगर हम हिन्दुस्तान में एक नेशन बनाना चाहते हैं तो हमें किसी किस्म का कम्प्यूनल रिजर्वेशन नहीं देना चाहिये। लेकिन मुझे बतलाया गया कि हम पहले फेसला कर चुके हैं और नये मेम्बर के धाने से किसी तरह का हक कमेट्री को नहीं है

कि वह उसे रिजर्वेशन कर सके। लेकिन जिस रोज एंग्लो इंडियन्स के वास्ते यह फेसला किया गया कि उनको नामिनेशन दिया जाये, उसी रोज मैंने नोट आफ डिसेंट दिया कि उनको हर्गिज यह हक नहीं दिया जाना चाहिये क्योंकि उनको यह हक देने से एक और दिक्कत आती थी। अगर उनको पापुलेशन के बेसिस पर यहां लाया जाये तो उनकी पापुलेशन इतनी घीड़ी है कि उन्हें कहीं पर एक जगह भी नहीं दी जा सकती। चुनावें जब मैं माइनारिटी कमेट्री में प्राया तो वहाँ भी मैंने यही ब्राब्लेक्शन किया कि अगर एंग्लो इंडियन्स को नामिनेशन दिया गया तो बाकी जो कम्प्यूनिटीज हैं, उनको क्या दिया जायेगा, और देश के अन्दर क्या हाल होगा? मेरी बड़ी खुशकिस्मती यह थी कि जिस वक्त मैंने इस नोट आफ डिसेंट पर जोर दिया तो हमारे पंत जी वहाँ तशरीफ रखते थे। उन्होंने इस मामले को लिया वर्ना मैं क्या कर सकता था? मैं तो एक स्माल फ्राई था, मुझे कौन मुनता। लेकिन पंत जी के इस मामले को लेने से यह चीज ऐसी बन गई कि पापुलेशन बेसिस हटा दिया गया। पंत जी और दूसरे बुजुर्गों की यह तजवीज थी कि नामिनेशन दे दिया जाये। जब उनको इस बेसिस पर रिप्रेजेंटेशन दे दिया गया तो उनके बाद दूसरी माइनारिटी कम्प्यूनिटीज का नम्बर प्राया जिनको कि रिप्रेजेंटेशन दिया जाना था। आज भी मेरी जब मैं क्रिश्चियन कम्प्यूनिटी का रिप्रेजेंटेशन मौजूद है जिसमें उन्होंने लिख कर भेजा है कि अगर एंग्लो इंडियन्स को यह हक दिया जाता है तो हमें भी दिया जाये। हमारे पास कोई वजह नहीं है कि हम किसी तरह से क्रिश्चियन्स को एंग्लो इंडियन्स से डिफरेंशिएट करें। क्रिश्चियन्स की तादाद बहुत ज्यादा है। आज अगर मैं ऐयनी साहब की सविसेज को रिकॉउंट करूँ तो वह बहुत ज्यादा है लेकिन क्रिश्चियन्स की सविसेज को अगर देखा जाये तो वह भी किसी तरह से कम नहीं है। हमारे श्री एच० सी० मुर्जी साहब जो

[श्री ठाकुर दास भागवत]

माइनारिटी क्वेश्चन के प्रोजेक्ट से उन्होंने कहा कि क्रिश्चियन यह चीज नहीं चाहते। काफी झगड़ा हुआ लेकिन उनका राय प्रिबल की। उसके बाद सिक्क कम्प्यू नोटो आई। उन्होंने भी कहा कि हम उस सूत्र में रिजर्वेशन लेंगे जो भा. मा. मुसलमानों को देंगे, नहीं तो हम नहीं चाहते। जब मुसलमानों का सवाल आया तो उनको राय थी कि सेपरेट एग्जिटोरेट हो जाय, फिर यह हुआ कि रिजर्वेशन हो जाये लेकिन भाहिस्ता-भाहिस्ता उन्होंने रियलाइज कर लिया कि अगर हम हिन्दुस्तान को एक करना चाहते हैं तो यह चीज उसके हक में नहीं होगी। इसलिये वह फैसला किया गया कि रिजर्वेशन किसी को न मिले। सेंडपूल्ड कास्टस और शेडपूल्ड ट्राइब्ज को यह हक माइनारिटी के तौर पर नहीं मिला बल्कि चूकि वह हिन्दू कम्प्यूनिटी का एक ऐसा हिस्सा थे, उनके ऊपर वह समझते थे, हर तरह से जुन्म हुआ है, इसलिये वह दिया गया। अगर ऐंग्लो इंडियन बाद में भीरों के साथ आते तो उनको हगिज यह हक नहीं मिलता। लेकिन चूकि उनके बार फैला स से सम्बल हुआ इस लिये उनके लिये ना भनान की बात मान ली गई। उस वक्त यह सच्चा गया कि अगर एक आदमी पायुलेशन के बेसिस पर नहीं भी आता तो इतने बड़े हाउस में, पांच सी मेम्बरों की पार्लियामेंट में क्या हुआ पड़ जायेगा? इसलिये उसूनी तौर पर इसको नहीं देखा गया। मैं प्रज करना चाहता हूँ कि यह दुस्त है कि किनी भी जगह इस तरह का उलू कायम नहीं किया जाता कि महज इस बिना पर एक कम्प्यूनिटी को कोई राइट दिया जाये। इनाल यही था कि उस वक्त गलती हुई या रों कटिये कि चूकि सबसे पहले फैसला हो गया इसलिये हम उससे पीढ़े नहीं जाना चाहते। जब यह कहा गया तो मैंने साई माफ रितीरु किया कि चलो सेपरेट एग्जिटोरेट तो नहीं आया और इती पर इत्फा हुआ।

उस वक्त ऐंग्ली साहब भी स्पीच मैंने सुनी थी, ऐंग्ली साहब मुझे माफ करेगे क्योंकि वह कोई पर्सनल मामला नहीं है इसलिये मैं उस ही तरह तबज्जह दिलाता हूँ, जिस रोज यह तब किया गया उस रोज ऐंग्ली साहब ने कांस का और सब का शकिया भवा किया और कहा कि हम कोशिश करेगे कि हम बड़ी कम्पनिटी के साथ इंटेग्रेट हो सकें क्योंकि हम जानते हैं कि इस किस्म का राइट जो भीरों को न दिया जाये और हमको दिया जाये यह एक बड़ा आती इन्वोलेशन है, ऐसा फर्क है जिसे कंट्री कमी भी अदावात नहीं करेगा। भाज जो क्रिश्चियन कम्पनिटी है उसका रिप्रेजेंटेशन हर मेम्बर के पास आया है और गवर्नमेंट के पास भी भेजा गया है कि उनको भी यह राइट दिया जाये। मैं इन दोनों चीजों में फर्क नहीं देख सकता। अगर ऐंग्लो इंडियन्स को यह राइट मिलता है तो हम न क्रिश्चियन्स को, न मुसलमानों को और न किनी दूसरे को ही इसको देने से इन्कार कर सकते हैं। खुपूनन बैकवर्ड कम्पनिटी को तो हगिज नहीं कर सकते। कोई बजह नहीं है कि उन्हें या ऐंग्लो इंडियन्स को यह हक दिया जाये लेकिन चूकि वह दिया जा चुका और दस बरस पूरे होने वाले हैं वह रहें, पर उनका एक्सटेंड किया जाना हगिज वाजिब नहीं है। यह डर क्या है कि ऐंग्ली साहब क्या कहेंगे? दूसरे क्या कहेंगे। सारे मुल्क का लास है इस से, नेशन का लास है। अगर हमारे ऐंग्ली साहब जनरल सीट से भायें तो मुझे उम्मीद है कि वह चुन कर आ जायेंगे। जिस वक्त सन् १९५८ में इस चीज को पास किया गया, उस वक्त भी मैंने कहा था कि अगर मि० ऐंग्ली जनरल सीट से बाड़े हों तो वह अपनी भरिट्स पर ही यहाँ आ सकते हैं। अगर कोई भी भरिट्स से यहाँ आ सकता है तो वह ऐंग्ली साहब जरूर हैं। अगर वह यहाँ आकर सारे देश का रिप्रेजेंटेशन करते तो पोलीशन दूसरी बनती। हम चाहते हैं कि इस नेशन का एक टुकड़ा हो कर ऐंग्ली इंडियन्स को भलाहवा रहने की इजाजत न दी जाये।

यह एक्सक्लूजन का सेन्स, यह सेपरेशन का सेन्स जो सेपरेट नामिनेशन से पैदा हो जाता है वह इस राइट को न रखने से खत्म हो जायेगा। यह देश के इंटेरेस्ट में नहीं है कि उन्हें हमेशा के वास्ते यह खयाल पैदा हो जाय कि हम भलाहदा रहेंगे। इस सेपरेट कांशसनेस को हटाया जाना चाहिये।

