

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I am confident that one the hon. Minister, Mr. Jethmalani, gives his word, he will keep it. So, you need not have any apprehension about it. Before I request the hon. Minister to give his reply, there is a message from the Lok Sabha.

**MESSAGES FROM THE LOK SABHA**

- (i) The Income-tax (Amendment) Bill, 1999.
- (ii) The Contingency Fund of India (Amendment) Bill, 1999.
- (iii) The Representation of the People (Amendment) Bill, 1999.

THE SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha.

(I)

"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 Income-tax (Amendment) Bill, 1999, as passed by Lok Sabha at its sitting held on the 28th October, 1999."

"The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Consitution of India."

(II)

"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 contingency Fund of India (Amendment) Biil, 1999, as passed by Lok Sabha at its sitting held on the 28th October, 1999."

"The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Consitution of India."

(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 Representation of the People (Amendment) Biil, 1999, as passed by Lok Sabha at its sitting held on the 28th October, 1999."

Sir, I lay a copy each of the Bills on the Table.

**THE CONSTITUTION (EIGHTY-FOURTH AMENDMENT)  
BILL, 1999-Contd.**

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Now, the hon. Minister, you have to give your reply.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Mr. Chairperson, Sir, I think nearly 25 Members of this House have spoken on this Bill and almost in compliance with my request this morning I must say that the hon. Members have imparted to me a lot of information, a lot of the instruction and a lot of advice. I am deeply grateful to them. Without going into the specifics for the time being, I can only say that every word that has fallen from the hon. Members will receive the Government's most sincere and most serious attention and it will greatly help to formulate correct policies which, I hope, will register a greater degree of success than what we have achieved so far. Sir, the common *substratum* of all the speeches was an expected and an understandable feeling of pathos, a sorrow which was legitimate, a sorrow which was fully shared. Sir, the cause of SCs & STs has much wider ramifications that hitherto have been appreciated. Some of my hon'ble friends went into the history of reservations; some of them went as far back as the Puna Pact; and some even earlier. But Sir, as a student of Indian history, I have always wondered, how is it that this vast country, with a vast population, repeatedly lost out to aggressors who came from outside with a handful of people and took hold of this entire sub-continent. I do not know how many Members of this House will share my conclusion, but I have always believed that it was directly the result of the Indian society, being a fractured society, in which a vast majority of the people were made to live in such conditions in which they ultimately, out of sheer frustration, refused to care, as to who became the ruler of this country. Wars were fought, but they were fought by a small insignificant minority and the vast reservoir of physical strength of this country was never utilized for the defence of the nation. So, Sir, I believe, the root of this problem is connected with unity of India, with the sovereignty of India and, Sir, with the allied subject of national integration. This nation cannot claim to be a nation unless we have finally removed this blot; and this blot must be speedily removed, if we are really to call ourselves an Indian nation. Dr. Ambedkar gave us a Constitution, a Constitution which started with the reference to these people of India—"We the People of India". I do not believe, that we are entitled to call ourselves the people of India, until and unless every section of the people of India is ensured that dignity, that status, that equality of opportunity, that share in the prosperity of our country which our Preamble very eloquently speaks about. Sir, the debate this morning—I won't call it a debate—I would call it a discussion—started with Mr. Hanumanthappa, an SC himself. He has been the Chairman of that Commission. And, Sir, while his speech contained a mixture of pathos and frustration, which every other speech showed, his was the most moving speech; he spoke from the heart and appealed to the hearts of others. And I must say that I was so deeply moved by some of the things that he said; I almost felt ashamed that conditions still persist.

conditions of the kind which he described in his speech. Sir, he very rightly said that the problem was not merely one of reservations in our legislatures. Some people have been demanding that you extend this reservation from the Lok Sabha and the Lower House of the State Legislature to the Rajya Sabha and increase it and put them into the second House of the Legislatures in the States. Sir, reservation is not the real solution. He is right. After all, whatever reservations have been provided for in the Constitution, those reservations existed ever since the Constitution came into force. But, in spite of reservations in our Legislatures, all the Members are almost agreeable that the conditions have not changed. Some Members went to the extent of saying that there has been no change, whatsoever, in the conditions of our very depressed classes, brethren, sisters and unfortunate sections of the society. I do not accept that. There has been some improvement. It will be unfair and I think it will be slightly less than honest to say that there has been no improvement at all. If I were to take a political advantage of the situation today, if I were to make political and party capital out of some of the confessions that have been made in this House, I would have really said, "Yes, you are right. No change has taken place. But I am not responsible for no change taking place because I have been the Law Minister for six months and our Government has been in existence for a very brief period in the last 52 years". But I don't wish to say it. I said it this morning and I wish to repeat that this is a national failure and a national tragedy and this national tragedy must be wiped out by steps taken by the nation as a unified entity.

Sir, attitudes have to change. Mr. Hanumathappa was right. Reservations do serve one purpose that the representatives of the Scheduled Castes and the Scheduled Tribes sit in both the Houses. At least, nobody can indulge in word or deed which is contrary to the real and legitimate interest of the Scheduled Castes. Therefore, at least, you keep the rest of the sections of both the Houses on an even keel; that is the purpose served by reservations. There is no doubt about it. Reservations also serve another purpose. There is some dignity to the communities which are represented here because, after all, they have become Members of Parliament. The members of legislative bodies in this country certainly impart a sense of dignity, stature and status to our depressed classes. But by itself it is obviously inadequate. Shri Hanumanthappa is right that we must change the attitude. But it is the attitude of the Scheduled Castes which must change first. Somebody referred to reservations not being charity. First of all, I want the Scheduled Castes to realize that when they ask for reservations, when they ask for special benefits, they are not asking for charity. They are asking for their rights. They have suffered for, centuries. The present generation must atone for the sins of our ancestors, those sins which have lasted for nearly 2000 years. What you are entitled to is justice and justice is not a matter of charity. Justice is a matter

of right. You don't have to go about with your heads hanging low. I say that you are the victims of injustice. जुल्म हुआ है आपके ऊपर, आप मजलूम हैं। कोई आवश्यकता नहीं है कि आप सिर झुका के चलें।

ना सर झुका के ज़िओ, न सर छुपा के ज़िओ,  
सितमगरों की नज़र से मिला के ज़िओ।

This is the attitude which you must take and that is the attitude which will ultimately enable you to claim the rights which you are entitled to under the Constitution and under the laws of this country.

