

Groups in Parliament (Facilities) Amendment Bill, 2000, as passed by Lok Sabha at its sitting held on the 16th May, 2000.”

III

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 2000, as passed by Lok Sabha at its sitting held on the 16th May, 2000.”

SECRETARY-GENERAL: I lay a copy of each of the Bills on the Table.

THE DEPUTY CHAIRMAN: There is one more announcement. On my request to the Parliamentary Affairs Minister, he has made arrangement for dinner. The House was very warm. So, I have asked them to cool it down a bit. Shri Pranab Mukherjee.

THE CONSTITUTION (NINETIETH) AMENDMENT BILL, 2000 (Contd.)

SHRI PRANAB MUKHERJEE : Madam Deputy Chairman, the point to which I am trying to draw the attention of the Government and, specially the Law Minister is this. Very eminent legal brains have applied their minds. I am not a lawyer. But on a plain and a simple man's reading of the provisions of this Bill, if I understand correctly, insertion of clause 4(b) after clause 4(a) is to ensure that the Government's interpretation for filling in backlog should not be computed with the 50 per cent vacancies ceiling on which could be reserved either under clause 4 or under clause 4. Invariably it will happen. If the vacancies cannot be filled in a particular year, that year it may be less than 50 per cent; but in the subsequent years, when the vacancies have to be filled up, the backlog has to be filled up, it will cross the ceiling of 50 per cent. The interpretation which the Supreme Court has given is that you cannot go beyond the ceiling. On the other hand, the Government has to fill up the backlog. All of us are interested that the vacancies of the Scheduled Castes and Scheduled Tribes should be filled up, that the backlog should be cleared. If you want to clear it by going through the administrative rules, then we will be crossing the ceiling of 50 per cent, which has been put by the Supreme Court. Whether the Government accepts that ceiling, or, it will go for some other alternative,

that is another matter. But so far as this particular Bill is concerned, which has been passed by the other House, and which we are considering, and which we are interested in getting through, my submission to the Government would be that the Government should confirm that clause 4(b) which is to be inserted in the Constitution, as a result of this amending clause, intends only to put the entire backlog in a different category, which is segregated from the regular vacancies, which will arise every year, so long as the 50 per cent is continued. Therefore, I do not find anything wrong in the drafting of this clause. When we are referring to clause (4a), it takes care of the Scheduled Castes and Scheduled Tribes, Clause 4 takes care of the Backward Classes because these are the two original clauses under Article 16 which enabled the Government to have reservation either for the Backward Classes or for the Scheduled Castes and Scheduled Tribes. Therefore, since here the number is required, and Members have to cast their votes I most respectfully submit to all the leaders, if they agree, in principle, that it has to be approved by this House, and if all of us are interested, the Government should take expeditious measures to fill up the backlog for the Scheduled Castes and Scheduled Tribes. If, in future, some hurdle comes up from any legal interpretation, of course, it has to be taken care of. This is a continuing battle. We interpret a law in one way, the Supreme Court interprets the same law in a different way, and if we do not agree with that, we go in for an amendment of the Constitution. This exercise has been going on. I am sure whatever we are trying to do, will not be challenged. The Supreme Court, in its own judgement, may give an interpretation, and so long as that interpretation is not altered, by amending the Constitution, that becomes the order, that becomes the Constitution of the country. Therefore, I do feel that we should take up this piece of legislation and we should carry on the discussion so that we can arrive at a final conclusion.

THE DEPUTY CHAIRMAN: Actually, when the objection was raised by Mr. Gautam, I read out three clauses - two clauses from there and the third one which is going to be inserted. It clearly said that clause 3, sub-clause 4 and 4(A), with 4(B) clarifies all the three positions. Unfortunately, we are not lawyers; you too, Mr. Pranab Mukherjee. *(Interruptions)*

SHRI RAM JETHMALANI: Madam, this interval had some good effect. We have had a very good speech from our friend, Shri Pranab

Mukherjee, and on this side, we have been able to clear the misunderstanding between myself, Dr. Singhvi, and Mr. Gautam. We have cleared our mind. Let me make it very clear -- and the House wants me to make it clear -- that this rule nullifies the Supreme Court's interpretation in respect of the Scheduled Castes, the Scheduled Tribes, as well as Other Backward Classes. Indira Sawhney did not deal with... *(Interruptions)* Now, there is no controversy. *(Interruptions)*

THE DEPUTY CHAIRMAN: Now, I think, you need not give too much explanation. *(Interruptions)*

SHRI RAM. JETHMALANI: Now, there is no controversy, and let us... *(Interruptions)*

SOME HON. MEMBERS: Let us pass it without discussion. *(Interruptions)*

THE DEPUTY CHAIRMAN: Wait for a minute. *(interruptions)* Just a minute please ..*(Interruptions)*.. Can I have some silence? Please sit down. *(Interruptions)* The point is that when Members asked me as to when we are going to take up the Bill for voting. I told them that we are going to take it up between 7 and 7.30 p.m. We should have enough...*(Interruptions)* You don't understand the requirement of the law. We have to have two-thirds majority in the House. Members have to be here. They will be coming at 7.30 p.m. *(Interruptions)* If there is the required majority, then I have no objection. Are there enough Members?

SOME HON. MEMBERS: Yes, Madam.

THE DEPUTY CHAIRMAN : Let us count the Members first. Yes, Mr. Thirunavukkarasu, what do you want to say?