धन भी हम क्या देखते हैं ? अकेले ऐंजला साहब ही नहीं, कितने ऐसे ऐंग्लो इंडियन्स ऐसे हैं जो खूब धृच्छी तरह से हमारी खबान जानते हैं, यहां काबिले इज्जत है, हम उनकी इज्जत करते हैं। कोई बजह नहीं है कि वह लोग जनरल सीट से यहां पर काम-याब न हो सकें। नूत्रे माफ करे मैंने सिल साहबान के वास्ते भी कहा था कि उनको सेपरेट एलेक्टोरेट मत दो क्योंकि यह लोग जनरल सीट्स से ही काफी बड़ी नादाद में घा जायेंगे और मैं खुश हूँ कि यह बात सही साबित हुई पंजाब के घन्दर। मारे साहबान जानते हैं कि जनरल एलेक्टोरेट मारे कंट्री के काज को एडवान्स करता है। नामिनेशन उस काज को एडवान्स नहीं करता। जो लोग नामिनेशन से यहां आयेंगे वह समझेंगे कि वह तिक्र अपने लोगों के लिये ही जिम्मेदार हैं, दूसरों के लिये जिम्मेदार नहीं हैं। इस लिये मैं कहना चाहता हूँ कि सेपरेट एलेक्टोरेट का तरीका ऐसा तरीका है जो कि बिल्कुल गलत है, उगूलन गलत है। पहले भी हमारे बुगुगों ने और लीडर्स ने इसे कंडेम किया था और मैं बड़ा खुश हुआ था कि सेपरेट एलेक्टोरेट खत्म हो गया लेकिन उस वकत हमने वह महसूस नहीं किया कि सेपरेट रिजर्वेशन भी जो है वह सेपरेट एलेक्टोरेट का बल्का है या छोटा भाई है क्योंकि उसी सोर्स से निकलता है। उसके बैकग्राउंड में भी वही उमूल है जो सेपरेट एलेक्टोरेट के घन्दर होता है। दस बरस के बाद जो सिबुर्शन घाई है वह दरअसल ऐसी है जिसमें मुझे यह बात नजर नहीं आती कि लोग यह सोचें कि अगर सेइपल्ड कास्ट्स

और ऐंग्लो इंडियन्स को यह हक न दिया जाय तो वह नाराज होंगे। प्राज हमको इसका खयाल नहीं करना चाहिये। प्राप जो भी राइट देते हैं जब उसको डिस्कॉन्टि-न्यू करेगे तो जिन पर उसका असर पड़ेगा वह नाराज होंगे ही। यह अगर मुनासिब चीज है तो उनकी नाराजगी का सवाल नहीं उठना चाहिये। जब हमने राज्य सभा के लिये नामिनेशन का सवाल रखा तो उसके लिये भी लोगों ने ऐतराज किया था, लेकिन वह नामिनेशन पास हुआ। पर जहां तक ऐंग्लो इंडियन्स का सवाल है उनको किसी तरह का सेपरेट रिजर्वेन्टेशन देने की बात मेरी समझ में नहीं आती। प्रबल तो यह उमूल ही गलत है कि किसी कम्प्यूनिटी का रिजर्वेशन दिया जाय और यह उमूल तो बिल्कुल ही गलत है कि वह नामिनेशन से हो।

The Minister of Home Affairs (Shri G. B. Pant): May I just remind you and the hon. Member that only one hour was allotted for this clause by clause discussion and I think that one hour has perhaps already expired. I do not know how long I will be tied up so far as the clauses are concerned.

Mr. Deputy-Speaker: I think Pandit Thakur Das Bhargava will have to conclude.

पंडित ठाकुर दास भार्गव : मैं प्रान-रेबल मिनिस्टर साहब के हुकम की बड़ी परवाह करता हूँ। मैं समझता हूँ कि उनका प्राबजेक्शन जायज है। मैं इससे ज्यादा प्रज नहीं करना चाहता। जो दो चार बातें रह गई हैं वह इतनी जरूरी नहीं हैं कि उनके लिये मैं खासतौर पर टाइम लूँ। बूकि मिनिस्टर साहब चाहते हैं कि यह बिल एक घंटे में खत्म हो जाये इस लिये मैं अपनी बात खत्म करता हूँ।

श्री श्री० श्री० पन्त : मैं इसलिये नहीं कह रहा हूँ कि प्राप खत्म कर दे। यह बात नहीं है।

Shri Thimmalah: Clauses 2 and 3 may be taken together.

Mr. Deputy-Speaker: We have already finished clause 2.

Shri Barrow (Nominated-Anglo-Indians): Mr. Deputy-Speaker, I want to emphasise at the very beginning that we, as a community, accept without any reservation, that our final destiny lies in integration with the general society in this country. I also want to repudiate the suggestion that has been made that we want to continue as a separate entity or that there is some sort of schizophrenia so far as the community is concerned. I would like to say this too. It is said that the continuation of these safeguards is based on the discontent that might be expressed either by the community or by the leaders of the community, but I am certain that the Home Minister is too strong a person to be intimidated by any discontent. The Home Minister in his wisdom has always helped us. He understands the position of the community, and he realises that this process of adjustment will take a little time. What is 20 years,—it is but a moment in the life of a community. Even in the life of an individual, majority is reached at 21. As I emphasized at the beginning, we stand by this creed that our future lies only in integration, and during this period which we are given, we are going all out to adjust ourselves. Ten years, we feel, has not been sufficient, and the Government in wisdom and generosity have decided to give us ten years more.

I do not want to go into what happened in the Constituent Assembly. I was not a Member, but I know my history. There also it was the special needs of the community which weighed. Our present Home Minister was there also, and he realising the needs of the community, helped to get the community special provisions in the constitution. He was the chairman of the sub-committee which evolved these safeguards.

I do not know Shri Surendranath Dwivedy has a sense of humour, but I know the Home Minister has a sense of humour and if he said that two Members of the Anglo-Indian community were a gift to the Opposition, he said that it lightly. It is not to be used as a basic argument.

Sir, I just want to reply to one or two references that have been made by my hon. friend from Mysore about how these representations or nominations are made. The nominations are made through an organisation which is perhaps uniquely representative of the community. We have about 50 per cent of the members of the community as members and supporters of our organisation. We have a ballot which is carried out by post. The results of the ballot are sent to the different Governments showing which people are really representative of the community, and by and large we are glad that the State Governments and the Central Government have always acted on the advice and the recommendations made through our organisation.

I think the Home Minister and the Government are generous in giving us this extra period to adjust ourselves, and I wish to express my thanks.

Shri G. B. Pant: The amendment of Shri Menon as also his speech concede the advisability and perhaps the need of continuing the nomination of Anglo-Indians. So far as the question of nomination as such is concerned, he had no quarrel. Shri Dwivedy is against nomination on principle. Well, I must say that I appreciate what he has said and also what Pandit Thakur Das Bhargava has said.

Nomination should not be, ordinarily, the method of representation of any class or any community. We stand for a classless society, and it would be desirable that so far as possible, no distinctions, whether of caste or class or creed, come to influence the election of members to, or the composition of, the legislatures. In theory that is perfectly all right, but in affairs of life we have often to compromise out

of regard for the situation and the circumstances in which we find ourselves, in the hope that what we are doing will lead us on to the goal which we have defined and declared for ourselves. So, it was in that hope that this clause about nomination of Anglo-Indians was introduced in the Constitution.

Well, we are not introducing a new clause today. The structure of the Constitution remains as it was, it is not being changed in any respect. There are only a few clauses with regard to which the period that has been initially prescribed by the Constitution is now being enlarged. That is the only change that is being made. So, no fundamental questions of principle arise in the case. The only thing that one can say is that we do not need this long period, but we are not introducing a new principle today. Whether it be a sound principle, or whether it be a principle which does not commend itself to some of the hon. Members, it is a principle which was introduced and acted upon at the instance of and with the approval of the Constituent Assembly.

So, I would also like to invite the attention of the hon. Members to the language of this clause, the original clause. It says:

"Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate."

There is no compulsion. The Governor may, in certain circumstances, nominate, but if those circumstances do not exist, he need not. It does not in any way debar the members of the Anglo-Indian community from seeking election to Parliament or the Assembly from the general electorate. The position is only this. Suppose they stand for such elections and are defeated,

or the circumstances are such that while they do not stand for election, they are in such a position in a State that the Governor considers that it is desirable that presentation should be given to Anglo-Indians through nomination, he might do so. So, there is no compulsion with regard to nomination, and, as I believe hon. Members know, there are a number of States even now where no nominations are being made of Anglo-Indians at all. But I would like them to look at all these things, while bearing the basic principles in mind, from the correct perspective and with a due sense of proportion. If any one is nominated from a community who has a certain position in the country, I do not think it is going to affect the composition of the legislature very seriously. The arguments that others might make a similar demand have, I think, no validity at the present stage because we are not taking a new step.

I would request you to look at the clause we have incorporated in this Bill. This is a restrictive clause. This is not going to enlarge the field of nomination, but it is going to restrict it. Under the existing provision in the Constitution, the Governor is free to nominate any number of members of the Anglo-Indian community to any Assembly. We have introduced this just to restrict that power, and have laid down that except in Bengal, where the number may be one or two, in no other State should the number be more than one. So, this clause is a restrictive clause. It does not in any way give to the community larger representation than has been given so far. We introduced it in order to restrict it, and I hope by the time the extended period comes to an end, the need even for this will cease. But, need we now make such a serious grievance over it that though we are restricting the numbers, and though we have introduced this amendment only with that object in view, yet even this much should not be tolerated? I would appeal to Shri Surendranath Dwivedy and others who hold that view to take a more sympathetic and considerate view of the matter.