There is near unanimity on three things. This unanimity was disclosed in the speeches in the other House last evening, that the original compulsions which induced that brilliant galaxy of Constitution-makers of our country—somebody gave a beautiful expression which I have not heard before—he said, “संविधान के शिल्पकार” the founding fathers of our Constitution—the reasons which induced them to create this system of reservations, those reasons unfortunately, regrettably persist and therefore, these reservations must continue.

4.00 P.M.

There was unanimity on point No. 2. Point No. 2 was that since a large majority of our Scheduled Castes and Scheduled Tribes continue to be in the same condition as before, it is obvious that the benefits of reservation, whatever they are, have not percolated down to a large majority. They seem to have been intercepted in the course of percolation and have been confined to a very small section, and that small section seems to have appropriated the benefits of reservation to itself. Some Members described it as creamy layer. The question whether this creamy layer ought to be identified or not is a larger issue which, I think, we will consider at the Convention which, I promise, will take place and should take place at a date, time and place of your choice,—not mine, but yours. We will then consider this topic along with other topics. The sad fact is that the benefits have not percolated down to a large section of the Scheduled Castes and the Scheduled Tribes. Naturally, therefore, as a logical corollary to these two theorems, the third conclusion on which there is unanimity is that this Amendment Bill must be passed. And, Sir, this also means that Shri Hanumanthappa's amendment, that instead of 10 years, we should make it 30 years or 40 years, may kindly be withdrawn, because, within the next 10 years, we should, with resolute action, be able to achieve what we have not been able to achieve during the last 50 years.

Sir, there are some other small topics on which I wish to share my thoughts with the House. Obviously, some administrations have failed to achieve the purpose, and the hon. Members have pointed out the shortfalls in the

enforcement of the safeguards. I have a grievance against Mr. Hanumanthappa. He was the Chairman of the Commission—I know that the work is very prolixious and a very complex one—and after the 1993-94 Report which was submitted in 1996, I believe, no other report has been submitted. Is it so?

SHRI SANGH PRIYA GAUTAM: He has submitted a report after that.

SHRI H. HANUMANTHAPPA: Why don't you consult your neighbour?

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): Yes.

SHRI RAM JETHMALANI: I called for the reports. What was sent to me was the Report of 1993-94 along with your covering letter of July, 1996.

SHRI H. HANUMANTHAPPA: Up to March, 1998, reports have been filed with the Government.

SHRI RAM JETHMALANI: Thank you very much. I am glad that you said so.

SHRI H. HANUMANTHAPPA: I relinquished my office in October. Up to March, 1998, the Reports are there on the Table of the House.

SHRI RAM JETHMALANI: Kindly pardon my missing that Report. I called for the latest Report from the library. What was given to me was this document. It seems to be the Report which was submitted as far back as July, 1996, along with your covering letter.

Sir, the hon. Members talked about education. After all, the amelioration of the condition of the Scheduled Castes must start at the education stage, if not earlier. Look at what this Report of 1996 says—I am sorry, I do not know what the picture was in 1998—"Based on the information made available by the UGC, it may be seen that the representation of Scheduled Castes in different courses ranged from 2.6 per cent to 9.92 per cent, and in respect of Scheduled Tribes from 0.9 per cent to 6.41 per cent. This is, of course, pertaining to the higher courses of the UGC. This is an incredible state of affairs that a community which constitutes roughly 25 per cent of the population should have a representation of 0.9 per cent in some places, 6 per cent, or, at the most, 9 per cent somewhere else. This is regrettable. And it starts at the stage of education. Therefore, our whole system of amelioration of the condition of the Scheduled Castes is flawed at the very base, flawed at the very inception, and this is what requires to be attended to somehow in the near future. My friend, Shri Jaswant Singh, this morning introduced me as his colleague and the Law Minister. Sir, the hon. Members know me and, probably, they have heard of me as a practising lawyer. But nobody has yet introduced me to you as a law teacher. I am more of a law teacher than a

law practitioner and I still deliver lectures in three universities, even though I am a Minister now.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Minister, you have got a faithful student chairing this House today.

SHRI RAM JETHMALANI: Sir, I have the honour of owning him as one of my ex-students and when he was my student in the 50's, he came to me for my signature on a currency note. I signed that as an autograph and I think he still carries that with him in his pocket. Isn't that correct?

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): That is true.

SHRI RAM JETHMALANI: Sir, I am a member of the honorary faculty of the National Law School of India which has today turned out to be the Harvard of India and we are trying to establish more and more institutions of this kind throughout the country. We have a system of reservation for Scheduled Castes. We take only about 75 to 80 students in a year after a very, very rigorous competitive test. I have personally gone and given intensive training to the Scheduled Caste boys whom we admitted and they have ultimately outclassed, surpassed, every other student in moot-court competition, elocution competition, etc. They have come back with trophies from all over the world, from every other Commonwealth country, where they have gone. They have competed on behalf of the institution and they have brought laurels to our institution, success and glory to our institution. It is ultimately the intensive education that will make up that small gap that might possibly exist. After all, Dr. Ambedkar, whom I consider my own guru, my own preceptor, whom I consider a beacon of light in my social and political life, was not the beneficiary of any reservation. He asked for reservation for others. So, I suggest, Sir, that we have to start with the educational institutions.