SHRI C.P. THIRUNAVUKKARASU (Pondicherry) : Madam, it is said, "... as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year." ... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Please let me hear what he is saying.

SHRI C.P. THIRUNAVUKKARASU : Madam, as far as Clause (4B) is concerned, it is admitted that it is applicable for the Scheduled Castes, the Scheduled Tribes as well as the backward communities. But the point I am making is that the Tamil Nadu Government has made reservation up to 69%. But, here, in this Bill, it is said that the reservation is fifty per cent. Madam, by this, we are nullifying the 69% reservation that has been made by the Tamil Nadu Government. I want a clarification on this point.

THE DEPUTY CHAIRMAN : What we can do is that we can have a structured debate. We are waiting for the Members to come in. In the meantime, let us have some structured debate; not as it is happening here now, people are getting up and speaking. I will allow one Member from each party. If he has any objection, he can speak; if he wants to make any suggestion, he can make. That way it will be better. We still need some more Members. Mr. Thirunavukkarasu, I will give you a chance to speak in the course of the debate. You know that there is some kind of discussion also, if necessary. Now, I will call Shri Raju Parmar. ... *(Interruptions)*... Yes; we will take about one hour.

SHRI M. VENKAI AH NAIDU : Madam, you can call anybody and if they are interested, they can make their points. Some Members are outside. If they can be called inside, then I think the numbers will be sufficient. My suggestion is that they can be called inside.

THE DEPUTY CHAIRMAN : May be, they are there. But how can we call for a division of the House? Can we? ... *(Interruptions)*...

SHRI M. VENKAI AH NAIDU : That is what I am saying. ... *(Interruptions)*... You need to debate again. I am suggesting, let us pass it without discussion.

THE DEPUTY CHAIRMAN : Shri Venkaiahji, please take your seat. I think it is not proper to have a division bell because, if I do that, then I will have to call for the voting. We have counted the number of Members. Only 110 Members are present right now. We need at least 125 Members. So, the Members are not enough. You can send somebody. Then we will count the Members again. If there are enough Members at that time, then we will go ahead with the voting. If not, then we will have to wait for some more time. Had we not announced it, they would have been here. Yes, Mr. Parmar.

श्री राजू परमार (गुजरात): उपसभाध्यक्ष महोदय, सदन में सरकार द्वारा जो 90वां कांस्टीट्यूशन अमेंडमेंट बिल लाया गया है, मैं इसका सपोर्ट करता हूँ और यह बिल लाने के लिए ... (व्यवधान) ...

उपसभापति: वह बोल रहे हैं. सुनिए. प्लीज।

श्री राजू परमार: यह बिल लाने के लिए मंत्री महोदय को मैं धन्यवाद देता हूँ। इस बिल के जरिये SC/ST लोगों की जो हंड्रेड परसेंट व्यथा है, उसमें से दस परसेंट व्यथा कम हुई है। क्योंकि आप जानती हैं कि डिपार्टमेंट ऑफ पर्सनल द्वारा पूरे पांच सरकुलर, ऑफिस मेमोरेण्डम इश्यू हुए, जनवरी 1997 से लेकर अगस्त 1997 तक, टोटल पांच ऑफिस मेमोरेण्डम जो इश्यू हुए उसकी वजह से SC/ST को संविधान में जो मूलभूत हक मिले थे वह खत्म हो गये और रिजर्वेशन का जो फायदा SC/ST को हुआ था वह फायदा भी बंद हो गया। मेरी आपके माध्यम से मंत्री महोदय से गुज़ारिश है कि एक ही मेमोरेण्डम को खत्म करने के लिए यह बिल लाया गया है। बाकी के जो चार मेमोरेण्डम हैं वे 80 प्रतिशत मुश्किलें पैदा करते हैं। इन चार ऑफिस मेमोरेण्डम के बारे में भी डिपार्टमेंट और मंत्री महोदय कुछ सोचें, यह मैं आपके माध्यम से उनसे गुज़ारिश करता हूँ। मैडम, आप जानती हैं कि जब SC/ST के मामले में कोई बात आती है तो हम लोग हमेशा नेशनल कमीशन फॉर SC/ST को रेफर करते हैं या कन्सल्ट करते हैं। लेकिन ये जो पांच ऑफिस मेमोरेण्डम डिपार्टमेंट ऑफ पर्सनल की तरफ से इश्यू हुए हैं उसमें नेशनल कमीशन फॉर SC/ST को रेफर नहीं किया गया है और न ही कन्सल्ट किया गया है। उसके बाद हमारे चेयरमैन श्री हनुमथप्पा ने इन पांच मेमोरेण्डम पर एक स्पेशल रिपोर्ट बनाई थी और वह रिपोर्ट डिपार्टमेंट में भी भेजी थी। लेकिन डिपार्टमेंट की तरफ से जो ऐक्शन टेकन रिपोर्ट उन्होंने दी है उसमें यह कहा गया है कि नेशनल कमीशन फॉर SC/ST को कन्सल्ट करना जरूरी नहीं है, यह बहुत खराब बात है। क्योंकि नेशनल कमीशन फॉर SC/ST लोगों के मूलभूत हकों के रक्षण और उन्हें ज्यादा सहूलियतें संविधान में मिले, उन्हें इसका फायदा कैसे मिले, इसके लिए बनाया गया है। यदि रेफर या कंसल्ट नहीं किया जाएगा तो SC/ST की बात खत्म हो जाती है। मैं आपके माध्यम से मंत्री महोदय से रिक्वेस्ट करूंगा कि ऐसे मामले जब आपके सामने आते हैं - SC/ST के बारे में, तो कम से कम शुरुआत में ऐसे सरकुलर इश्यू करने से पहले SC/ST कमीशन को रेफर किया जाए। ऐसा मैं मंत्री महोदय को सजेस्ट करता हूँ।