[Shri G. B. Pant]

Coming to Shri Narayanankutty Menon's amendment, I am not sure if it is really in order and consistent with the rest of the Constitution, because the Constitution lays down certain methods for the working of the Assemblies, the Parliament, the Governor and the President. You cannot make any provision with respect to any particular matter, unless it is in accord with the rest of the Constitution; and if it is not in accord, then it is inconsistent; if it is in accord, then it is already there. Either it is surplus and superfluous or it is already covered by the Constitution as it exists. So, there can be no need for such an amendment, and I personally think that it is perhaps not even quite consistent with the rest of the Constitution. I do not thereby mean that such nominations need necessarily be made, without consulting the majority party in the Legislature. That is now my intention, and I would not make any such suggestion. But such a provision would not be in accord with the entire structure. As I said, it is at the best unnecessary and, at the worst inadmissible.

Then, he has, I think, not taken into account one other factor. If we look at article 331, we find that it says:

"Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People."

Now, article 331 remains as it is. No amendment has been proposed here to the effect that the President should make such nominations in consultation with the majority party in Parliament. You cannot have two rules, one concerning the President, and another concerning the Governors. There can be only uniformity in these matters; and throughout the Constitution, the principles have been uniformly adopted. They are equally applicable to the legislatures, whether at the Centre or in the States.

So, I say that even if Shri Narayanankutty Menon's amendment were adopted, it would be inconsistent also with the provision made in article 331, with regard to the powers that are exercisable by the President. As to how these powers should be exercised, I think that will be determined by the jurisdiction which has been conferred by the Constitution itself, and no special provision of this type can be made which either will be inconsistent or derogatory to the main scheme or which will be altogether superfluous. So, as there is no difference, so far as the question of nomination is concerned, I hope Shri Narayanankutty Menon will withdraw his amendment.

He referred to a nomination made in Kerala. I may just tell him, and I think he is aware of it, that that nomination, like nomination in other States, was made in consultation with the representative organisation of Anglo-Indians. When I said that we had made a present of two Members to the Opposition, I did not mean that we had made these nominations in order to add to the strength, deliberately, of the Opposition, but, certainly, that indicated that we have not been influenced by any party considerations in giving our advice to the President regarding these nominations. We have been guided only by one factor, and that is that the representation of the Anglo-Indian community through nomination should really reflect the opinion of the Anglo-Indian community. That has been the only guiding principle. And we have adopted that.

As Shri Narayanankutty Menon is presumably aware, other suggestions were made by Congressmen in Kerala, but we did not accept any of them ourselves. We were guided only by the advice that was given by the representative organisation, as we have been guided in other matters. So, I think he need not have any apprehensions that any step will be taken with a view to buttress our own party by adding one more member. After all, that is not the intention. So far, we have not acted in that manner. That is all that I have to say.

Shri Narayanankutty Menon: On a point of clarification. I confess that I do not in any way compare to the hon. Home Minister either in forensic ability or judicial experience. So, I could not understand the inconsistencies then. But I would only ask for one clarification, as far as my amendment is concerned, namely whether this particular power conferred upon the governor, in consonance with the powers conferred by this Constitution and the conventions established in regard to the Heads of States, is to be exercised by the Governor in his personal capacity or it will be subject to the advice of his Cabinet.

Mr. Deputy-Speaker: He has answered that. If it is contained in the Constitution, then, whatever it is, that will prevail; now, it depends upon the interpretation. So far as I could follow, that was what he said.

Shri Narayanankutty Menon: I could not get a chance to reply to that. So, I was only pointing out that if it is superfluous, it does not matter, but the point is whether this is inconsistent with questions of policy contained in other articles of the Constitution.

Mr. Deputy-Speaker: That is a question of interpretation of the Constitution.

Shri Narayanankutty Menon: I am only asking for the hon. Home Minister's interpretation, and I am prepared to accept that.

Mr. Deputy-Speaker: The hon. Member may accept, but the courts might not accept.

Shri Narayanankutty Menon: As far as my amendment is concerned, I shall be satisfied with the hon. Minister's interpretation, because it is a question of policy which the Home Minister is going to lay down.

Mr. Deputy-Speaker: I would not ask the Home Minister to give his interpretation of the Constitution. If he wants to answer the hon. Member, he may do so.

Shri Narayanankutty Menon: As far as the courts are concerned, this is not justiciable, that is, whether a particular power given to the President or the Governor has to be exercised on the advice of the Cabinet.

Mr. Deputy-Speaker: The interpretation that the hon. Member may get from the hon. Minister or from any other Member would not be binding on the courts.

Shri Narayanankutty Menon: It is a question of policy which is to be laid down by the Home Minister.

Mr. Deputy-Speaker: The question of policy would be a different thing now.

Now, I shall put the amendments Nos. 16 and 17 to vote. Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against may say 'No'.

Several Hon. Members: 'No'.

Mr. Deputy-Speaker: So, the 'Noes' "Ayes" have it.

Shri Narayanankutty Menon: The "Ayes" have it.

Mr. Deputy-Speaker: This does not require two-thirds majority; this can be decided upon by a simple majority.

Shri Narayanankutty Menon: I know that this can be rejected by a simple majority. I want that there should be a division.

Mr. Deputy-Speaker: Would he insist on it?

Shri Narayanankutty Menon: Yes. We cannot expect any reply to the points raised by us from the hon. Minister.

Mr. Deputy-Speaker: That is a different thing. I am only asking whether he insists that it should be decided by division.

Shri Narayanankutty Menon: Yes.

Mr. Deputy-Speaker: Then this will also be taken up at 3-30 P.M. We will, in the meanwhile, take up clause 3.

Clause 3—(Amendment of Article 334)

Shri Kodliyan: I wish to move amendment No. 24.

Shri M. Siddiah (Mysore-Reserved-Sch. Castes): I would move my amendment No. 29.

Dr. Samantsinhar (Bhubaneshwar): move amendment No. 4.

Mr. Deputy-Speaker: Amendments Nos. 4 and 29 are the same. Only one of them can be moved.

The amendments moved are Nos. 4 and 24.

Dr. Samantsinhar: I beg to move:

Page 1, line 17,—for “twenty years” substitute “twenty-five years”. (4).

Shri Kodliyan: I beg to move:

Page 1, after line 17, add—

(ii) In article 334 of the Constitution, the following *Explanation* shall be added, namely:—

“*Explanation.*—The expression Scheduled Caste occurring in this article means and includes, notwithstanding anything contained to the contrary in the Constitution (Scheduled Castes) Order, 1950, Scheduled Caste persons converted to other religious faith”. (24).

Mr. Deputy-Speaker: These two amendments are before the House along with clause 3.

Shri Surendranath Dwivedy: I have amendment No. 27. But if clause 2 is accepted, then it would be barred.

Mr. Deputy-Speaker: I will give him another opportunity to speak.

Shri Surendranath Dwivedy: I am not going to speak. I only want to move the amendment.

Mr. Deputy-Speaker: All right.

Shri Surendranath Dwivedy: I beg to move:

Page 1, line 16,—after “Constitution”, insert—

“(i) clause (b) shall be omitted; and” (27).

Mr. Deputy-Speaker: This amendment is also moved for the present and is before the House, subject to the fate of clause 2.

Shri Thimmalah: I thank the hon. Home Minister and the leaders of the country for extending the reservation for another ten years. The Scheduled Caste people of the country are very grateful to them for that. The Home Minister has understood the real position of the Scheduled Caste people even today after ten years of the operation of the reservation.

The Constitution-makers reserved seats for the Scheduled Castes and Scheduled Tribes for ten years thinking that the position of the Scheduled Castes and Scheduled Tribes socially, economically and politically would improve in these ten years. They never said that the reservation was only for ten years and should be stopped after that. They also took into consideration the background in which the Scheduled Caste people were living in this country. They understood the background of our Indian society, how it functioned and what place the Scheduled Caste people occupied in it.

You know that in the Indian society the Scheduled Caste people have suffered age-long from social evils. They have not only suffered social evils, but they were also exploited economically. Even today it is not

controlled. The social position of the Scheduled Castes today has improved a little, but not to a considerable extent. This does not mean, as one hon. Member pointed out, that the Government have failed in their duty or in their efforts to bring the Scheduled Castes up to the level of others. The age-long social evils that existed cannot be removed within ten years and the people who have suffered and who have been suppressed and exploited for centuries together cannot be brought up within ten years, whatever may be the efforts of the Government or the ability of the person who is at the helm of affairs.

In the field of social upliftment, the Government have done their best. It is not the Central Government alone which have to do something in this regard; the State Governments are also equally responsible. No doubt, many of the Scheduled Caste Members have voiced their feelings. What has been done and the method of doing it may be wrong or may be right; there may be differences of opinion about the quantum of success we have achieved in the field of the social uplift of the Scheduled Caste people. There may be real difficulties on account of which they could not achieve the required success. I could understand the Home Minister pleading with the State Ministers. I could understand his seriously taking the State Ministers to task for not having fulfilled the targets as far as the upliftment of the Scheduled Castes is concerned. He used to say that the money allotted is not spent and the target is not achieved. I could understand the intention and sincerity of the Home Minister. But in spite of the best efforts of Government and the best intentions of Members of Parliament, irrespective of any party affiliation, this social evil of untouchability could not be removed within ten years.

I should not go on citing instances of how the Scheduled Caste people are suffering from the bane of untouchability. In Indian society as

such, this mental disease of untouchability cannot be cured in ten years. Of course, there is progress and untouchability is bound to disappear one day or other. In these circumstances, I leave it to the House to understand and decide whether reservation is necessary or not.