Sir, there was a slight mis-reporting this morning, for which Mr. Hanumanthappa will excuse me, because my colleague is here and she told me that no residential schools for Scheduled Castes have been closed down at all; none whatsoever.

SHRI H. HANUMANTHAPPA: I did not say closed down'. Organisations which are running residential schools are wandering in the corridors since the decision to...*(Interruptions)*... Now, I stand corrected because the hon. Minister told me that that report is not correct.

SHRI RAM JETHMALANI: Anyway, now the misunderstanding is resolved. The real policy that has been adopted now is that the large amount of money—which was being spent on these schools, which was making it very inconvenient because you can't really take out four-year olds from their family and put them into hostels. It is almost cruel to the children to deprive

them of their parental care and separate them from their families. The funds can now be spent on creating ordinary day-schools for Scheduled Castes and Scheduled Tribes and the number will be at least ten times. So, ten times more schools will exist and this is a sound change of policy and there is nothing about it which can be considered as flawed.

Sir, even before the debate started on this matter, there was a debate about Marxism being taken out from some textbooks. I am glad, my friend, the hon. Member, Sarla Maheshwariji, talked again of the Marxist teachings in this matter. That gives me an opportunity to comment. She said that Marx said that it was very difficult to change the society and she indicated the Marxist solution of this problem. So far as I am concerned, I believe Communism might have failed as a political experiment somewhere, but the dream behind Communism—the dream of a world of plenty, a world of equality, a world of dignity—is a valid dream, which will remain valid for all times for humanity. Communism has, therefore, done a historical service. I go further. Communism has permanently changed the face of capitalism. It has humanized capitalism and capitalism cannot afford to give up its new humanized face. The only place where Marx went wrong was that he should have thought that the two systems of communism and capitalism will ultimately produce some synthesis. He claimed to be a strident of Hegel, but the Hegelian doctrine of thesis, anti-thesis and synthesis, he quietly forgot when he wrote the great book of his. That is where he went wrong, and, today, you are seeing the synthesis of capitalism and communism coming into existence. So, nobody can prevent any student from studying communism. Communism must be studied. I think, it should be studied as a compulsory subject, if you ask me. The person who banished it from our textbooks must be a friend of communists and he must be a person who has been recently embarrassed about its failures.

Sir, there are laws on the statute books, and I am sorry that they have also failed in their purpose. That only underscores the great truth that somehow the law when it comes face to face with people possessed of money and possessed of social or political power, the law suddenly becomes limp, becomes suddenly important. These laws must be enforced. Yesterday, an hon. Member complained that in his own village from where he is a Member of Parliament, he is not allowed entry into a temple. This is a criminal offence, and at least, Members of Parliament must know. I want to ask, why was not a prosecution launched? Come to me, and I will see to it that all the *pujaris* of that temple, the trustees of that temple, are sent to jail for committing an offence of this kind, if they prevent a Harijan from entering a temple which is a public temple, and maintained at public expense. So, Sir, we will have to do something about this laxity in the enforcement of laws which exists already.

Sir, I have already talked about land reforms. I have nothing against land reforms. Land reforms must take place. Land reforms will go a long way in ameliorating the conditions of the poorer sections of the society, but land is a State Subject, and, unfortunately, the Centre can do very little about it, but unlike land, education is in the Concurrent List, and no Central Government can jettison its responsibilities in the matter of education, by saying that the State Governments must look after the education of people.

Sir, all this job-culture must go, and that is again my advice to my friends, the Scheduled Castes. What are you fighting for? Now, somebody said, "Ask the private sector to reserve a few jobs." All right, they will reserve it. I want the Scheduled Caste people to set their sights much higher. They should be the leaders of the professions; they should be the leaders of the law; they should be the leaders of medicine; they should be the leaders of trade and industry; they should be the employers in the country. After all, you have merit. Only merit, which has been suppressed by the society. Once it comes out, you will rise to the top, I have not the slightest doubt. But set your sights high because unless you set your sights higher, you will not reach as high as you should be reaching.

SHRI H. HANUMANTHAPPA: I think the hon. Minister knows about the Prime Minister's Rozgar Yojana, under which an uneducated youth gets one lakh rupees for his rehabilitation or employment. I have studied the figures. When it comes to the case of a Scheduled Caste, I challenge—not a single Scheduled Caste has been given one lakh rupees. He has been discriminated against even in the matter of giving loans. They ask him, "Why do you want one lakh rupees? Take Rs. 20,000 or Rs. 30,000." Why don't you do something in this regard? Every *bania* is given one lakh rupees in the first instance. How do you expect us to take up other avocations? This is one example. The other example is this: The projects of the State Financial Corporations are of rupees ten lakhs, rupees fifty lakhs, rupees hundred lakhs, etc., but they want a margin money of Rs. 25 per cent. From where will a Scheduled Caste engineer give rupees twelve lakhs or rupees twenty lakhs? In spite of the efforts of the State Government and the Government of India, no change has come. (*Interruptions*). We are not happy with the job reservation. We were serving as *gulams*. (*Interruptions*) We are not happy with the job reservation. We were serving as *gulams*. This also is another *gulami*. We know that. You are not allowing even that to happen. (*Interruptions*).

SHRI RAM JETHMALANI: I assure you, my learned friend, that all these will be very seriously considered at the convention. You are absolutely right. It requires to be looked into.



THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): May I request the hon. Member\* not to interrupt? (*Interruptions*)

SHRI RAM JETHMALANI: I will take just two-three minutes and finish. Sir, there was a reference to some recent Supreme Court judgment. So far as the Supreme Court judgments are concerned, we will certainly look into each judgment. But, Sir, we have no control over the Supreme Court. And, the Supreme Court has also held—somebody talked about using the Ninth Schedule—after the Keshavananda Bharati judgment, that any attempt to immunise laws by putting them in the Ninth Schedule is itself invalid. So, we have a serious problem and we will consider all these matters by putting our heads together to see if we can find a solution.

Sir, a reference was made to the memoranda of 1997. Sir, at least, my Government will plead not guilty *Verf* charge of having anything to do with those memoranda. We have inherited them. But my Prime Minister has promised on the floor of the Lok Sabha that they shall be reviewed and considered. I assure you that they are being considered. I have only yesterday read some opinion of the Attorney-General on these memoranda and I have not been able to apply my mind fully to them. Be sure that the Prime Minister's assurance is going to be earned out fully.

I have briefly answered all the points, but only one thing I wish to say again. Some problems which appear to be the problems of the Scheduled Castes and Scheduled Tribes are really not their specific problems, but they are the problems of the entire population of this country. What you see is a reflection, ultimately, of the country's poverty. It is admitted now that 36% of the people are living below the poverty line but the definition of poverty line itself is so humiliating that I have no doubt that a large number of people live in poverty, but they are above the poverty line technically. So, Sir, that poverty will have to be removed. That poverty will have to be removed only by a sound economic management of the country and it will be removed by dealing very, very rigorously and seriously with the country's oldest disease; and that is the disease of corruption.

Unless corruption is eliminated from the body politic and until we resolve that the laws against corruption will themselves be enforced against the high and the mighty. Unless we resolve that, at least, in our private lives we shall not use corruption as a method of advancement, corruption will not go and if 'corruption will not go', poverty will not go and the condition of SOSTs will become worse and not better. So, there are some common problems, which are appurtenant to the entire nation. They have, in some way, to be resolved; and they will be resolved with the goodwill of all sections of the House. Sir, I am grateful and I commend that the Bill be passed and passed unanimously. Thank you,

*The Constitution (Eighty- [RAJYA SABHA] Fourth) Amendment Bill,  
1999*

SHRI S. PETER ALPHONSE: How about the Delimitation Commission?  
(Interruptions)

SHRI RAM JETHMALANI: We will consider it. (Interruptions)

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Thank you, Mr. Minister; your refreshing reply gives confidence to this House that your Government will try to end this tragic situation, as early as possible. Thank you. Now I will put the motion.

The question is:

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

*The House divided*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Ayes : 143

Noes : Nil

AYES-143

Adik, Shri Govindrao  
Agarwal, Shri Lakkhiram  
Agarwalla, Shri Parmeshwar Kumar  
Agniraj, Shri S.  
Alphonse, Shri S. Peter  
Ansari, Shri Jalaludin  
Arya, Shri R.N.  
Azad, Shri Gandhi  
Bagrodia, Shri Santosh  
Bairagi, Shri Balkavi  
Bakht, Shri Sikander  
Balanandan, Shri E.  
Bangaru Laxman, Shri  
Basu, Shri Nilotpall  
Bhardwaj, Shri Hansraj  
Bhatt, Shri Brahmakumar  
Bhattacharjee, Shri Karnendu  
Bisi, Shri Sanatan  
Bomma, Shri S.R.  
Chandresh Kumari, Shrimati  
Chaudhary Chunni Lai  
Chavan, Shri S.B.  
Chitharanjan, Shri J.  
Das, Shri Khagen

Das, Dr. M.N.  
Das, Dr (Ms.) P. Selvie  
Dasari, Shri N.R.  
Das Gupta, Shri Gurudas  
Dave, Shri Anantray Devshanker  
Deo, Shri V, Kishore Chandra S.  
Dubey, Shrimati Saroj  
Duraismy, Shri V.P.  
Feleiro, Shri Eduardo  
Fernandes, Shri Oscar  
Gadgil, Shri V.N.  
Gautam, Shri Sangh Priya  
Gaya Singh, Shri  
Ghufran Azam, Shri  
Goradia, Shri Prafull  
Gowda, Shri H.K. Javare  
Goyal, Shri Vedprakash P.  
Gupta, Shri Banarsi Das  
Hanumanthappa, Shri H.  
Hipei, Shri  
Jamir, Shri C. Apok  
Jethmalani, Shri Ram  
Kadar, Shri M.A.  
Kalmadi, Shri Suresh

*The Constitution (Eighty-Bill,*

[28 OCT. 1999] *Fourth) Amendment*

Katara, Shri Kanak Mal  
Keswani, Shri Suresh A.  
Khan, Shri K.M.  
Khan, Shri K. Rahman  
Khaparde, Miss Saroj  
Kohli, Shri O.P.  
Kovind, Shri Ram Nath  
Kujur, Shri Maurice  
Lachhman Singh, Shri  
Lakshmisagar, Prof. A.  
Lama, Shri Dawa  
Libra, Shri Sukhdev Singh  
Mahajan, Shri Pramod  
Mahanta, Dr. (Smt.) Joyasree  
Maheshwari, Shrimati Sarla  
Majhi, Shri Bhagaban  
Malaviya, Shri Radhakishan  
  
Malkani, Shri K.R.  
Manmohan Singh, Dr.  
Margabandu, Shri R.  
Md. Saiim, Shri  
Mehta, Shri Lalitbhai Miri,  
Shri Govindram  
Mishra,  
Shri Dina Nath Mishra,  
Dr. Jagannath Mishra, Shri  
Ranganath Mukherjee, Shri  
Dipankar Mukherjee, Shri  
Pranab Murty, Dr. Y.  
Radhakrishna Naidu, Shri  
M. Venkaiah Nandy, Shri  
Pritish Nayyar, Shri Kuldeep  
Nirupam, Shri Sanjay  
Nongtdu, Shri  
Onward L. Ojha, Shri  
Nagendra Nath  
Pachouri, Shri Suresh  
Parmar, Shri Rajubhai A.  
Patel, Shri Ahmed Patil,  
Dr. Gopalrao  
Vithalrao Pillai,  
Shri S. Ramachandran  
Poojary, Shri Janardhana  
Poulose, Shri CO.