उपसभापति महोदय, सरकार यह जो संशोधन बिल लाई है इस बिल में मुझे कुछ अभाव लगे हैं, कुछ त्रुटियां दिखाई दी हैं। मैं आपके माध्यम से मंत्री महोदय से

गुजारिश करता हूँ कि

"Prior to August 29, 1997, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes, which could not be filled up by direct recruitment on account of non-availability of the candidates belonging to the Scheduled Castes or the Scheduled Tribes, were treated as 'backlog vacancies.' "

उपसभापति महोदय, हम इसे मानते हैं लेकिन बिल की बॉडी में इसका कहीं जिक्र ही नहीं हुआ है। आपने जो बिल प्रस्तुत किया उसमें बैकलॉग की बात नहीं है बल्कि उसमें अनफिल्ड वेकेंसी की बात है। उसमें बैकलॉग का कहीं जिक्र नहीं हुआ है। कानून में जो लिखा है वही पढ़ा जाता है। जैसे अभी हमारे गौतम जी ने बात रेज की यदि वह बात यहां पर क्लेरीफाई नहीं करेंगे तो जो पढ़ा होगा, जो कानून में आया होगा वही बात कोर्ट में चलेगी। कोर्ट में चैलेंज होगा और कोर्ट भी जो लिखा होगा वही बात मानेगी। मेरी आपके माध्यम से गुजारिश है कि आपने जो ओब्जेक्टिवस में बैकलॉग मेंशन किया है उसके आर्टिकल 4-B की पहली लाइन में भी अनफिल्ड बैकलॉग कर दिया जाए, ऐसी मेरी आपसे गुजारिश है। आर्टिकल 335 में एक एडिक्वेट रिप्रेजेंटेशन देने की बात कही गई है लेकिन यहां पर परसेंटेज की बात आ जाती है। 50 परसेंट, 15 परसेंट फोर SC, 7.50 परसेंट फॉर ST, 27 परसेंट फोर ओ.बी.सी. के लिए है। यह परसेंटेज किसने तय किया? ऐसी कोई सिलिंग सुप्रीम कोर्ट नहीं तय कर सकती। संविधान में यह नहीं लिखा है कि इनके लिए इतना परसेंटेज, SC के लिए इतना, ST के लिए इतना, OBC के लिए इतना। संविधान में ऐसा कोई परसेंटेज नहीं बताया गया है। लेकिन जब जनसंख्या बढ़ती है तो उसके मुताबिक जनसंख्या का परसेंटेज भी बढ़ता है। आपको मालूम है कि इंदिरा साहनी केस का सुप्रीम कोर्ट में जिक्र हुआ। इंदिरा साहनी के साथ ऐसा कोई अन्याय नहीं हुआ था। उन्होंने केवल पब्लिसिटी के लिए ऐसा किया था। उनके साथ ऐसा कोई अन्याय नहीं हुआ था और कोर्ट में उन्होंने जो अपील फाइल की -ओ.बी.सी. के बारे में वह ओ.बी.सी. के खिलाफ की थी नॉट अगेंस्ट SC and ST - but while deciding about this case, the Supreme Court has unnecessarily dragged the SCs and the STs in this judgement.

मैं आपके माध्यम से आदरणीया मंत्री महोदय से कहना चाहता हूँ कि उनका परसेंटेज 50 परसेंट तय किया है। इसमें 15 परसेंट एस.सी., 7.5 परसेंट एस.टी., 27 परसेंट हमारे ओ.बी.सी. का है जो कुल 49.50 हो जाता है। फिर यह बात कहां हुई जो

यह कहा जा रहा है कि इन लोगों को अब ज्यादा दे रहे हैं। इसलिए मेरी आपसे गुजारिश है कि एस.सी और एस.टी. के लिए आप एक कम्प्रहेंसिव बिल लायें और इसको आप नाइंथ शैड्यूल में इन्क्लूड कर दीजिए जिससे कि कभी भी इसमें कोर्ट द्वारा कोई छेड़छाड़ न की जा सके।

मैडम, लास्ट में मैं कहना चाहता हूँ कि आप जानती हैं कि मिजोरम और नागालैंड में एस.सी. नहीं हैं वहां पर केवल एस.टी. है। तो यह बिल जब आप लाए हैं तो इन दो स्टेटों में, अरुणाचल और नागालैंड के बारे में आप क्या सोच रहे हैं इसका भी जिक्र यहां पर अगर आप करें तो हमको खुशी होगी।

मैडम, खासतौर पर ऐसा देखा जाता है कि पर्सोनल डिपार्टमेंट, जब एस.सी. और एस.टी. के बारे में कोई फेवरेबल कोर्ट का जजमेंट आता है तो उस पर वह इमीडिएटली ऐक्शन नहीं लेता। मिसाल के तौर पर सिंडिकेट बैंक के बारे में जजमेंट आया तो कहा गया कि वह सिर्फ सिंडिकेट बैंक से ही संबंधित हैं लेकिन जब इंदिरा साहनी जजमेंट आया तो डिपार्टमेंट ने पूरे देश में उसको लागू कर दिया। जो एस.सी. और एस.टी. के फेवर में जजमेंट आते हैं तो उसमें रुकावट डाली जाती है और उसको इम्प्लीमेंट नहीं किया जाता है। ऐसा डिपार्टमेंट की तरफ से काम होता है। और जब एस.सी./एस.टी. के खिलाफ कोई बात आती है तो इमीडिएटली विदइन नो टाइम सरकुलर्स आर इश्यूड। तो आपके माध्यम से मेरी डिपार्टमेंट से भी रेक्वेस्ट है कि....