Similarly, in the economic field, the Government have done something to improve their economic condition. It is not Government alone which has to do something. The people of the country as a whole have to see that the Scheduled Caste people are brought up to the level of the others, because they are the weaker link in the society. Every Member in this House is very much interested in building up this country. How to do it?

Mr. Deputy-Speaker: I do realise that the hon. Member could not get an opportunity to speak during the general discussion. Now he should be brief.

Shri Thimmaiah: If you want to build up a strong country, the society of that country should be strong. If there is a weaker section in the society suffering from all sorts of evils, without proper scope for development, without proper opportunities to develop their personality, naturally that country cannot be strong.

It is with the best of intentions that the Government wanted to give certain concessions to the Scheduled Caste people so that they may develop themselves and come up to the level of others so that they may be integrated with the society of the Hindus. Shri D. A. Katti misrepresented many of the facts. He said that only Dr. Ambedkar wanted this reservation and the others did not. At the same time, Dr. Ambedkar also fought for separatism. He said at the Round Table Conference that the Scheduled Caste people should be recognised as a separate entity and not as Hindus. He wanted to sever the Scheduled

[Shri Thirumalaiah]

Castes from the Hindu fold. He also pleaded for separate electorate for the Scheduled Caste people. In the Constituent Assembly debates, he himself said that he wanted the reservation for a greater number of years than ten. But the Congress Members themselves said that ten years would do for the time being. Of course, they thought that within ten years the position of the Scheduled Caste people would improve and if after ten years, it was necessary, the reservation could be extended. With this intention, the Government have brought forward this amendment extending the reservation.

I think the Republican Party, which has opposed this Bill, has really done a disservice to the community to which they once belonged. The Republican Party has no faith in itself; it has discarded its faith. It has taken from America even its name. It wants all the facilities and at the same time, it does not want that the Scheduled Caste people should enjoy this reservation. This is the position of the Republican Party. I do not know how they can claim concessions to themselves under the Constitution when they want to deny political concessions to others. They want economic concessions; they want educational concessions; they want everything but not political concessions.

15 hrs.

Some of the hon. Members have said that this reservation is going to perpetuate casteism and communalism. I submit that people who suffered from communalism and casteism can never adopt communalism and casteism against others. They want to free themselves from the clutches of communalism and casteism, and other social evils. If Scheduled Caste people come up to the level of others they will certainly work for the country. In the history of India you can never show an example where the Scheduled Caste people have betrayed this coun-

try or the independence of this country.

The Scheduled Castes are part and parcel of Hindu society and part and parcel of the community. They are prepared to make any sacrifice for the benefit and advancement of this country. I can assure my hon. friend Shri Tyagi who was very vehement about this that if the Scheduled Castes come up to the level of the others and become as strong and as progressive as anybody else, they will never practise this communalism against those who have practised that against them. I will give him this guarantee.

Shri Balkrishna Wasnik (Bhandara—Reserved—Sch. Castes): Sir, I am thankful to the hon. Members of the House from all sections who have supported this particular clause of the Bill. Though the Members of the Scheduled Castes and Scheduled Tribes have a very good case they cannot speak very vehemently because people naturally misunderstand that the reservations and facilities will be for them and, therefore, they are arguing their own case. No lawyer or Counsel can argue his own case well. Naturally, others have to argue for him. So I am thankful to the hon. Members who have supported this clause.

Some hon. Members of this House, particularly those belonging to the Republican party have opposed this clause. Unfortunately, the Republican party has been divided into two groups; and I do not know which is the recognised party and which is not. They have also got different notions. One group had left the House in the morning and the other group is sitting in the House. Anyway the reasons why they opposed this Bill, I think, are three.

One reason is that they have never been consistent because they believe that consistency is the virtue of an ass.

Mr. Deputy-Speaker: Why go into all these things? Without criticising only a party you may speak on the merits of this clause.

Shri Balkrishna Wasnik: I can show this by very facts. In 1929-30 they had demanded joint electorates. As soon as they went to the Round Table Conference they demanded separate electorates. Then again they came down to the Poona Pact. Then, in 1946, they again demanded separate electorates. Some years earlier they had demanded a separate State for themselves. They have done so many things.

I just want to quote their leader Dr. Ambedkar who had said this. He had written a pamphlet on the reorganisation of States and in that booklet he had explained that his thoughts on reorganisation of States have been inconsistent for some time. He had stated that Emerson had said that consistency is the virtue of an ass and, therefore, he did not want to be an ass. Therefore, it might be that they do want to be consistent. I am rather surprised to see that they are maintaining their three-year old stand.

Shri B. C. Kamble: May I point out that the hon. Member should withdraw the words in relation to Dr. Ambedkar—that he did not want to be an ass.

Shri Balkrishna Wasnik: I am quoting the very words of Dr. Ambedkar, which he had written in the introduction to that pamphlet.

Mr. Deputy-Speaker: I have listened to the hon. Member very carefully; and he had quoted Dr. Ambedkar saying that such and such an author—I think Emerson—had said that consistency is the virtue of an ass and so he would not like to be one. Therefore he said that his thoughts had been inconsistent so far as reorganisation is concerned.

Shri B. C. Kamble: He would not like to be so; that is what he says.

Mr. Deputy-Speaker: I do not find anything objectionable that I should object to it. These are the words of Ambedkar, he says.

An Hon. Member: He is only quoting Dr. Ambedkar.

Shri Balkrishna Wasnik: I am quoting Dr. Ambedkar. Why are these people opposing this? They have been facing defeats. Dr. Ambedkar himself had faced two defeats one after the other. After the second defeat he came forward and said vehemently that they do not want these reservations because their men could not get into Parliament or into the State Legislatures. (*Interruption*).

Shri B. C. Kamble: When he is making reference to a dead person and a respected person he must carefully choose his words.

Shri Balkrishna Wasnik: I am quoting his very words.

Mr. Deputy-Speaker: The hon. Member may go on to his other arguments. He may leave this aside.

Shri Balkrishna Wasnik: I know the people of the Republican party are opposing this measure because they cannot enjoy this reservation as they have changed their faith. They have become Buddhists and they cannot enjoy this reservation.

The hon. Home Minister put forward the case very well and explained how much the Scheduled Castes and Scheduled Tribes have progressed in the past years. In the First Five Year Plan we find that a sum of Rs. 39 crores was earmarked for the welfare of the Scheduled Castes; and, out of that sum only Rs. 26 crores were spent and Rs. 13 crores were allowed to lapse. That means one-third. In the Second Five Year Plan, if I have heard the Home Minister very correctly, I think, only Rs. 50 crores have been spent so far. I think Rs. 91 crores had been earmarked for the Second Five Year Plan. Only a year and a half remain for the completion of the Second Plan. Now there are about Rs. 41 crores to be spent for the welfare of the Scheduled Castes. It is clear from this that though Government desire to do much for the Scheduled Castes and

[Shri Balkrishna Wasnik.]

Scheduled Tribes they have not been able to do that. That is found from the schemes that have been actually implemented. This can also be found from the Report of the Commissioner for Scheduled Castes.

In that he has said that backwardness has a tendency to perpetuate. I think many hon. Members have emphasised this point. But I want to tell the House that the facilities that will be given to them will, of course, be in consideration of their backwardness. When these facilities are given the conditions of the Scheduled Castes will not be the same and they will be improved. As they are improved, there will be no case afterwards for the extension of the reservation. They cannot have it for time immemorial.

I want to point out one more thing. Yesterday, Pandit Thakur Das Bhargava, a senior Member of this House, suggested many things. He opposed this Bill. He said that if inter-marriages took place the problem of untouchability will vanish. As a matter of fact, I can give my own example. I may tell the House that I have married inter-caste. I have married a Brahmin girl. But, what has happened is this. The stigma of untouchability has passed on to the Brahmin girl. This is the state of affairs in Hindu society. This untouchability has been deep-rooted.

Mr. Deputy-Speaker: If this stigma passes on to a very large number of Brahmins, perhaps, the difficulty would be solved.

Shri Balkrishna Wasnik: Another point I want to say is this. Many hon. Members talk of this thing but no one comes forward concretely to do this. If Pandit Bhargava or any other Member has any kind of suggestion that would be considered by the Scheduled Castes. This Bill is a timely measure and the sense of the House has showed that there is such a great majority behind this Bill. I am thankful to the Government for having brought this Bill and the hon. Members who have supported the Bill.

Mr. Deputy-Speaker: Shri Basappa, Hon. Members should not take more than five minutes each.