Pradhan, Shri Satishchandra Sitaram  
Qureshi, Shri Abdul Gaiyur  
Raghavji, Shri  
Rai, Shri Lajpat  
Rajagopal, Shri O.  
Rajkumar, Dr. Alladi P.  
Ramachandraiah, Shri C.  
Ramji La), Shri  
Ramoowalia, Shri Balwant **Singh**  
Rao, Shri K. Kalavenkata  
Rao, Shri Yadlapati Venkar  
Ravi, Shri Vayalar  
Ray, Prof. (Shrimati) Bharati  
  
Ray, Shri Dihp  
Rebello, Miss Mabel  
Rebia, Shri Nabam  
Reddy, Shri P. Prabhakar  
Reddy, Shri Solipeta Ramachandra  
Roy, Shri Abani  
Roy, Shri Jibon  
Roy Chowdhury, Shri Shankar  
Rumandla, Shri Ramachandraiah  
Salve, Shri N.K.P.  
Sankaralingam, Prof. M.  
Sarma, Shrimati Basanti  
Sengupta, Shri Bratin  
Sethi, Shri Ananta  
Sharda, Shrimati Savita  
Shariq, Shri Sharief-Ud-Din  
Sharma, Dr. Mahesh Chandra  
Sharma, Shrimati Malti  
Shourie, Shri Arun  
Sibal, Shri Kapil  
Singh, Shri Devi Prasad  
Singh, Shri Jaswant  
Singh, Dr. Ranbir  
Singhal, Shri B.P.  
Sinha, Shrimati Kamla  
Sivasubramanian, Shri S.  
Solanki, Shri Gopalsinh G.  
Solanki, Shri Madhavsingh  
'Surya', Shri Rajnath Singh

Goswami

*The Constitution (Eighty- (RAJYA SABHA] Fourth) Amendment Bill, 1999*

Thirunavukkarasu, Shri CP.	Vijaya Raghavan, Shri A.
Topden, Shri Karma	Virumbi, Shri S. Vidhuthalai
Vahadane, Shri Suryabhan Patil	Yadav, Shri D.P.
Varma, Prof. Ram Bakhsh Singh	Yadav, Shri Janardan
Venkatachalam Shri T.M	Zahidi, Shri Khan Ghufra
Verma, Shrimati Veena	

*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 : Amendment of article 334*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): There is one amendment by Shri H. Hanumanthappa. Mr. Hanumanthappa, are you moving it?

SHRI H. HANUMANTHAPPA: Sir, I have put it deliberately because while introducing the Bill, the hon. Minister asked why every Law Minister should come before this House every ten years. I wanted to help him. We can extend in for 30 years once and for all so that the Law Minister is not required to come before this House every ten years. I said in the morning that we do not want to carry this to the next millennium.... (*Interruptions*).... We are also not happy to carry these things to the next millennium. If the Government comes with a proposal that they are not carrying it and they have some alternative suggestion, I will be too happy. But, still I request the Minister to consider this point, instead of coming every ten years why he should not think of doing it for 30 years once and for all.

SHRI RAM JETHMALANI: It is a suggestion for the future.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Now, the question is:

"That clause 2 stand part of the Bill."

*The House divided.*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Ayes : 143

Noes : Nil

AYES — 143

Shri Govindrao	Ansari, Shri Jalaludin
Agarwal, Shri Lakkhiram	Arya, Shri R.N.
Agarwalla, Shri Parmeshwar Kumar	Azad, Shri Gandhi
Agniraj, Shri S.	Bagrodia, Shri Santosh
Alphonse, Shri S. Peter	Bairagi, Shri Balkavi

Bakht, Shri Sikander	Khaparde, Miss Saroj
Balanandan, Shri E.	Kohli, Shri O.P.
Bangaru Laxman, Shri	Kovind, Shri Ram Nath
Basu, Shri Nilotpal	Kujur, Shri Maurice
Bhardwaj, Shri Hansraj	Lachhman Singh, Shri
Bhatt, Shri Brahmakumar	Lakshmisagar, Prof. A.
Bhattacharjee, Shri Karnendu	Lama, Shri Dawa
Bisi, Shri Sanatan	Libra, Shri Sukhdev Singh
Bomma, Shri S.R.	Mahajan, Shri Pramod
Chandresh Kumari, Shrimati	Mahanta, Dr. (Smt.) Joyasree Goswam
Chaudhary Chunni Lai	Maheshwari, Shrimati Sarla
Chavan, Shri S.B.	Majhi, Shri Bhagaban
Chitharanjan, Shri J.	Malaviya, Shri Radhakishan
Das, Shri Khagen	Malkani, Shri K.R.
Das, Dr. M.N.	Manmohan Singh, Dr.
Das, Dr. (Ms.) P. Selvie	Margabandu Shri R.
Dasari, Shri N.R.	Md. Salim, Shri
Das Gupta, Shri Gurudas	Mehta, Shri Lalitbhai
Dave, Shri Anantray Devshanker	Miri, Shri Govindram
Deo, Shri V. Kishore Chandra S.	Mishra, Shri Dina Nath
Dubey, Shrimati Saroj	Mishra, Dr. Jagannath
Duraisamy, Shri V.P.	Misra, Shri Ranganath
Faleiro, Shri Eduardo	Mukherjee, Shri Dipankar
Fernandes, Shri Oscar	Mukherjee, Shri Pranab
Gadgil, Shri V.N.	Murty, Dr. Y. Radhakrishna
Gautam, Shri Sangh Priya	Naidu, Shri M. Venkaiah
Gaya Singh, Shri	Nandy, Shri Fiitish
Ghufran Azam, Shri	Nayyar, Shri Kuldip
Goradia, Shri Prafull	Nirupam, Shri Sanjay
Gowda, Shri H.K. Javare	Nongtdu, Shri Onward L.
Goyal, Shri Vedprakash P.	Ojha, Shri Nagendra Nath
Gupta,	Pachouri, Shri Suresh
Shri Banarsi Das	Parmar, Shri Rajubhai A.
Hanumanthappa,	Patel, Shri Ahmed
Shri H. Hiphei, Shri Jamir,	Patil, Dr. Gopalrao Vithalrao
Shri C. Apok Jethmalani,	Pillai, Shri S. Ramachandran
Shri Ram Kadar,	Poojary, Shri Janardhana
Shri M.A. Kalmadi,	Poulose, Shri CO.
Shri Suresh Katara,	Pradhan, Shri Satishchandra Sitaram
Shri Kanak Mai Keswani,	Qureshi, Shri Abdul Gaiyur
Shri Suresh A. Khan,	Raghavji, Shri
Shri K.M. Khan, Shri K.	Rai, Shri Lajpat
Rahman	

