

How can you have a Bill which goes against the basic premise of the Constitution? The framers of the Constitution have said that reservation has to be given to minorities, that is ministry quantum you cannot give up to 69% ...*(Interruption)*...

THE DEPUTY CHAIRMAN: May I bring it to your notice? One second... *(Interruption)*... One minute please. Let me hear... *(Interruption)*... Please, Mr. Mehta, you have a right to speak on any Bill which comes before this House. Nobody is trying to take away your right from speaking on any Bill. I am only asking you to speak at an appropriate time. I have allowed the Minister to introduce the Bill and I am also going to ask him to request for passing the Bill. If you want to speak, you will be allowed to speak. There is no objection. You will be allowed to speak but not at this time. I would request you ...*(Interruption)*... Mr. Jogi, I can understand your concern. I am handling the situation. If you can handle the situation, you better come here and do this.

SHRI CHIMANBHAI MEHTA: Madam, what I am saying is that it is outside the legislative competence of this House. I have to raise this objection now itself... *(Interruption)*... It is outside the legislative competence of this House.

THE DEPUTY CHAIRMAN: Never mind.

SHRI CHIMANBHAI MEHTA: Therefore, kindly allow me to... *(Interruption)*...

THE DEPUTY CHAIRMAN: If you are proposing to oppose the introduction of the Bill, I have no objection. As a Member of this House, you have a right to oppose.

Now, the question is:

“That leave to granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

SHRI SITARAM KESRI: Madam, I introduce the Bill.

THE DEPUTY CHAIRMAN: Now the Bill is introduced... *(Interruption)*... You have not opposed the introduction of the Bill.

श्री शंकर दयाल सिंह (बिहार): उपसभापति महोदय, इसके पहले कि इस बिल पर चर्चा हो, मैं आपका ध्यान दिलाना चाहता हूँ कि आज लीडर आफ दी अपोजीशन श्री सिकन्दर बख्त साहब का जन्म दिन है। इसलिए हमारा यह कर्तव्य बनाता है कि उनको आपकी ओर से मुबारकवाद दी जाए।

सभा के नेता (श्री एस. बी. चव्हाण): आप हमारी तरफ से मुबारक बाद कबूल कीजिये।

THE DEPUTY CHAIRMAN: I wish you all the best. I wish you remained in the seat next to me in the coming year... *(Interruption)*...

श्री प्रमोद महाजन: आपने साथ परमानेटली बैठने का जो आपने आशीर्वाद दिया है, यह अच्छा आशीर्वाद नहीं है!... *(व्यवधान)*...

THE DEPUTY CHAIRMAN: I cannot say that I don't want him to sit next to me.

SHRI PRAMOD MAHAJAN: He can sit opposite to you.

THE CONSTITUTION (EIGHTY-FIFTH) AMENDMENT BILL, 1994

उपसभापति: तो सीताराम केसरी जी बोलिए, टु मूव... *(व्यवधान)*... अभी इंट्रोडक्शन हो गया है। अब उनको कंसिडरेशन के लिए तो खड़े होने दीजिए... *(व्यवधान)*...

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Madam, I beg to move:

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

उपसभापति: बोलिए, केसरी जी... *(व्यवधान)*

SHRI SATISH PRADHAN (Maharashtra): Madam, where is the Bill?

उपसभापति: बिल की कापीज दी हैं... *(व्यवधान)*

SHRI G. SWAMINATHAN (Tamil Nadu): The Bill has been sent ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr Swaminathan, please... *(Interruptions)*... Mr. Swaminathan, please sit down. I don't want this kind of unruly behaviour in the House. If one Member didn't receive the copy of the Bill, we will provide it to him... *(Interruptions)*... Okay, it is sent to you, not to him. All right. Why do you object to it? Let him get it. What is the

objection? Let him also read it. If he is passing it, he is helping it. So, let him read it also. There is no problem.

प्रो. विजय कुमार मल्होत्रा (दिल्ली): उनकी स्पीच होगी तो बाकियों की भी होगी। तय हुआ था कि कोई स्पीच नहीं होगी।

श्री संघ प्रिय गौतम (उत्तर प्रदेश): जब डिस्कशन ही नहीं होना है तो मंत्री जी भाषण किस लिए दे रहें हैं।

उपसभापति: जस्ट वन मिनट। केसरी जी अगर बता रहे हैं कि इसमें क्या करने वाले हैं तो मेम्बर्स को मालूम नहीं होना चाहिए। If the House doesn't want him to read fine. It is entirely up to the House.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Madam, he has to make a statement on it...(Interruptions)...