उपसभापति: अब आप कन्क्लूड करिए।

श्री राजू परमार: ऐसे लोग जो डिपार्टमेंट में बैठे हैं जो एंटी एस.सी और एंटी एस.टी हैं, ऐसे लोगों को वहां से हटाकर अच्छे लोगों को वहां पर बिठाना चाहिए।

श्री संघ प्रिय गीतम (उत्तर प्रदेश): मैडम, मेरी सदन से प्रार्थना है कि इसको वगैर बहस पास कर दे।

THE DEPUTY CHAIRMAN: Okay. If everybody agrees
...*(interruptions)*....

SHRI R. MARGABANDU (Tamil Nadu): Madam, I gave my name. I rise to speak.

THE DEPUTY CHAIRMAN: Okay. Let the quorum bell be rung.

SHRI R. MARGABANDU: I gave my name.

THE DEPUTY CHAIRMAN: Mr. Margabandu, I will not allow

any controversial thing. Whatever you have said is not part of the record.

SHRI R. MARGABANDU : I am not going to raise any controversial matter. I may be permitted to say a few words on this amendment. I have given my name.

We will not enter into any controversy.

THE DEPUTY CHAIRMAN : The Minister wants to say something.

SHRI R. MARGABANDU : I may be permitted to place my views on this amendment.

THE DEPUTY CHAIRMAN : But when you have agreed that it should be passed without any discussion, how can I allow you? I cannot differentiate between you and other Members.

SHRI R. MARGABANDU : Many Members have spoken.

THE DEPUTY CHAIRMAN : Not many. Only one Member spoke.

SHRI R. MARGABANDU : Let me make my submission.

THE DEPUTY CHAIRMAN : Let me put one thing first. Wait a minute. Sit down. Let me get a clear indication from the House. I am not in favour of either getting it passed without discussion or not getting it passed after discussion. It is entirely up to all of you. Now, I want to put this question. Again, do you want to have a discussion, or, do you want to pass it without discussion?

SOME HON. MEMBERS : No. We want to pass it without discussion.

SHRI R. MARGABANDU: But I want to speak.

THE DEPUTY CHAIRMAN: Majority of the Members do not want discussion. *(Interruptions)*... There will be no discussion.

SHRI R. MARGABANDU: But I want to make my point of view. I gave my name. I may be permitted to say a few words.

श्री संजय निरुपम (महाराष्ट्र): यह कहते हैं कि इस बिल पर चर्चा होनी चाहिए क्योंकि यह संविधान संशोधन का प्रश्न है। आमतौर पर जो नान-शैड्यूल्ड कास्ट और नान-शैड्यूल्ड ट्राइब्स के लोग हैं उनके अधिकारों का भी प्रश्न है। सिर्फ अनुसूचित जाति

और जन-जातियों के अधिकारों की बात नहीं होनी चाहिए। और भी क्लास हैं और भी लोग हैं, उनके अधिकारों का भी प्रश्न है। इस पर बिल्कुल चर्चा होनी चाहिए और चर्चा के बाद ही बिल पास होना चाहिए।

उपसभापति: आप बैठिए।

श्री संजय निरुपम: मेरा निवेदन है...

उपसभापति: आप बैठिए, मैंने सुन लिया कि बात क्या है।

श्री मूल चन्द मीणा (राजस्थान): महोदय, प्रधानमंत्री जी ने तीन-तीन बार लोगों को आश्वासन दिया है, इस सदन के सदस्यों और लोकसभा के सदस्यों को आश्वासन दिया है कि शैड्यूल्ड क्लास और शैड्यूल्ड ट्राइब्स के लोगों के खिलाफ जनवरी 97 से जुलाई 97 तक कार्मिक विभाग ने जो निर्देश निकाले हैं ...*(ब्यवधान)*...

श्री एस.एस.अहलुवालिया (बिहार): अगर डिसकशन करना है तो हम सब लोग भी बोलेंगे। ...*(ब्यवधान)*

उपसभापति : हां सब लोग बोलेंगे । I am allowing everybody to speak. *(Interruptions)*. Then, I will allow a structured discussion. Okay? Finished. *(Interruption)*. I am not permitting you, Mr. Meena.

श्री मूल चन्द मीणा (राजस्थान): तीन तीन बार सदन को आश्वासन दिया। ...*(ब्यवधान)* इस देश के प्रधानमंत्री ने शैड्यूलड कास्ट और शैड्यूलड ट्राइब्स के लोगों को सांसदों को आश्वासन दिया।...*(ब्यवधान)* उस आश्वासन का क्या हुआ, यह मैं जानना चाहता हूँ? ...*(ब्यवधान)*...

उपसभापति : आप अपनी जगह पर बैठिये। तशरीफ रखिये । ...*(ब्यवधान)*

Now, I feel there is a very funny situation. Some people say they do not want a discussion. Some say they still want to say one word. This cannot be done. Two things cannot be done at the same time. Either there should be a proper discussion or there should be no discussion. If there is a discussion, I will allow according to the party's time to speak. Or, nobody is going to speak. *(Interruptions)*.