Rajagopal, Shri O.	Sharma, Dr. Mahesh Chandra
Rajkumar, Dr. Alladi P.	Sharma, Shrimati Malti
Ramachandraiah, Shri C.	Shourie, Shri Arun Sibal,
Ramji Lai, Shri	Shri Kapil Singh,
Ramoowalia, Shri Balwant Singh	Shri Devi Prasad Singh,
Rao, Shri K. Kalavenkata	Shri Jaswant Singh,
Rao, Shri Yadlapati Venkat	Dr. Ranbir Singhal,
Ravi, Shri Vayalar	Shri B.P. Sinha,
Ray, Prof. (Shrimati) Bharati	Shrimati Kamla Sivasubramanian,
Ray, Shri Dilip	Shri S. Solanki,
Rebello, Miss Mabel	Shri Gopalsinh G. Solanki,
Rebia, Shri Nabam	Shri Madhavsingh 'Surya',
Reddy, Shri P. Prabhakar	Shri Rajnath Singh
Reddy, Shri Solipeta Ramchandra	Thirunavukkarasu,
Roy, Shri Abani	Shri CP. Topden,
Roy, Shri Jibon	Shri KarmaVahadane,
Roy Chowdhury, Shri Shankar	Shri Suryabhan Patil Varma,
Rumandla, Shri Ramchandraiah	Prof. Ram Bakhsh Singh
Salve, Shri N.K.P.	Venkatachalam,
Sankaralingam, Prof. M.	Shri T.M. Verma,
Sarma, Shrimati Basanti	Shrimati Veena Vijaya Raghavan,
Sengupta, Shri Bratin	Shri A. Virumbi,
Sethi, Shri Ananta	Shri S. Vidhuthalai Yadav,
Sharda, Shrimati Savita	Shri D.P. Yadav,
Shariq, Shri Sharief-Ud-Din	Shri Janardan Zahidi, Shri Khan Ghufran

*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.*

*Clause 1, the Enacting Formula and the Title*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): The question is:

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

*The House divided.*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Ayes — 143  
Noes — Nil.

AYES-143

Adik, Shri Govindrao	Gowda, Shri H.K. Javare
Agarwal, Shri Lakhiram	Goyal, Shri Vedprakash P.
Agarwalla, Shri Parmeshwar Kumar	Gupta, Shri Banarsi Das
Agniraj, Shri S.	Hanumanthappa, Shri H.
Alphonse, Shri S. Peter	Hiphei, Shri
Ansari, Shri Jalaludin	Jamir, Shri C. Apok
Arya, Shri R. N.	Jethmalani, Shri Ram
Azad, Shri Gandhi	Kadar, Shri M.A.
Bagrodia, Shri Santosh	Kalmadi, Shri Suresh
Bairagi, Shri Balkavi	Katara, Shri Kanak Mai
Bakht, Shri Sikander	Keswani, Shri Suresh A.
Balanandan, Shri E.	Khan, Shri K.M.
Bangaru Laxman, Shri	Khan, Shri K. Rahman
Basu, Shri Nilotpal	Khaparde, Miss Saroj
Bhardwaj, Shri Hansraj	Kohli, Shri O.P.
Bhatt, Shri Brahmakumar	Kovind, Shri Ram Nath
Bhattacharjee, Shri Karnendu	Kujur, Shri Maurice
Bisi, Shri Sanatan	Lachhman Singh, Shri (Haryana)
Bomma, Shri S.R.	Lakshmisagar, Prof. A.
Chandresh Kumari, Shrimati	Lama, Shri Dava
Chaudhary Chunni Lai	Libra, Shri Sukhdev Singh
Chavan, Shri S.B.	Mahajan, Shri Pramod
Chitharanjan, Shri J.	Mahanta, Dr. (Smt.) Joyasree
Das, Shri Khagen	Goswami Maheshwari,
Das, Dr. M.N.	Shrimati Sarla Majhi, Shri
Das, Dr. (Ms) P. Selvie	Bhagaban
Dasari, Shri N.R.	
Das Gupta, Shri Gurudas	Malaviya, Shri Radhakishan
Dave, Shri Anantray Devshanker	Malkani, Shri K.R.
Deo, Shri V. Kishore Chandra S.	Manmohan Singh, Dr.
Dubey, Shrimati Saroj	Margabandu,
Duraisamy, Shri V.P.	Shri R. Md. Salim,
Faleiro, Shri Eduardo	Shri Mehta,
Fernandes, Shri Oscar	Shri Lalitbhai Miri,
Gadgil, Shri V.N.	Shri Govindram Mishra,
Gautam, Shri Sangh Priya	Shri Dina Nath Mishra,
Gaya Singh, Shri	Dr. Jagannath Misra,
Ghufran Azam, Shri	Shri Ranganath Mukherjee,
Goradia, Shri Prafull	Shri Dipankar