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THIANGKA BALU): He is introducing a Bill. Everytime it is introduced, he has to speak...(Interruptions)...

SHRI M.A. BABY (Kerala): Madam, it may be laid on the Table of the House.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): भाषण के मायने यह है कि किसी का भाषण नहीं होगा...(व्यवधान)

श्री सतीश अग्रवाल (राजस्थान): आवश्यकता नहीं है इसकी...(व्यवधान)

श्री सीताराम केसरी: लेट मी एक्सप्लेन, केसरी जी। मेम्बर कह रहे हैं कि आपके बोलने पर किसी की ऐतराज नहीं है। आप इस हाउस में जरूर बोलिए, आप इस हाउस के मेम्बर हैं। मगर यह तय हुआ था लीडर्स की मीटिंग में, लीडर आफ द हाउस के सामने कि इस बिल पर कोई चर्चा नहीं होगी। तो मेम्बरों का यह कहना है कि अगर हम कोई चर्चा नहीं कर रहे हैं तो इसकी कोई आवश्यकता नहीं है कि आप इसके बारे में बोलें।

नहीं, देखिए, एक बात है...(व्यवधान)

THE DEPUTY CHAIRMAN: All right, it may be laid on the Table of the House...(Interruptions)...

SHRI INDER KUMAR GUJRAL (Bihar): Madam, I am on a point of order. I am supportive of the Bill but there is one thing. I think this is a bad precedent that people should get into your

chamber...

THE DEPUTY CHAIRMAN: Not my chamber. Chairman's chamber.

SHRI INDER KUMAR GUJRAL: ...and decide that nobody in the House will speak. This is something I cannot accept. I am supportive of the Bill but this practice that the debate should be barred like this is a very bad practice...

THE DEPUTY CHAIRMAN: It was decided by the leaders of the parties. It is not my decision at all. Don't make a bad precedent all the time...(Interruptions)...

उपसभापति: केसरी जी को बोलने दीजिए...(व्यवधान)...

विपक्ष के नेता (श्री सिकन्दर बख्त): सदर साहिब, मेरी गुजारिश सुनिए। अभी गुजराल साहब ने एक ऐतराज किया है। फारचुनेटली, यह तो ठीक है कि किसी के बोलने पर पाबंदी तो नहीं लग सकती है। लेकिन बहुत सारे मसले तय होते हैं क्योंकि अगर फर्ज कर लीजिए, जैद या बकर या महमूद चैयारमैन साहब के कमरे में या आपके कमरे में जाते हैं तो वे कुछ लोगों की नुमाईदगी लेकर के जाते हैं और कुछ सहूलियतें पैदा की जाती हैं कि खामखाह की उलझनों की सुलझा दिया जाए। लिहाजा उस प्रेक्टिस को तो बंद नहीं किया जा सकता है और उस पर ऐतराज नहीं हो सकता है। लेकिन उसके बावजूद अगर कोई इंडिविजुअल मेम्बर कुछ कहना चाहता है तो उस पर पाबंदी नहीं लग सकती है...(व्यवधान)...नहीं, मिनिस्टर साहब के बोलने का सवाल पैदा नहीं होता है, किस्सा वह है...(व्यवधान)...

نیتا وروڈی دل "شری سکندر بخت":

صدر صاحبہ - میری گزارش سنئے۔ ابھی گجرال صاحب نے ایک اعتراض کیا ہے۔ فارجونیشلی یہ تو ٹھیک ہے کہ کسی کے بولنے پر پابندی تو نہیں لگ سکتی ہے لیکن بہت سارے مسئلے طے ہو سکتے ہیں۔ کیوں کہ اگر فرض کر لیجئے کہ زید یا بکر یا محمود جبرین صاحب کے کمرے میں یا آپ کے کمرے میں جاتے ہیں تو وہ کچھ لوگوں کی نمائندگی

لے کر جاتے ہیں اور کچھ سہولتیں پیدا
کی جاتی ہیں کہ خواہ مخواہ فی الجھنوں کو سلجھا
دیا جائے۔ لہذا اس پر کٹکٹس کو تو بند
نہیں کیا جاسکتا ہے اور اس پر اعتراض نہیں
ہو سکتا ہے۔ لیکن اس کے باوجود اگر
کوئی انڈیجول ممبر کچھ کہنا چاہتا ہے تو
اس پر پابندی نہیں لگائی جاسکتی ہے۔ ”مداخلت...“
نہیں منسٹر صاحب کے بولنے کا سوال پیدا
نہیں ہوتا ہے۔ قصہ وہ ہے۔ ”مداخلت...“

एक माननीय सदस्य: कैसे नहीं होता है।*

श्री चतुरान मिश्र (बिहार): लीडर आफ द
आपोजीशन ने कहा कि यह प्रीसीडेंट नहीं
होगा... (व्यवधान)... हम लोग भी कहते हैं... (व्यवधान)...