SHRI R. MARGABANDU: I would like to make my mention.

THE DEPUTY CHAIRMAN: When your time comes, I will allow you. Your time has not come now. *(Interruption)*. Mr. Meena, please sit

down. I have not permitted you now.

SHRI SOLIPETA RAMACHANDRA REDDY (Andhra Pradesh): Madam, Mr. Margabandu is agreeable.

THE DEPUTY CHAIRMAN: What has he agreed to? *(Interruptions)*. Now, please sit down. I am allowing everybody according to the party's time. *(Interruption)*. I do not understand why you are getting up, Mr. Meena. I am allowing according to the party's time. Mr. Ram Nath Kovind. *(Interruptions)*. There is no agreement in the House. *(Interruptions)*. There are others asking for time to speak.

DR. ALLADI P. RAJKUMAR (Andhra Pradesh): The majority is not in favour of a discussion.

SHRI SOLIPETA RAMACHANDRA REDDY: No discussion, Madam. Mr. Margabandu has also agreed.

SHRI R. MARGABANDU: As far as the filling up of backlog vacancies for the SC and ST, I agree. But with reference to the later part regarding the ceiling of 50 per cent, I am opposing it. *(Interruptions)*

श्री संजय निरुपम (महाराष्ट्र): हर सदस्य अपनी-अपनी बात इस बिल के ऊपर कहना चाह रहा है ...*(व्यवधान)*... महोदया, सबको मौका मिलना चाहिए।...*(व्यवधान)*...

THE DEPUTY CHAIRMAN: Now, the Minister would reply. *(Interruptions)*. She is standing to reply. Please sit down. *(Interruptions)*

श्री संजय निरुपम : महोदया, डिसकशन होना चाहिए। ...*(व्यवधान)* चर्चा होनी चाहिए। इतना महत्त्वपूर्ण बिल बगैर चर्चा के पास कर दिया जाएगा...*(व्यवधान)* क्यों भाई? ...*(व्यवधान)* माइनारिटी की आवाज भी तो सुननी पड़ेगी।...*(व्यवधान)*

उपसभापति : क्या आप रिप्लाइ करेंगे? ..*(व्यवधान)*

श्री संजय निरुपम : जब चर्चा नहीं हुई तो रिप्लाइ क्या होगा? ...*(व्यवधान)*

श्री गांधी आज़ाद (उत्तर प्रदेश) : मैं एक दो बातें कहना चाहता हूँ । ...*(व्यवधान)* इस विधेयक को लाने की जरूरत क्यों पड़ी, इस पर मैं बहुत संक्षेप में बताना चाहता हूँ।...*(व्यवधान)* सवाल यह है ...*(व्यवधान)*

श्री मूल चन्द मीणा : उपसभापति महोदया...(व्यवधान)

उपसभापति: बोलिये, मंत्री जी जवाब दे रहे हैं।...(व्यवधान)

SHRI JIBON ROY (West Bengal): No discussion, no reply. (Interruptions).

THE DEPUTY CHAIRMAN: I am giving you the last chance. If you are not going to listen to me seriously, on a very important matter like this, I will adjourn the House. Tomorrow, you can have the voting. This is not the way to pass a Constitution Amendment Bill. I have never seen it in my time in Parliament. It is a Constitution Amendment Bill. Everybody's temper was high some time back. Now, when we think everybody is agreed, still some people say that they want to say something. She has to reply. This is part of the requirement. She moved the Bill. She has to say, "Yes, I agree" or "I disagree". How can you say "no discussion, no reply"? What is the meaning of it? You are a senior Member of the House. Don't you know what the procedure is? I would now ask her to reply to the debate.

SHRIMATI VASUNDHARA RAJE : Madam Chairperson, I am actually very gratified with the unequivocal and unanimous support of this House and I am not going to make a very long speech about it. All I would like to say is that when a baby is taught to swim, we make it swim to the deep end. Today, I have had the baptism of fire. This is the first Constitution Amendment Bill I am bringing before the House. I am very gratified to see the kind of response which has emanated from all parts of the House. I will not go into the questions that need to be replied over here. I think, generally, there is consensus that this is an amendment that needs to be passed. All I would say is, thank you very much to all those who have participated, Rajubhaiji, Pranab Da, Mr. Margabandu, Mr. Gautam, Mr. Virumbi, Mr. Meena, and, of course, Mr. Sanjay Nirupam and the entire House.

With these words, I would just like to commend the Bill for passage by this august House.

THE DEPUTY CHAIRMAN: There was a point raised that in Arunachal Pradesh and other States, there is no SC or ST. Please take note of it. Please take care to see how you would do it.

SHRIMATI VASUNDHARA RAJE: Certainly, I will look at that

point, Madam. This is a State service matter, as the hon. Members know. In any case, I will certainly look into it.

THE DEPUTY CHAIRMAN: Now, the question is:

'That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration'.

The House divided.