Shri Basappa (Tiptur): The hon. Home Minister has rightly appreciated the feelings of the Scheduled Castes and the views of this House. Hence, he has come forward with this Bill extending the period of reservation by another ten years. He has already told us that they could not hold on to their position and the peculiar situation that confronted the Constituent Assembly still exists today. Therefore, he said, the period should be extended. I echo the sentiment of Shri Barrow when he said that the hon. Minister deserved our gratitude. I have noticed a certain kind of objection to this Bill. Shri Tyagi and Pandit Bhargava are not here. They were interested in the Hindu society as a whole and they felt that by this Bill the separatist tendency and two-nations' theory would develop further. That fear still persists in them. I do not know the reason for that fear. At the time of separation of Pakistan this fear might have been there but in these ten years we have seen that there is no room for this kind of a fear. They were thinking of the great Hindu society. I do not know how that Hindu society is going to be affected by giving a little reservation. While safeguarding the society as a whole, they were not laying emphasis on these seven crores of people. The second objection was from Shri Katti but I do not see how reservation is going to affect their welfare. The same kind of opposition came from Shri Dwivedy also. The hon. Home Minister explained to us in great detail. Shri Dwivedy has said that within ten years we have not done much. The hon. Minister explained to us in sufficient detail how this is a very huge problem. We have been able to achieve something. The report of the Commissioner for Scheduled Castes and Scheduled Tribes is there and we have to achieve much more and so some more time is necessary. We are all interested in the welfare of these people and our history is not

lacking in instances of exertions made by many people to uplift these people. Gandhiji is a fine example and we must also remember Thakur Bapa in this connection. Even in the 11-12th century, a religious reformer named Basaveswara did a great deal to them; he abolished the caste and encouraged inter-caste marriages between the Scheduled Castes and the Brahmins. He himself was a Brahmin but he came out of that fold and tried to reform the people. Our hon. Minister, Shri Datar, also knows how this man worked for the uplift of these people in that part of the country from where he comes. Our Constitution embodied noble ideas for their uplift. It is a revolutionary document and it removes untouchability. It was perhaps said that if Gandhiji were alive today, he might put obstacles to this sort of thing. Even while he was alive, there was a sub-committee of the Constituent Assembly at that time and even then the leaders had taken a decision that there should be reservation. That should remove any apprehension in some people's minds. I understand from the debates of the Constituent Assembly that this reservation should go on till the Scheduled Castes themselves come forward and say that they do not want this reservation. So whether it is Sardar Patel or some other gentleman who spoke on that occasion, they were clear in their thoughts that this reservation was necessary. When we are talking about democracy and socialism, I do not understand why these people, who number about 6-7 crores of people, should be kept so low.

Before I sit down, I would like to say one thing. In my own place, lands were allotted to these Harijans and landless people. They come and occupy it. After that, the other upper class people remove their sheds. I have actually seen it. The same miserable conditions persist and so reservation for some more time is necessary. This Bill comes with the object of obtaining socialism which we all aim at. After all we are living in a

world of democracy and hundreds of people cannot simply be ignored. The State Governments should make a proper evaluation of their situation. The Scheduled Castes Commissioner should be given more powers. I feel he is helpless in his dealings with the Central and the State Governments. I do not find much encouragement in his report and so he should be given more powers to see that these people are improved within a short time or within the allotted time of ten years so that we need not come forward once again for a reservation like this.

Shri Kodiyam: I shall confine my remarks to my amendment No. 24. Now that we are going to extend the period of reservation for these people, we have to take into consideration the problems confronting certain sections of the Scheduled Castes. Personally, I am not one who believes that by conversion to any other religion the social evils from which they are suffering will be removed by the Scheduled Castes. But we cannot run away from the facts of life. In our country today, a considerable section of the Scheduled Castes people have gone out of the Hindu fold and embraced the other religions. By going over to new religions, they have not been able to get rid of the social evils they were suffering from while they were within the Hindu fold. For instance, there is the question of these people who have been converted to Buddhism. But I am referring to some instances of the Scheduled Caste people in my own State. In my own State, Kerala, a considerable section of the Scheduled Caste people were converted into Christianity some years ago. They are known as the backward Christians. But my experience shows that they are neither Hindus nor Christians. Even though they have embraced Christianity they are not treated as Christians by the so-called real or orthodox Christians. Merely because they have changed their religion and embraced Christianity they are being denied the rights and privileges allowed to Scheduled Caste people which they were

[Shri Kadiyan]

formerly enjoying. I strongly think that merely because they have embraced a new religion the privileges and rights which are granted to Scheduled Caste people should not be denied to them.

Sir, if the criterion for deciding whether one belongs to the Scheduled Caste or not is social and economic backwardness, I should say that these people who have converted themselves into other religions are still suffering from the same social and economic backwardness and religion should not be considered as a criterion for deciding whether one belongs to the Scheduled Caste or not. I should, therefore, appeal to the hon. Minister, if there is any difficulty in providing these facilities to these converted people, he should take steps to amend the Constitution so that these people should not only enjoy the educational concessions and other facilities that are being given to the Scheduled Caste people but also the constitutional and political safeguards like reservation of seats in the legislative assemblies and Parliament.

Ours is a secular State. Therefore, let the Government be not accused of showing any bias to any particular religion. If by denying these privileges and rights to those who have converted themselves from Hinduism to any other religion it is intended that the conversion from Hinduism can be prevented, I think it would be very improper. The result would be more frustration so far as these people are concerned. Therefore, if our aim is to lift these weaker sections of our community to the level of the advanced sections of our society we should not take into consideration religion alone but, at the same time, we should take into consideration, more than anything else, the social and economic backwardness of these people. I think, therefore, that these backward Christians and other people who have converted themselves from Hinduism, from the Scheduled Caste to new religious faiths, deserve to be treated as Scheduled Castes and as such they

should be extended these privileges and rights.

Shri G. B. Pant: Sir, so far as this particular amendment is concerned, I submit that it is altogether out of order because the definition of "Scheduled Caste" is given in the Constitution itself. It means, according to part (24) of article 366:

"'Scheduled Castes' means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;"

Therefore, unless this article is amended there cannot be any amendment in any other place. Article 341 says:

"The President [may with respect to any State (or Union territory), and where it is a State * * * after consultation with the Governor * * * thereof], by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State."

So this is not in order at all.

Now, as to the merits of the case, the hon. Member probably knows that we have besides Scheduled Castes also another class of people which come under the category of backward classes. So far as the backward classes are concerned, they are granted benefits regarding education and regarding other matters also, but so far as reservation of seats is concerned, it is confined only to Scheduled Castes under this Constitution.

Now, if there were no provisions in the Constitution itself as to who come within that category of Scheduled Caste, then it would have been open to us to define Scheduled Castes fully. But that is not the position. Then, if

he will please look at his own explanation, he says:

"The expression Scheduled Caste occurring in this article means and includes, notwithstanding anything contained to the contrary in the Constitution (Scheduled Castes) Order 1950, Scheduled Caste persons converted to other religious faith."

Now, how far back do we go? Who are to be treated as Scheduled Castes? Are we to take those who have converted to other faiths 50 years ago, 25 years ago, 20 years ago, ten years ago or who are converted to Scheduled Caste faith hereafter? To whom does this clause refer? Does it refer to those who are to be converted hereafter or to those who have been converted so far? If it refers to those who have been converted so far, then there are persons whose ancestors were converted some hundred years ago. There are others who have themselves converted some 50 years, 30 years, 25 years, 20 years, 10 years or even two years ago. How are the electoral rolls going to be prepared? How is the identity of these persons to be fixed, and how is any list to be prepared which will meet the requirements of this explanation? An explanation can never override the clauses and articles of the Constitution itself.

Then, it has also to be remembered that the definition of "Scheduled Caste" has throughout been characterised by its association with the stigma of untouchability. If there is no untouchability in any class it may get benefits to such members as are backward within the category of backward classes. Now, we have got here some neo-Buddhists. They do not want reservation themselves. Is it going to be forced on them? Other classes too have not come forward saying that they or their ancestors belonged to Scheduled Castes and therefore they should have reservation now.

In the circumstances, it seems to me that apart from its legality and its

undesirability it is an utterly impracticable proposition that is embodied in this amendment, where there can be no possibility of preparing a list like this for the people who have been converted to various faiths from among the Scheduled Caste people, whether within 50 years, 30 years, 20 years, 10 years or 5 years. There is nothing like that. Therefore, firstly, it is out of order; secondly, on its merits it is unsound and, thirdly, it is altogether unworkable. So I would suggest to the hon. Member to be good enough to withdraw it.

Mr. Deputy-Speaker: Now I think Shri Kodyan does not press amendment No. 24. If it is rather strictly construed it is out of order. He himself suggested, I think, that the Constitution cannot be amended that way. Therefore, amendment No. 24 is out of order.

I now put amendment No. 4 to the vote of the House. The question is:

Page 1, line 17, for "twenty years" substitute "twenty-five years". (4).

The motion was negatived.

Mr. Deputy-Speaker: I now put amendment Nos. 16 and 17 to clause 2 to the vote of the House. The question is:

Page 1, after line 10, add

"Provided that such nomination shall only be made in pursuance of the recommendation made by the leader of the majority party, if any, or that of the biggest single party in the Assembly."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, after line 11, add

"Explanation.—The Governor in making the nomination shall act on the aid and advice of the Council of Ministers appointed immediately after the elections to the Legislative Assembly." (17).

The motion was negatived.

Mr. Deputy-Speaker: Now, I shall put clause 2 to the vote of the House. If the automatic machine is repaired,

[Mr. Deputy Speaker]

we can use it now. But let the lobbies be cleared first.

Shri Narayanankutty Menon: The hon. Speaker said that there is some trouble with the mechanism and as far as these amendments are concerned, it is better to go to the lobbies.

Mr. Deputy-Speaker: I am now told that the mechanism had been repaired, and I hope that the machine is working all right.

Shri Surendranath Dwivedy: It will create some confusion!

Mr. Deputy-Speaker: If it works all right why should we waste time. But let the lobbies be cleared first.