THE DEPUTY CHAIRMAN: This is not a
precedent. It is on a special consideration that it
is being allowed this way. So, in any case, on
any other Bill, Members will be speaking in the
normal manner... (Interruptions)...

श्री सिकन्दर बख्त: अगर उनका भाषण होगा, फिर तो
सब बोलेंगे... (व्यवधान)... इसका क्या मतलब हुआ?

شری سکندر بخت: اگر ان کا بھاشن
ہوگا۔ پھر تو سب بولیں گے۔۔۔
”مداخلت“۔۔۔ اس کا کیا مطلب ہوا۔

SHRI JAGDISH TYTLER: Such an
experienced parliamentarian is speaking like
this! This is not for the first time it is happening.
The Bill has been introduced here. He has to speak.

श्री संघ प्रिय योतम: अगर मंत्री जी बोलेंगे तो विधेयक
के समर्थन में हम भी बोलेंगे L. (व्यवधान)...

SHRI G. SWANINATHAN: Madam when
the Minister is speaking they will also speak. I
would request the Minister to allow the passing
of the Bill. Not everybody is speaking... When

[†] Transliteration in Arabic Script.

you read it, the Opposition Members will also
say that they will also speak... (Interruptions)...

THE DEPUTY CHAIRMAN: One minute
... (Interruption)... No, no.. Let me explain. Just
one minute, please sit down. You just don't get
agitated. We are getting a Bill. Don't cry. Let
me explain the difference between an ordinary
Bill and a Constitution Amendment Bill. In the
case of an ordinary Bill, I can ask him not to
speak. But, when he is making a Constitutional
amendment proposal before the House he has
to explain why he has to say it is
passed... (Interruptions)... एक मिनट, गुजराल साहब,
बैठ जाइये। बैठिए। आप यह भी कह सकते हैं थोड़ी देर के
बाद कि इस पर वोटिंग नहीं होना चाहिए, क्योंकि सब
तैयार हैं।

It is the provision of the Constitution
Amendment Bill that it has to be recorded.
There will be a division. So, I am explaining to
you that in the case of a Constitution
Amendment Bill the Minister has to explain.
We can't take it as an ordinary
Bill... (Interruptions)... It is part of the
requirement.

श्री सुन्दर सिंह भंडारी (राजस्थान): वोटिंग होना
चाहिए... (व्यवधान)... केवल वोटिंग का है, प्रोजेक्शन है।
... (व्यवधान)... बोलने का भी है लेकिन इसमें नहीं
है... (व्यवधान)...

THE DEPUTY CHAIRMAN: It is not me.
It is the provision of the law.

श्री सिकन्दर बख्त: सदर साहिबा, वह अपना
स्टेटमेंट... (व्यवधान)...

SHRI GURDAS DAS GUPTA: (West
Bengal): Madam, as you said at the beginning,
I agree with you. The House is almost
unanimous on this. If the hon. Minister is given
an opportunity to explain to us the necessity of
introducing the Bill, then there may be also
some opportunity given to other Members to
say why they should support the Bill.

THE DEPUTY CHAIRMAN: Nobody is
taking this opportunity.

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN): Madam, may I say
something? In keeping with the spirit of the
decision which we had taken in the BAC, it
will be in the fitness of things even if the
Minister would say that he will lay his speech

on the Table of the House, he need not read the speech either. So... ..(Interruptions)...

SHRI PRAMOD MAHAJAN (Maharashtra): He should make a speech, which you have already accepted. ... (Interruptions)...

THE DEPUTY CHAIRMAN: उनको बोलने दीजिए।... (व्यवधान) नहीं।... (व्यवधान)

Mr. Baby, let the Leader of the House to speak. If you want to speak who is preventing you from speaking? I can't keep on changing the rules every time. ... (Interruptions)...