THE DEPUTY CHAIRMAN:	Ayes	...	146
	Noes.	...	Nil
	Ayes	...	146

Shri Lakkhiram Agarwal

Shri Ramdas Agarwal

Shri Parmeshwar Kumar Agarwalla

Shri S.S. Ahluwalia

Shri Akhilesh Das

Shri Anil Kumar

Shri B.P. Apte

Shri R.N. Arya

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Shri Bachani Lekhraj

Shri Balkavi Bairagi

Shri Sikander Bakht

Shri Bangaru Laxman

Shrimati Jamana Devi Barupal

Shri Nilotpal Basu

Shri Ram Deo Bhandary

Shri Brahmakumar Bhatt

[16 MAY, 2000]

RAJYA SABHA

Shri Manoj Bhattacharya

Shri Jhumuk Lal Bhendia

Shri K.G. Bhutia

Shri Krishna Kumar Birla

Shri Drupad Borgohain

Shri T.N. Chaturvedi

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Shri Prem Chand Gupta

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Shri C. Apok Jamir

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Shri K. Rahman Khan

Shri Ghanshyam Chandra Kharwar

Shri Ramachandra Khuntia

Dr. A.R. Kidwai

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Shri Maurice Kujur

Shri Lachhman Singh

Dr. Y. Lakshmi Prasad

Shri Pramod Mahajan

Shri P.K. Maheshwari

Shrimati Sarla Maheshwari

Shri Bhagatram Manhar

Dr. Manmohan Singh

Shri Moolchand Meena

Shri Lalitbhai Mehta

Shri Dina Nath Mishra

[16 MAY, 2000]

RAJYA SABHA

Shri Ranganath Misra
Shri Dipankar Mukherjee
Shri Pranab Mukherjee
Shri K.B. Krishna Murthy
Shri M. Rajasekara Murthy
Shrimati Jayaprada Nahata
Shri M. Venkaiah Naidu
Shri S.Niraikulathan
Shri Sanjay Nirupam
Shri Nagendra Nath Ojha
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Shri Kripal Parmar
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Shri Balbir K. Punj
Shrimati Kum Kum Rai
Shri Lajpat Rai
Shrimati Bimba Raikar
Shri O. Rajagopal
Dr. Alladi P. Rajkumar
Shri C. Ramachandraiah

Dr. Dasari Narayana Rao
Shri K. Kalavenkata Rao
Shri K. Rama Mohana Rao
Mirza Abdul Rashid
Shri Vayalar Ravi
Prof. (Shrimati) Bharati Ray
Miss Mabel Rebello
Dr. C. Narayana Reddy
Shri Solipeta Ramachandra Reddy
Shri Abani Roy
Shri Jibon Roy
Shri Shankar Roy Chowdhury
Shri Ramachandraiah Rumandla
Shri K.M. Saifullah
Shri N.K.P. Salve
Shri M.P.A. Samad Samadani
Shri Manmohan Samal
Prof. M. Sankaralingam
Dr. Arun Kumar Sarma
Shrimati Basanti Sarma
Shri Bratin Sengupta
Shri Ananta Sethi
Shrimati Savita Sharda
Shri Sharief-Ud-Din Shariq
Dr. Mahesh Chandra Sharma

[16 MAY, 2000]

RAJYA SABHA

Shri Adhik Shirodkar
Shri Arun Shourie
Shri Birabhadra Singh
Shri Devi Prasad Singh
Shri Jaswant Singh
Dr. Karan Singh
Shri W. Angou Singh
Shri B.P. Singhal
Dr. L.M. Singhvi
Shri Shatrughan Sinha
Shri Rama Muni Reddy Sirigireddy
Shri P. N. Siva
Shri S. Sivasubramanian
Shri Gopalsinh G. Solanki
Shrimati Ambika Soni
Shri P. Soundararajan
Shri Ka. Ra. Subbian
Shri N. Thalavai Sundaram
Shri Rajnath Singh 'Surya'
Shrimati Sushma Swaraj
Shri C.P. Thirunavukkarasu
Miss Frida Topno
Shri Suryabhan Patil Vahadane
Prof. R. B. S. Varma
Shri Vikram Verma

Shri A. Vijaya Raghavan

Shri S. Viduthalai Virumbi

Shri Ranjan Prasad Yadav

Shri Khan Ghufran Zahidi

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

THE DEPUTY CHAIRMAN: We shall now take up clause- by- clause consideration of the Bill. This is regarding insertion of new Clause 2. There is one amendment by Shri R.S. Gavai. Mr. Gavai, are you moving your amendment?

SHRI R.S. GAVAI (Maharashtra): Madam, I am not opposing the Bill. But, at least, listen to what I have to say.

Madam, at the outset, I welcome the very intention of the Government for bringing this Bill, but, at the same time, law is an ass. The Amendments are given with a pious intention, that there should be no ambiguity in the Bill. It is an established convention in Parliament and State Legislatures that whatever appears in the Aims and Objectives ought to appear in the Bill. Madam, I am very sorry that in this Amendment Bill there is no clarification. I only sought a clarification with the very intention to support the purpose of the Bill. The Amendment was : "That it is hereby declared that vacancies for Scheduled Castes and Scheduled Tribes which could not be filled up by direct recruitment and by promotion on account of non-availability of candidates belonging to these classes, otherwise, shall be treated as backlog. It is a positive amendment. I just want an assurance. I do not want to create an obstacle for a holy purpose, for a pious purpose. The whole House is unanimous. Keeping in mind the very spirit and the intention, if there is any difficulty in implementation, the Government should look into it. I seek your permission to withdraw my amendment.

THE DEPUTY CHAIRMAN: You have not moved it.

SHRI R. MARGABANDU: Madam, I also gave an amendment.

THE DEPUTY CHAIRMAN: No, you cannot give an amendment

at this point of time. I don't think that it is in order. I don't know what happens to you, Mr. Margabandu. You are a lawyer and you are making illegal moves.