15.33 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: I understand that the hon. House is agreeable to use the automatic mechanism now. The question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided

Division No. 2]

AYES

[15.35 hrs.]

Abdul Lateef, Shri
Achar, Shri
Ajit Singh, Shri
Alva, Shri Joachim
Anthony, Shri Frank
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ayyakannu, Shri
Balakrishnan, Shri
Balmuki, Shri
Banerji, Shri P. B.
Bangeethi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Beck, Shri Ignace
Bhagavati, Shri
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogji Bhai, Shri
Bist, Shri J. B. S.
Brajewar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri-
Das, Shri K. K.
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Deb, Shri N. M.
Deani, Shri Moneerji

Dindod, Shri
Dube, Shri Mulchand
Bacharan, Shri V.
Elayaperumal, Shri
Ganapathy, Shri
Gandhi, Shri Perose
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautain, Shri C. D.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Ram Krishan
Hajarnava, Shri
Harvam, Shri Anasar
Hansda, Shri Subodh
Hathu, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jnanjhunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kanakasabai, Shri
Karmarkar, Shri
Kasliwal, Shri
Kayal, Shri P. N.
Kedaria, Shri C. M.
Kesar Kumari, Shrimati
Keshava, Shri
Koskar, Dr.
Khadiwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shahnewas

Khewala, Shri Jama
Kistaiya, Shri
Kotoki, Shri Lladhar
Kottukapally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lachhi Ram, Shri
Laskar, Shri N. C.
Mafida Ahmed, Shrimat
Mahadeo Prasad, Shri
Mehi, Shri R. C.
Mojithia, Sardar
Malaviya, Pandit Govind
Malhotra, Shri Inder J.
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malviya, Shri K. B.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra.
Mathur, Shri M. D.
Matin, Qazi
Mehtai, Shri S. A.
Mehta, Shri B. G.
Mehta, Shrimati Krishna
Melkote, Dr.
Menon, Shri Krishna
Minimata, Shrimati
Mishra, Shri Bibbuti
Mishra, Shri L. N.
Mishra, Shri R. D.
Mishra, Shri R. R.
Mohammed Imam, Shri
Mohideen, Shri Gulam
Mobiuddin, Shri
Morarka, Shri
Muniswamy, Shri N. R.

Murthy, Shri B. S.	Ramaswamy, Shri K. S.	Singh, Shri Dhilli
Nadar, Shri Thanulingam	Ramesul, Shri S. N.	Singh, Shri Dinesh
Nair, Shri C. K.	Ramdhanl Das, Shri	Singh, Shri H. P.
Nair Shri Kottikrishnan	Rene, Shri	Singh, Shri K. N.
Naldorekar, Shri	Rengaroo, Shri	Singh, Shri M. N.
Nanda, Shri	Rao, Shri Thirumala	Singh, Shri P. N.
Nanjappa, Shri	Reat, Shri Bhola	Sinha, Shri Anirudh
Narsindin, Shri	Reddy, Shri K. C.	Sinha, Shri B. P.
Narasimhan, Shri	Reddy, Shri Viswanath	Sinha, Shri Jhulan
Narayanasastry, Shri R.	Roy, Shri Bishwanath	Sinha, Shri K. P.
Nasikar, Shri P. S.	Rup Narain, Shri	Sinha, Shri Satya Narayan
Nathwanl, Shri	Sadhu Ram, Shri	Sinha, Shri Satyendra Narayan
Negi, Shri Nek Ram	Sahu, Shri Rameshwar	Sinhaan Singh, Shri
Nehru, Shri Jawaharlal	Saigal, Sardar A. S.	Snatak, Shri Nardoo
Nehru, Shrimati Uma	Samanta, Shri S. C.	Somani, Shri
Neerwi, Shri	Sarnantsinhar, Dr.	Sonawane, Shri
Oza, Shri	Sambandam, Shri	Soren, Shri
Padam Dev, Shri	Sanganna, Shri	Subbarayan, Dr. P.
Patadia, Shri	Sankeapandian, Shri	Subramanyam, Shri T.
Palaniyandy, Shri	Sarbadi, Shri Ajit Singh	Sugandhi, Shri
Palchoudhuri, Shrimati Ita	Satish Chandra, Shri	Sultan, Shrimati Maimoona
Pande, Shri C. D.	Satyabhama Devi, Shrimati	Sumat Prasad, Shri
Pangarkar, Shri	Selku, Shri	Sunder Lal, Shri
Panna Lal, Shri	Sen, Shri A. K.	Surya Prasad, Shri
Parmar, Shri Deen Bandhu	Sen, Shri P. G.	Tantia, Shri Rameshwar
Patel, Shri N. N.	Shah, Shri Manabendra	Tariq, Shri A. M.
Patel, Shri Rajeshwar	Shankar Deo, Shri	Tewari, Shri Desrikanath
Patil, Shri R. D.	Shankaraiya, Shri	Thimmaiah, Shri
Patil, Shri S. K.	Sharma, Pandit K. C.	Thomas, Shri A. M.
Pattabhi Raman, Shri C. R.	Sharma, Shri D. C.	Tiwari, Pandit Babu Lal
Pillai, Shri Thanu	Sharma, Shri R. C.	Tiwari, Shri R. S.
Prabbakar, Shri Naval	Shobha Ram, Shri	Tiwary, Pandit D. N.
Prag Lal, Shri	Siddanajappa, Shri	Tula Ram, Shri
Radha Rama, Shri	Siddiah, Shri	Uike, Shri
Raghubir Sahas, Shri	Singh, Ch Ranbir	Upadhyay, Pandit Munishwar
Rahman, Shri M. H.	Singh, Sardar Hukam	Datt
Rai, Shrimati Sahodrabai	Singh, Sardar Iqbal	Upadhyaya, Shri Shiva Datt
Rai Bahadur, Sori	Singh, Sardar Jogendra	Varma, Shri B. B.
Ram Gerib, Shri	Singh, Sardar Swaran	Varma, Shri M. L.
Ram Saren, Shri	Singh, Shri Babunath	Varma, Shri Ramsingh Bhas
Ram Shankar Lal, Shri	Singh, Shri Bahadur	Viewanath Prasad, Shri
Ramaswamy, Shri S. V.	Singh, Shri Birbal	Wazir, Shri Balkrishna

NOES

Banerjee, Shri Pramathanath	Kodiyam, Shri	Panigrahi, Shri
Banerjee, Shri S. M.	Kumaran, Shri M. K.	Parvathi Krishnan, Shrimati
Bhanja Deo, Shri	Kunhan, Shri	Patil, Shri Nana
Chakravarty, Shrimati Renu	Menon, Shri Nareyanakotty	Reddy, Shri Nagi
Deh, Shri Dasaratha	Mukerjee, Shri H. N.	Singh, Shri Braj Raj
Dwivedy, Shri Surendranath	Mullick, Shri B. C.	Singh, Shri L. Achaw
Ghosal, Shri Aurobindo	Nayar, Shri V. P.	Sonule, Shri H. N.
Gopalan, Shri A. K.	Pandey Shri Sarju	

Mr. Speaker: Order, order. Let me hear what hon. Members say.

पंडित बाबूलाल तिवारी (विमड़ षण्डवा) : मैं ने ब्रायज के लिए वोट किया है, लेकिन यह गलत हो गया है। मेरे विविजन नम्बर १४२ है।

Shri R. D. Misra (Bulandshahr): I voted for Ayes, but the machine has not worked. My division number is 211.

Shri Liladhar Kotoki (Nowgong): My number is 74. I voted for Ayes.

Shri Ramdhani Das (Nawada—Reserved—Sch. Castes): My division number is 330. I am for Ayes.

Shri K. B. Malvia (Shajapur—Reserved—Sch. Castes): My division number is 425. I am for Ayes.

Shri Mahadeo Prasad (Gorakhpur—Reserved—Sch. Castes): My division number is 426. I am for Ayes.

Mr. Speaker: Now, the result of the division is as follows:

Ayes—248; Noes—24.*

As the Ayes have not got a majority of the total membership of the House—though it is more than two-thirds of the Members present and voting—and as the first requisite has not been satisfied, clause 2 does not stand part of the Bill.

The motion was negatived.

Clause 2 was, accordingly, omitted from the Bill.

Mr. Speaker: We will now take up clause 3.

Shri Surendranath Dwivedy: What about my amendment? It has to be put to the vote.

Mr. Speaker: Yes. There is an amendment to clause 3. Actually, it is not an amendment to clause 3 but an amendment to the original article,

Article 334 has two parts—clause (a) relates to Scheduled Castes and Scheduled Tribes; clause (b) relates to representation to Anglo-Indians in the House of the People and the Legislative Assemblies of States by nomination. Shri Dwivedy is suggesting the omission of clause (b). That can be decided by a single majority vote.

Shri Surendranath Dwivedy: I beg to move:

Page 1, line 16,—

after "Constitution," insert—

"(i) clause (b) shall be omitted; and" (27)

Mr. Speaker: The question is:

Page 1, line 16,—

after "Constitution." insert—

"(i) clause (b) shall be omitted; and"

The motion was negatived.

Mr. Speaker: Now I will put clause 3 to the vote of the House.

An Hon. Member: By going to the lobbies.

Mr. Speaker: I repeatedly asked the hon. Members whether they agree to the automatic voting, and they said "yes". Of course, some mistakes may creep in. But they can be corrected.