Mukherjee, Shri Pranab	Roy Chowdhury, Shri Shankar
Murty, Dr. Y. Radhakrishna	Rumandla, Shri Ramachandraiah
Naidu, Shri M. Venkaiah	Salve, Shri N.K.P.
Nandy, Shri Pritish	Sankarlingam. Prof. M.
Nayyar, Shri Kuldip	Sarma, Shrimati Basanti
Nirupam, Shri Sanjay	Sengupta, Shri Bratin Sethi,
Nongtdu, Shri Onward L.	Shri Ananta Sharda,
Ojha, Shri Nagendra Nath	Shrimati Savita Shariq,
Pachouri, Shri Suresh	Shri Sharief-Ud-Din Sharma,
Parmar, Shri Rajubhai A.	Dr. Mahesh Chandra Sharma,
Patel, Shri Ahmed	Shrimati Malti Shouire,
Patil, Dr. Gopalrao Vithalrao	Shri Arun Sibal,
Pillai, Shri S. Ramachandran	Shri Kapil Singh,
Poojary, Shri Janardhana	Shri Devi Prasad Singh,
Poulose, Shri CO.	Shri Jaswant Singh,
Pradhan, Shri Satishchandra Sitaram	Dr. Ranbir Singhal,
Qureshi, Shri Abdul Gaiyur	Shri B.P. Sinha,
Raghavji, Shri	Shrimati Kamla
Rai, Shri Lajpat	Sivasubramanian,
Rajagopal, Shri O.	Shri S, Solanki, Shri Gopalsinh O.
Rajkumar, Dr. Alladi P.	Solanki Shri Madhav Singh
Ramachandraiah, Shri C.	'Surya', Shri Rajnath Singh
Ramji Lai, Shri (Haryana)	Thirunavukkarasu,
Ramoowalia, Shri Balwant Singh	Shri CP, Topden, Shri Karma
Rao, Shri K. Kalavenkata	Vahadane, Shri Suryabhan Patil
Rao, Shri Yadlapati Venkat	Varma, Prof. Ram Bakhsh Singh
Ravi, Shri Vayalar	Venkatachalam,
Ray, Prof. (Shrimati) Bharati	Shri T.M. Verma, Shrimati
Ray, Shri Dilip	Veena Vijaya Raghavan,
Rebello, Miss Mabel	Shri A, Virumbi,
Rebia, Shri Nabam	Shri Vidhuthalai Yadav,
Reddy, Shri P. Prabhakar	Shri D.P. Yadav, Shri
Reddy, Shri Solipeta Ramachandra	Janardan Zahidi, Shri Khan
Roy, Shri Abani	Ghufran
Roy, Shri Jibon	

*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 I the Enacting Formula and the Tide were added to the Bill*

SHRI RAM JETHMALANI: Sir, I move:

"That the Bill be passed."



*The Constitution (Eighty-* [28 OCT. 1999] *Fourth) Amendment Bill,*  
1999

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): The question is:  
"That the BUI be passed."

*The House divided.*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR):

Ayes....143

Noes....Nil.

AYES 143

Adik, Shri Govindrao	Gadgil, Shri V.N.
Agarwal, Shri Lakkhiram	Guatam, Shri Sangh Priya
Agarwalla, Shri Parmeshwar Kumar	Gaya Singh, Shri
Agniraj, Shri S.	Ghufran Azam, Shri
Alphones, Shri S. Peter	Goradia, Shri Prafull Gowda,
Ansari, Shri Jalaludin	Shri H.K. Javare Goyal,
Arya, Shri R.N.	Shri Vedprakash P. Gupta,
Azad, Shri Gandhi	Shr Banarsi Das
Bagrodia, Shri Santosh	Hanumanthappa,
Bairagi, Shri Balkavi	Shri H. Hiphei,
Bakht, Shri Sikander	Shri Jamir,
Balanandan, Shri E.	Shri C. Apok Jethmalani,
Bangaru Laxman, Shri	Shri Ram Kadar,
Basu, Shri Nilotpal	Shri M.A. Kalmadi,
Bhardwaj, Shri Hansraj	Shri Suresh Katara, Shri
Bhatt, Shri Brahmakumar	Kanak Mai Keswani,
Bhattacharjee, Shri Karnendu	Shri Suresh A. Khan,
Bisi, Shri Sanatan (Orissa)	Shri K.M. Khan
Bomma, Shri S.R.	Shri K. Rahman Khaparde,
Chandresh Kumari, Shrimati	Miss Saroj Kohli, Shri O.P.
Chaudhary Chunni Lai	Kovind, Shri Ram Nath Kujur,
Chavan, Shri S.B.	Shri Maurice Lachhman
Chitharanjan, Shri J.	Singh, Shri Lakshmisagar,
Das, Shri Khagen	Prof. A. Lama, Shri Dawa
Das, Dr. M.N.	Libra, Shri Sukhdev Singh
DM Dr. (Ms.) P. Selvie	Mahajan, Shri Pramod
Dasari, Shri N.R.	Mahanta, Dr. (Smt.) Joyasree
Das Gupta, Shri Gurudas	Goswami
Dave, Shri Anantray Devshanker	Maheshwari, Shrimati Sarla
Deo, Shri V. Kishore Chandra S.	Majhi, Shri Bhagaban
Dubey, Shrimati Saroj	Malaviya, Shri Radhakishan
Duraisamy, Shri V.P.	Malkani, Shri K.R.
Faleiro, Shri Eduardo	
Fernandes, Shri Oscar	