SHRI R. MARGABANDU: Madam, I have a second amendment also.

THE DEPUTY CHAIRMAN: What do you want to say, Mr. Gavai.

SHRI R.S. GAVAI: Madam, here also, to make it amply clear to the Government, they have deleted the line 6 and added a new chapter wherein it is stated "which we would consider", my worry is about the word "consider". They used the word "considering the backlog". Consider what? That is what I want to delete. Then the word "unfilled". It is not limited to the unfilled vacancies but whatever happens, the vacancies may be filled or may not be filled, I do not want to press for the amendment. Keeping in mind the intention of the Government, let us hope that they will properly understand the spirit of the amendment. I do seek your permission to withdraw my amendment.

THE DEPUTY CHAIRMAN: Mr. Gavai, you have not moved your amendments. There is no question of withdrawal.

We shall now take up clause-by-clause consideration. The question is:

That Clause 2 stand part of the Bill.

The House divided.

THE DEPUTY CHAIRMAN:	Ayes ...	146
	Noes. ...	Nil
	Ayes ...	146

Shri Lakkhiram Agarwal

Shri Ramdas Agarwal

Shri Parmeshwar Kumar Agarwalla

Shri S.S. Ahlawalia

Shri Chhitesh ...

Shri Anil Kumar
Shri B.P. Apte
Shri R.N. Arya
Shri Gandhi Azad
Shri Bachani Lekhraj
Shri Balkavi Bairagi
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Shri Nilotpal Basu
Shri Ram Deo Bhandary
Shri Brāhmakumar Bhatt
Shri Manoj Bhattacharya
Shri Jhumuk Lal Bhendia
Shri K.G. Bhutia
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Shri T.N. Chaturvedi
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Shri S.B. Chavan
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Dr. M.N. Das
Dr. (Ms.) P. Selvie Das
Dr. Biplab Dasgupta
Shri Anantray Devshanker Dave

[16 MAY, 2000]

RAJYA SABHA

Ven'ble Dhammaviriyo
Shri Manohar Kant Dhyani
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Shri S.Niraikulathan

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Shri Suresh Pachouri

Shri Kripal Parmar

Shri Biju Parmar

[16 MAY, 2000]

RAJYA SABHA

Dr. A. K. Patel
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Shri S. Ramachandran Pillai
Shri C.O. Poullose
Shri Ravi Shankar Prasad
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Shri K.M. Saifullah
Shri N.K.P. Salve
Shri M.P.A. Samad Samadani
Shri Manmohan Samal
Prof. M. Sankaralingam
Dr. Arun Kumar Sarma
Shrimati Basanti Sarma
Shri Bratin Sengupta
Shri Ananta Sethi
Shrimati Savita Sharda
Shri Sharief-Ud-Din Shariq
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Shri W. Angou Singh
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Shri Shatrughan Sinha
Shri Rama Muni Reddy Sirigireddy
Shri P. N. Siva
Shri S. Sivasubramanian
Shri Gopalsinh G. Solanki

Shrimati Ambika Soni
Shri P. Soundararajan
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Shri N. Thalavai Sundaram
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Shri C.P. Thirunavukkarasu
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Shri Vikram Verma
Shri A. Vijaya Raghavan
Shri S. Viduthalai Virumbi
Shri Ranjan Prasad Yadav
Shri Khan Ghufran Zahidi

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

Clause 2 was added to the Bill.

THE DEPUTY CHAIRMAN: Now the question is:

That Clause 1, Enacting Formula and Title stand part of the Bill.

The House divided.

THE DEPUTY CHAIRMAN: Ayes ... 146

Noes. ... Nil

Ayes ... 146

Shri Lakkhiram Agarwal

Shri Ramdas Agarwal

Shri Parmeshwar Kumar Agarwalla

Shri S.S. Ahluwalia

Shri Akhilesh Das

Shri Anil Kumar

Shri B.P. Apte

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Dr. M.N. Das

[16 MAY, 2000]

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Shri Dina Nath Mishra

Shri Ranganath Misra

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Shri M. Venkaiah Naidu

Shri S.Niraikulathan

Shri Sanjay Nirupam

Shri Nagendra Nath Ojha

[16 MAY, 2000]

RAJYA SABHA

Shri Suresh Pachouri

Shri Kripal Parmar

Shri Raju Parmar

Dr. A. K. Patel

Shri Ahmed Patel

Shri S. Ramachandran Pillai

Shri C.O. Poulouse

Shri Ravi Shankar Prasad

Shri Balbir K. Punj

Shrimati Kum Kum Rai

Shri Lajpat Rai

Shrimati Bimba Raikar

Shri O. Rajagopal

Dr. Alladi P. Rajkumar

Shri C. Ramachandraiah

Dr. Dasari Narayana Rao

Shri K. Kalavenkata Rao

Shri K. Rama Mohana Rao

Mirza Abdul Rashid

Shri Vayalar Ravi

Prof. (Shrimati) Bharati Ray

Miss Mabel Rebello

Dr. C. Narayana Reddy

Shri Solipeta Ramachandra Reddy

Shri Abani Roy

Shri Jibon Roy
Shri Shankar Roy Chowdhury
Shri Ramachandraiah Rumandla
Shri K.M. Saifullah
Shri N.K.P. Salve
Shri M.P.A. Samad Samadani
Shri Manmohan Samal
Prof. M. Sankaralingam
Dr. Arun Kumar Sarma
Shrimati Basanti Sarma
Shri Bratin Sengupta
Shri Ananta Sethi
Shrimati Sayita Sharda
Shri Sharief-Ud-Din Shariq
Dr. Mahesh Chandra Sharma
Shri Adhik Shirodkar
Shri Arun Shourie
Shri Birabhadra Singh
Shri Devi Prasad Singh
Shri Jaswant Singh
Dr. Karan Singh
Shri W. Angou Singh
Shri B.P. Singhal
Dr. L.M. Singhvi
Shri Shatrughan Sinha