SHRI INDER KUMAR GUJRAL: Madam, may I raise a point of order? While I am in favour of what you are deciding and what the House is deciding, I am the supporter of the Bill, I repeat. You see, debates in this House are not only confined to this House only. We are taking a vital decision. The public also wants to know why we are doing it. If we don't debate how could you educate the people? I am very sorry that we rush into this. The House could have been extended easily for 23 days and the debate could have been held because how will a man outside know?

THE DEPUTY CHAIRMAN: Why not? Let him finish (Interruptions)....

SHRI INDER KUMAR GUJRAL: I am submitting that basically it is a question of passing of such a vital Bill which has large implications and which might go to courts. I am supporting the Bill. I will vote for the Bill. But, at the same time, I may say that this is something by which public education will not come, people will not know why we did it, how we did it.

SHRI G. SWAMINATHAN: Madam, please allow me to say a few words.

THE DEPUTY CHAIRMAN: The Leader of the House has to explain. You are not the Leader of the House. You did not call the meeting. He did it. He can explain.

SHRI G. SWAMINATHAN: You have allowed another Member to speak. (Interruptions) When you have allowed Mr. Gujral, let me also say something, Madam. Just only one word I like to say. This was the

decision taken by the leaders of all the parties. This was a unanimous decision taken by the leaders of all the parties. It has to be accepted. If he does not accept his own leader's decision, let him quarrel with his leader privately. My point is this, Madam. In regard to this Reservation Bill, it has already been decided that there would be no discussion. We are very anxious to see that this Bill is passed immediately. If we start discussing, if everybody starts speaking, we may not pass the Bill. This is our only worry. As far as the reservation issue is concerned, it is known to all the people. The people of Tamil Nadu know fully well about reservation for the last one hundred years. There is no need to explain it to them. Nobody from this House need to tell them.

I would, therefore, request the hon. Minister not to make a statement. If the hon. Minister starts making a speech, unnecessarily, there would be a debate and the passing of this Bill would be delayed. Therefore, Madam, please ensure that the decision of the leaders of all the parties is implemented. It has been accepted by the leaders of all the parties including the Leader of the House. Now, it is not correct for the Leader of the House to say this. It is not our decision alone. It is also your decision. Please implement your decision. This is what we are asking. (Interruptions)

THE DEPUTY CHAIRMAN: I am allowing Mrs. Margaret Alva to speak.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Madam, none of us is saying that people should not know as to why it is being done. It is a Constitution (Amendment) Bill. As Mr. Gujral has said, it may be challenged tomorrow. The objectives and reasons behind this legislation have to be explained before the House. There has to be a record. Therefore, let the Minister, at least, lay it on the Table of the House. Let it be laid on the Table of the House. (Interruptions)

श्री सिकन्दर बख्त: सौरी सदर साहिबा, मुझे अफसोस है कि गवर्नमेंट से मालूम होता है कि बगैर किसी बहस के इस बिल को पास करने में इंटरेस्टेड है ... (व्यवधान)...

نیتا ورو دھی "شری سکندر بخت :
سوری صدر - مجھے افسوس ہے کہ گورنمنٹ
معلوم ہوتا ہے کہ بغیر کسی بحث کے اس بل
پاس کرنے میں انٹر سٹ ہے ...
"مداخلت"

SHRIMATI MARGARET ALVA: What the Minister has to say has to be on record.

श्री सिकन्दर बख्त: जरा बैठें, मेहरबानी करें। मैं यह अर्ज कर रहा हूँ सदर साहिबा ... (व्यवधान) ... मेरी बात खत्म हो जाये, मैं यह कहना चाहता हूँ कि गवर्नमेंट अगर वाकयी इंटरेस्टेड नहीं है कि बगैर बहस के यह बिल पास हो तो सीताराम केसरी जी अपनी तकरीर करें या यहां रखें और फिर बाकी लोगों को बोलने की इजाजत दी जाए।

شری سکندر بخت :- ذرا بیٹھیں
مہربانی کر کے - میں یہ عرض کر رہا ہوں
صدر صاحبہ ... "مداخلت" ... میری
بات ختم ہو جائے میں یہ کہہ رہا ہوں کہ اگر
گورنمنٹ واقعی انٹر سٹڈ نہیں ہے کہ بغیر
بحث کے یہ بل پاس ہو تو سیٹارام کیسری
جی اپنی تقریر کریں یا رکھیں اور پھر باقی لوگوں
کو بولنے کی اجازت دی جائے۔

श्री. विजय कुमार मल्होत्रा: मैडम, अगर सिर्फ मिनिस्टर बोलेंगे, तो कांग्रेस इसका नाजायज फायदा उठाना चाहती है ... (व्यवधान) ... बिजनेस एडवायजरी कमेटी में तय कर लिया और यहां आप कहते हैं कि मिनिस्टर स्पीच करेगा और बाकी लोग नहीं बोलेंगे। यह तो आप पॉलिटिकल एडवांटेज लेना चाहते हैं।

SYED SIBTEY RAZI (Uttar Pradesh): Madam, I take strong objection to this. He has no right to say this.