An Hon. Member: Let it be explained.

Mr. Speaker: There is no question of explanation. The question is that clause 3 should stand part of the Bill and those who are for it will vote for it and those who are against it will vote against it.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The Lok Sabha divided.

*The figure was corrected as 23, vide Devates, dated 4-12-59, col. 3427.

Division No. 3]

AYES

[15.46 hrs

Abdul Lateef, Shri
Achar, Shri
Agarwal, Shri Munakbbai
Ajit Singh, Shri
Alva, Shri Joachim
Aney, Dr. M. S.
Anthony, Shri Frank
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ayyakkannu, Shri
Balakrishnan, Shri
Balakrishni, Shri
Banerjee, Shri Pranshanath
Banerjee, Shri S. M.
Bengali Thakur, Shri
Berman, Shri
Berrow, Shri
Berupal, Shri P. L.
Bessappa, Shri
Besumtari, Shri
Beck, Shri Ignace
Bhaduria, Shri Arjun Singh
Bhagvati, Shri
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogji Bhai, Shri
Bisat, Shri J. B. S.
Brajewar Prasad, Shri
Chakravartty, Shrimati Renu
Chanda, Shri Anil K.
Chandab, Shri
Chandra Shankar, Shri
Chandramani Kalo, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhury, Shri S. C.
Chuni Lal, Shri
Das, Shri K. K.
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Deb, Shri N. M.
Deb, Shri P. O.
Deb, Shri Dasratha
Dasai, Shri Morarji
Dandad, Shri
Dabre, Shri Mulchand
Darywadi, Shri M. L.
Deshpande, Shri V.
Dhyaneswar, Shri
Dhanapathy, Shri
Dandhi, Shri Feroze
Datta Dev, Shrimati
Dattatreya, Shri

Gautam, Shri C. D.
Ghosal, Shri Aurobindo
Gopalan, Shri A. K.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Ram Krishna
Hajarnavis, Shri
Harvani, Shri Anwar
Hanada, Shri Subodh
Hathi, Shri
Hazari, Shri J. N.
Heda, Shri
Hem Raj, Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kanakasabei, Shri
Karmakar, Shri
Kasiwal, Shri
Kayal, Shri P. N.
Kedaris, Shri C. M.
Kesar Kumari Shrimati
Keshava, Shri
Kekar, Dr.
Khadiwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shahmwas
Khawaja, Shri Jamal
Kistaiya, Shri
Kodiyin, Shri
Kotoki, Shri Liladhar
Kottukapally, Shri
Kripalani, Shrimati Sucheta
Krishna Chandra, Shri
Krishna Rao, Shri M. V.
Krishnappe, Shri M. V.
Krishnaswami, Dr.
Kumar, Shri M. K.
Kumbhar, Shri
Kumbhar, Shri
Kureel, Shri B. N.
Lachhi Ram, Shri
Lalakar, Shri N. C.
Majid Ahmed, Shrimati
Majumdar, Shri
Mahadeo Prasad, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Pandit Govind
Malhotra, Shri Jnder J.

Malaviya, Shri K. D.
Mallik, Shri U. S.
Malviya, Shri Meetal
Mandal, Dr. Prabhupati
Maniyangadas, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mathur, Shri M. D.
Matin, Qazi
Mehdi, Shri S. A.
Mehta, Shri B. G.
Mehta, Shrimati Krishna
Melkote, Dr.
Menon, Shri Krishna
Menon, Shri Narayanankutty
Minimata, Shrimati
Mishra, Shri Bhbhuti
Mishra, Shri L. N.
Mishra, Shri S. N.
Mishra, Shri R. D.
Mishra, Shri R. R.
Mohammed Imam, Shri
Mohideen, Shri Gulam
Mohiuddin, Shri
Moraria, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Munisamy, Shri N. R.
Murthy, Shri B. S.
Nadar, Shri Thanulingam
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nanda, Shri
Naniappa, Shri
Naraindin, Shri
Narasimhan, Shri
Narasanasamy, Shri R.
Naskar, Shri P. S.
Nathwani, Shri
Nayar, Shri V. P.
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shri Uma
Newari, Shri
Oza, Shri
Padam Dev, Shri
Pabania, Shri
Palaniyandy, Shri
Palchoudhuri, Shrimati
Paude, Shri C. D.
Pandey, Shri Seta
Pangarkar, Shri
Panigrahi, Shri
Panna Lal, Shri
Parnar, Shri Deen Bandhu
Parvathi Krishnan, Shrimati

Wazir, Shri N. N.
 Watal, Shri Rakeshwar
 Pechl, Shri Nana
 Pechl, Shri R. D.
 Patil, Shri S. K.
 Pattabhi Ramen, Shri C. R.
 Pillai, Shri Thanu
 Prabhakar, Shri Naval
 Pragi Lal, Shri
 Prodhan, Shri B. C.
 Radha Raman, Shri
 Raghubir Sahal, Shri
 Rahman, Shri M. H.
 Raj, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Ram Garib, Shri
 Ram Saran, Shri
 Ram Shankar Lal, Shri
 Ramaswamy, Shri S. V.
 Ramaswamy, Shri K. S.
 Ramaul, Shri S. N.
 Ramdhani Das, Shri
 Rame, Shri
 Rangarao, Shri
 Rao, Shri Thirumala
 Reut, Shri Bholu
 Reddy, Shri K. C.
 Reddy, Shri Nagi
 Reddy, Shri Viewanatha
 Roy, Shri Bishwanath
 Rup Narain, Shri
 Sadhu Ram, Shri
 Sahu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samants, Shri S. C.
 Samantsinhar, Dr.

Sambandan, Shri
 Sanganna, Shri
 Sanharapandian, Shri
 Sardar, Shri Bholi
 Sarbadi, Shri Ajit Singh
 Setiah Chandra, Shri
 Satyabhama Devi, Shrimati
 Selku, Shri
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shankar Deo, Shri
 Shenkaraiya, Shri
 Sharma, Pandit K. C.
 Sharma, Shri D. C.
 Sharma, Shri R. C.
 Shobha Ram, Shri
 Siddanajappa, Shri
 Siddiah, Shri
 Singh, Ch. Bedan
 Singh, Ch. Ranbir
 Singh, Sardar Hukam
 Singh, Sardar Iqbal
 Singh, Sardar Jogendra
 Singh, Sardar Swaran
 Singh, Shri Babunath
 Singh, Shri Bahadur
 Singh, Shri Birbal
 Singh, Shri Braj Raj
 Singh, Shri Daljit
 Singh, Shri Dinesh
 Singh, Shri H. P.
 Singh, Shri K. N.
 Singh, Shri L. Achaw
 Singh, Shri M. N.
 Sinha, Shri Anirudh

Sinha, Shri B. P.
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri Satya Narayan
 Sinha, Shri Setyendra Narayan
 Sinha, Shrimati Tarabakari
 Sinhasen Singh, Shri
 Soatki, Shri Nardeo
 Sonani, Shri
 Sonavane, Shri
 Sorren, Shri
 Subbarayan, Dr. P.
 Subramanyam, Shri T.
 Sultan, Shrimati Mahmood
 Supakar, Shri
 Sumat Prasad, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri
 Tanti, Shri Rameshwar
 Tariq, Shri A. M.
 Tewari, Shri Dwarkanath
 Thirumalaiah, Shri
 Thomas, Shri A. M.
 Tiwari, Pandit Babu Lal
 Tiwari, Shri R. S.
 Tiwary, Pandit D. N.
 Tula Ram, Shri
 Ulke, Shri
 Upadhyay, Pandit Munishwar
 Dutt
 Upadhyaya, Shri Shiva Datt
 Varma, Shri B. B.
 Varma, Shri M. L.
 Varma, Shri Ramsingh Bha
 Viewanath Prasad, Shri
 Wasmik, Shri Balkrishna

NOES

Bhanja Deo, Shri
 Kamble, Shri B. C.

Malvia, Shri K. B.
 Manay, Shri

Sonuk, Shri H. N.

Mr. Speaker: The result of the division is as follows: Ayes 280; Noes 5. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Speaker: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Narayanankutty Menon: Regarding clause 2, we are prepared to support the reservation for the Anglo-Indians, provided a reasonable clause is added that the present...

Shri G. B. Pant: How can it be done now? You opposed the motion. Then you perhaps thought that it may have some effect on the elections. So you want to change it. That cannot be done now.

Sir, I beg to move that the Bill be passed.

Mr. Speaker: Now the lobbies have to be cleared again before we take up the next motion. Order, order. Hon. Members will kindly resume their seats. I will put the question to the vote of the House. The question is:

"That the Bill be passed."

Shri V. P. Nayar (Quilon): The Bill cannot be passed as such.

Shri Narayanankutty Menon (Mukandapuram): It should be that the Bill as amended be passed.

Dr. Krishnaswami (Chingleput): It was amended.

An Hon. Member: Clause 2 has been omitted.

Mr. Speaker: Clause 2 has been omitted. Very well.

Shri G. B. Pant: Sir, I move:

"That the Bill, with the omission of clause 2, be passed."

Mr. Speaker: The question is:

"That the Bill, with the omission of clause 2, be passed."

The Lok Sabha divided.

Division No. 4]

AYES

[15.52 hrs.]