[16 MAY, 2000]

RAJYA SABHA

Shri Rama Muni Reddy Sirigireddy

Shri P. N. Siva

Shri S. Sivasubramanian

Shri Gopalsinh G. Solanki

Shrimati Ambika Soni

Shri P. Soundararajan

Shri Ka. Ra. Subbian

Shri N. Thalavai Sundaram

Shri Rajnath Singh 'Surya'

Shrimati Sushma Swaraj

Shri C.P. Thirunavukkarasu

Miss Frida Topno

Shri Suryabhan Patil Vahadane

Prof. R. B. S. Varma

Shri Vikram Verma

Shri A. Vijaya Raghavan

Shri S. Viduthalai Virumbi

Shri Ranjan Prasad Yadav

Shri Khan Ghufuran Zahidi

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

SHRIMATI VASUNDHARA RAJE: Madam, I move:

'That the Bill be passed'.

THE DEPUTY CHAIRMAN: The question is:

'That the Bill be passed'.

The House divided.

THE DEPUTY CHAIRMAN:	Ayes ...	146
	Noes. ...	Nil
	Ayes ...	146

Shri Lakkhiram Agarwal
Shri Ramdas Agarwal
Shri Parmeshwar Kumar Agarwalla
Shri S.S. Ahluwalia
Shri Akhilesh Das
Shri Anil Kumar
Shri B.P. Apte
Shri R.N. Arya
Shri Gandhi Azad
Shri Bachani Lekhraj
Shri Balkavi Bairagi
Shri Sikander Bakht
Shri Bangaru Laxman
Shrimati Jamana Devi Barupal
Shri Nilotpal Basu
Shri Ram Deo Bhandary
Shri Brahmakumar Bhatt
Shri Manoj Bhattacharya
Shri Jhumuk Lal Bhendia
Shri K.G. Bhutia
Shri Krishna Kumar Birla

[16 MAY, 2000]

RAJYA SABHA

Shri Drupad Borgohain
Shri T.N. Chaturvedi
Chaudhary Chunni Lal
Shri S.B. Chavan
Shri Khagen Das
Dr. M.N. Das
Dr. (Ms.) P. Selvie Das
Dr. Biplab Dasgupta
Shri Anantray Devshanker Dave
Ven'ble Dhammaviriyo
Shri Manohar Kant Dhyani
Shrimati Saroj Dubey
Shri V.P. Duraisamy
Dr. Faguni Ram
Shri Sangh Priya Gautam
Shri R. S. Gavai
Shri Gaya Singh
Shri R. P. Goenka
Shri Vedprakash P. Goyal
Shri Prem Chand Gupta
Shri Ramakrishna Hegde
Shri Hiphei
Shri C. Apok Jamir
Shri Ram Jethmalani
Shri Kailash Joshi

Shri M.A. Kadar

Shri Suresh Kalmadi

Shri Rama Shanker Kaushik

Shri Suresh A. Keswani

Shri Aimaduddin Ahmad Khan(Durru)

Shri K. Rahman Khan

Shri Ghanshyam Chandra Kharwar

Shri Ramachandra Khuntia

Dr. A.R. Kidwai

Shri Ram Nath Kovind

Shri Maurice Kujur

Shri Lachhman Singh

Dr. Y. Lakshmi Prasad

Shri Pramod Mahajan

Shri P.K. Maheshwari

Shrimati Sarla Maheshwari

Shri Bhagatram Manhar

Dr. Manmohan Singh

Shri Moolchand Meena

Shri Lalitbhai Mehta

Shri Dina Nath Mishra

Shri Ranganath Misra

Shri Dipankar Mukherjee

Shri Pranab Mukherjee

Shri K.B. Krishna Murthy

[16 MAY, 2000]

RAJYA SABHA

Shri M. Rajasekara Murthy

Shrimati Jayaprada Nahata

Shri M. Venkaiah Naidu

Shri S. Niraikulathan

Shri Sanjay Nirupam

Shri Nagendra Nath Ojha

Shri Suresh Pachouri

Shri Kripal Parmar

Shri Raju Parmar

Dr. A. K. Patel

Shri Ahmed Patel

Shri S. Ramachandran Pillai

Shri C. O. Poulouse

Shri Ravi Shankar Prasad

Shri Balbir K. Punj

Shrimati Kum Kum Rai

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Shri Abani Roy
Shri Jibon Roy
Shri Shankar Roy Chowdhury
Shri Ramachandraiah Rumandla
Shri K.M. Saifullah
Shri N.K.P. Salve
Shri M.P.A. Samad Samadani
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Shri Bratin Sengupta
Shri Ananta Sethi
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[16 MAY, 2000]

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Shri S. Viduthalai Virumbi

Shri Ranjan Prasad Yadav

Shri Khan Ghufran Zahidi

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

THE DEPUTY CHAIRMAN: I adjourn the House till 11.00 a.m. tomorrow.

The House then adjourned at forty-two minutes past six of the clock, till eleven of the clock on Wednesday, the 17th May, 2000.