Manmohan Singh, Dr.	Rebello, Miss Mabel
Margabandu, Shri R.	Rebia, Shri Nabam
Md. Salim. Shri	Reddy, Shri P. Prabhakar
Mehta, Shri Lalitbhai	Reddy, Shri Solipeta Ramachandra
Miri, Shri Govindram	Roy, Shri Abani
Mishra, Shri Dina Nath	Roy, Shri Jibon
Mishra, Dr. Jagannath	Roy Chowdhury, Shri Shankar
Misra, Shri Ranganath	Rumandla, Shri Ramachandraiah
Mukherjee, Shri Dipankar	Salve, Shri N.K.P.
Mukherjee, Shri Pranab	Sankaralingam, Prof. M.
Murty, Dr. Y. Radhakrishna	Sarma, Shrimati Basanti
Naidu, Shri M. Venkaiah	Sengupta, Shri Bratin
Nandy, Shri Pritish	Sethi, Shri Ananta
Nayyar, Shri Kuldip	Sharda, Shrimati Savita
Nirupam, Shri Sanjay	Shariq, Shri Sharief-Ud-Din
Nongtdu, Shri Onward L.	Sharma, Dr. Mahesh Chandra
Ojha, Shri Nagendra Nath	Sharma, Shrimati Malti
Pachouri, Shri Suresh	Shourie, Shri Arun
Parmar, Shri Rajubhai A.	Sibal, Shri Kapil
Patel, Shri Ahmed	Singh, Shri Devi Prasad
Patil, Dr. Gopalrao Vithalrao	Singh, Shri Jaswant
Pillai, Shri S. Ramachandran	Singh, Dr. Ranbir
Poojary, Shri Janardhana	Singhal, Shri B.P.
Poulose, Shri CO.	Sinha, Shrimati Kamla (Bihar)
Pradhan, Shri Satishchandra Sitaram	Sivasubramanian, Shri S.
Qureshi, Shri Abdul Gaiyur	Solanki, Shri Gopalsinh G.
Raghavji, Shri	Solanki, Shri Madhavsinh
Rai, Shri Lajpat	'Surya', Shri Rajnath Singh
Rajagopal, Shri O.	Thirunavukkarasu, Shri CP.
Rajkumar, Dr. Alladi P.	Topden, Shri Karma
Ramachandraiah, Shri C.	Vahadane, Shri Suryabhan Patil
Ramji Lai, Shri	Varma, Prof. Ram Bakhsh Singh
Ramoowalia, Shri Balwant Singh	Venkatachalam, Shri T.M.
	Verma, Shrimati Veena
	Vijaya Raghvan, Shri A.

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

*The Motion was adopted.*

Rao, Shri K. Kalavenkata	Virumbi, Shri S. Vidhuthalai
Rao, Shri Yadlapati Venkat	Yadav, Shri D.P.
Ravi, Shri Vayalar	Yadav, Shri Janardan
Ray, Prof (Shrimati) Bharati	Zahidi, Shri Khan Ghufuran
Ray, Shri Dilip	

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Hon. Members, may I have the sense of the House again? It was decided to take up the reply to the Motion of Thanks on the President's Address. Now should we continue or would you prefer to defer it?..... (*Interruptions*).... Would you prefer to continue or would you do it tomorrow? The Leader of the House wants to say something.

THE MINISTER OF EXTERNAL AFFAIRS AND THE LEADER OF THE HOUSE (SHRI JASWANT SINGH): Sir, it has to be done today. All that I can suggest and request for your consideration as also of the House is in addition to conclusion of the discussion on the Motion of Thanks on the Address of the President, there are two other items which are listed in my name. I have to make a statement regarding treaties that are being concluded with the United Arab Emirates and also an agreement that has been signed with the Energy Secretary From the United States of America. If you permit and if the House agrees, I can make those two statements in this House tomorrow which shall better enable the House to seek clarifications. But, so far as the conclusion of the discussion on the Motion of Thanks to the President is concerned, my appeal to you and to the House is that we conclude that business today itself.

SOME HON. MEMBERS: Yes, yes.... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): May I have your attention, please? Our hon. Prime Minister is indisposed is confined to bed and may not be able to come for two or three days more. In view of this, the Leader of the House will reply to the debate.

#### MOTION OF THANKS ON THE PRESIDENT'S ADDRESS — *Contd.*

THE MINISTER OF EXTERNAL AFFAIRS AND THE LEADER OF THE HOUSE (SHRI JASWANT SINGH): Mr. Vice-Chairman, Sir, I am grateful for this opportunity. We had a long debate and 47 speakers have participated in the discussion on the Motion moved by my distinguished colleague and friend, Shri Arun Shourie, and seconded by hon. Shri Vidhuthalai Virumbi. The leaders of all the parties and distinguished hon. Members have participated in this debate. The trend of the debate has been of great benefit to the Government and no doubt, all the various suggestions that have been made or the points which have been raised, will be fully taken into account. In the course of the months and years ahead, we will benefit by the suggestion given by the hon. Members. यह 20वीं शताब्दी का राष्ट्रपति जी का अंतिम अभिभाषण है और यह अभिभाषण जब दिया गया तो 13वें आम चुनाव सम्पन्न हो चुके थे। भारत की पुण्य भूमि की सौंधी सांस और उसकी रज़ से सने हम अभी लौटे ही थे और उस परिस्थिति में यह अभिभाषण हुआ है। स्वाभाविक है कि इस बहस में हमारे विचारों की अभिव्यक्ति और उसकी शैली में अभी चुनावी सरगर्मी की ध्वनि आती रहेगी। यहां कहना आवश्यक नहीं और यह अपने आपमें एक