Abdul Lateef, Shri
Achar, Shri
Achint Ram, Shri
Agerwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joschha
Aney, Dr. M. S.
Anthony, Shri Frank
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ayyappan, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerjee, Shri Pramadnath
Banerjee, Shri S. M.
Banerji, Shri P. B.
Bangshi Thakur, Shri
Barnan, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Beck, Shri Ignace
Bhaduria, Shri Arjun Singh
Bhagwati, Shri
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogji Bhai, Shri
Bisot, Shri J. B. S.
Brajewar Prasad, Shri
Chakravarty, Shrimati Resu
Chanda, Shri Anil K. J
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramasathan
Choudhary, Shri C. L.
Chuni Lal, Shri

Das, Shri K. K.
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Deb, Shri N. M.
Deb, Shri P. G.
Deb, Shri Dasaratha
Desai, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dwivedi Shri M. L.
Eacharan, Shri V.
Elayaperumal, Shri
Ganapathy, Shri
Gandhi, Shri Feroze
Ganga Devi, Shrimati
Ganpati Ram, Shri
Geutam, Shri C. D.
Gopalan, Shri A. K.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Ram Krishna
Hajarnava, Shri
Haryani, Shri Anas
Hansda, Shri Subodh
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.

Kanakasabai, Shri
Kanungo, Shri
Karmarkar, Shri
Kaulwal, Shri
Keyal, Shri P. N.
Kedaria, Shri C. M.
Kesar Kumari, Shrimati
Keshava, Shri
Keekar, Dr.
Khadwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Khanwaja, Shri Jamal
Khatiya, Shri
Kodiyar, Shri
Koteki, Shri Lladhar
Kottukapally, Shri
Kripalani, Shrimati Sucheta
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishna Rao, Shri M. V.
Krishnaswami, Dr.
Kumarar, Shri M. K.
Kumbhar, Shri
Kunhan, Shri
Kureel, Shri B. N.
Lachhi Ram, Shri
Lakkar, Shri N. C.
Madda Ahmed, Shrimati
Mahadeo Prasad, Shri
Malhi, Shri R. C.
Majithia, Sardar
Malviya, Pandit Govind
Malhotra, Shri Inder J.
Malviya, Shri K. D.
Mallik, Shri U. S.
Malviya, Shri K. B.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadon, Shri
Masuria Din, Shri

Methur, Shri Harish Chandra	Patil, Shri Nana	Singh, Sardar Hukam
Methur, Shri M. D.	Patil, Shri R. D.	Singh, Sardar Iqbal
Matin, Qazi	Patil, Shri S. K.	Singh, Sardar Jagendra
Mehdi, Shri S. A.	Pattabhi Raman, Shri C. R.	Singh, Sardar Swarn
Mehta, Shri B. G.	Pillai, Shri Thanu	Singh, Shri Babunath
Mehta, Shrimati Krishna	Prabhakar, Shri Naval	Singh, Shri Bahadur
Mekote, Dr.	Pragi Lal, Shri	Singh, Shri Birbal
Menon, Shri Krishna	Radha Raman, Shri	Singh, Shri Braj Raj
Menon, Shri Narayanankutty	Raghubir Sahai, Shri	Singh, Shri Daljit
Minkmata, Shrimati	Rahman, Shri M. H.	Singh, Shri Dinesh
Mishra, Shri Bibhoti	Rai, Shrimati Sahodrabai	Singh, Shri H. P.
Mishra, Shri L. N.	Raj Bahadur, Shri	Singh, Shri K. N.
Mishra, Shri S. N.	Ram Garib, Shri	Singh, Shri L. Achaw
Misra, Shri R. D.	Ram Saran, Shri	Singh, Shri M. N.
Misra, Shri R. R.	Ram Shankar Lal, Shri	Singh, Shri P. N.
Mohammed Izama, Shri	Ramaswamy, Shri S. V.	Sinha, Shri Amruth
Mohideen, Shri Gulam	Ramaswamy, Shri K. S.	Sinha, Shri B. P.
Mohiuddin, Shri	Ramsul, Shri S. N.	Sinha, Shri Jhalan
Morarka, Shri	Ramdhani Das, Shri	Sinha, Shri K. P.
Mukerjee, Shri H. N.	Rane, Shri	Sinha, Shri Satya Narayan
Mullick, Shri B. C.	Rangaroo, Shri	Sinha, Shri Satyendra Narayan
Munisamy, Shri N. R.	Rao, Shri Thirumala	Sinha, Shrimati Tarakeshwari
Murthy, Shri B. S.	Ravi, Shri Bhola	Sinhassan Singh, Shri
Nadar, Shri Thanulingam.	Reddy, Shri K. C.	Sanatak, Shri Nardao
Nair, Shri C. K.	Reddy, Shri Negi	Sonani, Shri
Nair, Shri Kuttikrishnan	Reddy, Shri Virwanatha	Sonavane, Shri
Naldurgkar, Shri	Roy, Shri Bishwanath	Soren, Shri
Nanda, Shri	Rup Narain, Shri	Subbarayan, Dr. P.
Nanjappa, Shri	Sadhu Ram, Shri	Subramanyam, Shri T.
Naraindin, Shri	Sahu, Shri Rameshwar	Sultan, Shrimati Mahmooda
Narasimhan, Shri	Seigal, Sardar A. S.	Supakar, Shri
Narayanasamy, Shri R.	Samanta, Shri S. C.	Sunat Prasad, Shri
Naskar, Shri P. S.	Samantsinhar, Dr.	Sunder Lal, Shri
Nathwani, Shri	Sambendam, Shri	Surya Prasad, Shri
Nayar, Shri V. P.	Sanganana, Shri	Syed Mahmud, Dr.
Negi, Shri Nek Ram	Santharapandian, Shri	Tantia, Shri Rameshwar
Nehru, Shri Jawaharlal	Sardar, Shri Bholi	Tariq, Shri A. M.
Nehru, Shrimati Uma	Sarbadi, Shri Ajit Singh	Tewari, Shri Dwarikanath
Nezvi, Shri	Satish Chandra, Shri	Thakore, Shri M. B.
Oza, Shri	Satyabhama Devi, Shrimati	Thirumalaiah, Shri
Padam Dev, Shri	Selku, Shri	Thomas, Shri A. M.
Pahadia, Shri	Sen, Shri A. K.	Tiwari, Pandit Babu Lal
Palaniyandy, Shri	Sen, Shri P. G.	Tiwari, Shri R. S.
Palchoudhuri, Shrimati Ila.	Shah, Shri Manabendra	Tiwary, Pandit D. N.
Pande, Shri C. D.	Shankar Deo, Shri	Tula Ram, Shri
Pandey, Shri Sarju	Shankaraya, Shri	Ulan, Shri
Pangarkar, Shri	Sharma, Pandit K. C.	Upadhyay, Pandit Munishwar
Panigrahi, Shri	Sharma, Shri D. C.	Devi
Panna Lal, Shri	Sharma, Shri R. C.	Upadhyaya, Shri Shiva Datt
Parmar, Shri Deen Bandhu	Shobha Ram, Shri	Vaipayee, Shri
Parvathi Krishnam, Shrimati	Siddanagesappa, Shri	Varma, Shri B. B.
Patel, Shri N. N.	Siddiah, Shri	Varma, Shri M. L.
Patel, Shri Rajeshwar	Singh, Ch. Badan.	Varma, Shri Ramasingh Bhai
	Singh, Ch. Ranbir	Viewanath Prasad, Shri
		Wanik, Shri Balkrishna

NOES

Bhambha Deo, Shri
Kumbho, Shri B. C.

Mansy, Shri

Sonule, Shri H. N.

(Eighth Amendment) Bill

Shri S. A. Mehdi (Rampur) rose—

15.55 hrs.

Shri Dasaratha Deb (Tripura): I wanted to vote for the Ayes.

Mr. Speaker: What is the hon. Member's Division number?

Shri Dasaratha Deb: My division number is 525. I wanted to vote for the 'Ayes'.

श्री सु० हि० रहमान (प्रमरोहा) :
यह बर्क नहीं कर रहा है। मेरा डिविज़न
नम्बर २२१ है :

[شری ایم-الحج-رحمان : یہ ووک]

نہیں کر رہا ہے ممبر آڈون نمبر ۲۲۱ ہے -

Dr. M. S. Aney (Nagpur): My division number is 36. My vote has not been recorded. I wanted to vote for the 'Ayes'.

Shri S. A. Mehdi: My division number is 55. I wanted to vote for the 'Ayes'.

Mr. Speaker: That means four more for the 'Ayes'. The result of the division is:—

Ayes—285*

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.

Shri G. B. Pant: With the omission of clause 2, there will be no restriction on the number of persons who could be nominated.

KERALA STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 27th November, 1959, namely,—

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, be taken into consideration."

Two hours were allotted for this Bill. Shri Datar.

Shri Narayanankutty Menon (Mukandapuram): I had already started.

The Minister of State in the Ministry of Home Affairs (Shri Datar): How much time is left now?

Mr. Speaker: Two hours in all were allotted for this. Half an hour has already been spent. 1½ hours now remain.

Shri Narayanankutty Menon: Sir, you almost agreed on that day to give half an hour more.

Mr. Speaker: All right. May I know the allocation of the time for the second stage?

Shri Narayanankutty Menon: Half an hour is enough.

*The figure was corrected as 284, vide Debates dated 4-12-1959, col. 3427.