श्री सिकन्दर बख्त: सब बोलेंगे सदर साहिबा।

شری سکندر بخت : سب بولیں گے
صدر صاحبہ -

श्री सीताराम केसरी: मैडम, हम तैयार हैं। हम अपना बिल इंट्रोड्यूस करते हैं। हम अपनी स्पीच देते हैं और इस पर बहस हो। ... (व्यवधान)...

उपसभापति: बहस हो रही है, अब क्या रह गया?

श्री मोहम्मद सलीम (पश्चिमी बंगाल): मैडम, बिल जो सर्कुलेट किया गया है, इसमें स्टेटमेंट ऑफ ऑब्जेक्टिव्स है व ऑलरेडी लेड-डाउन।

उपसभापति: केसरी जी ने कहा और ऑफर किया कि उन्हें कोई इस पर आपत्ति नहीं है अगर बहस हो तो केसरी जी, आप पढ़िए। Many a time we have sat through the night to pass important Bills. Therefore, we can sit for this also. There is no problem. (Interruptions)

SHRI SITARAM KESRI: Madam Deputy Chairman, it gives me great pleasure to request this august House to consider and pass the Constitution (Eighty-Fifth Amendment) Bill to include the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Interruptions)

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam, I am on a point of order. (Interruptions) I have not got a copy of the Bill. (Interruptions) I am on a point of order, Madam. (Interruptions)

श्री सिकन्दर बख्त: पॉइंट आफ आर्डर है तो सुनना पड़ेगा, मैडम। ... (व्यवधान)...

شری سکندر بخت : پوائنٹ آف آرڈر
ہے تو سننا پڑے گا، میڈم۔ ... "مداخلت" ...

उपसभापति: सिकन्दर बख्त साहब, बात यह होती है कि सब लोग बोलते रहते हैं तो समझ नहीं आता। ... (व्यवधान) ... They want to raise a point of order. (interruptions)

श्री सिकन्दर बख्त: मैडम, इस तरह से यह मजाक उड़ा रहे हैं पूरे हाऊस का। यह क्या मजाक है? ... (व्यवधान) ... यह क्या कर रहे हैं? ... (व्यवधान)...

شری سکندر بخت: میڈم اس طرح
سے یہ مذاق اڑا رہے ہیں پھر سے ہاؤس
کا۔ یہ کیا مذاق ہے... ”مداخلت“...
یہ کیا کر رہے ہیں... ”مداخلت“...

उपसभापति: केशरी जी, ... (व्यवधान)...

श्री प्रमोद महाजन: मैडम, आपके गोकने से भी नहीं रुक रहे। ... (व्यवधान)...

उपसभापति: पाइंट आफ आर्डर है, केशरी जी।
... (व्यवधान) ... मंत्री जी से कहिए कि बैठ जाएं।
... (व्यवधान) ... I cannot hear you. There is a point
or order ... (Interruptions) ... Just one minute,
please Kesriji, there is a point of order
... (Interruptions)...

SHRI SIKANDER BAKHT: Ask the Minister to sit down. ... (Interruptions)...

THE DEPUTY CHAIRMAN: One minute, please ... (Interruptions)...

एक मिनट, आप लोग इतना शोर मचाते हैं, इससे तो सुनाई नहीं देता। ... (व्यवधान) ... अभी आप बैठ तो जाएं।
... (व्यवधान) ... अभी तो चुप हो जाइए। ... (व्यवधान) ...
केशरी जी, इधर पाइंट आफ आर्डर उठा रहे हैं, इन्हें कर लेने दीजिए और फिर आप कहिए। ... (व्यवधान)...

SHRI PRAMOD MAHAJAN: Now it seems ... (Interruptions)...

THE DEPUTY CHAIRMAN: I have one request to make to the Members. If you please sit quietly, then I can dispose of the point of order, if it is raised, and I can give my opinion. अगर सब, पांच छह लोग एक साथ बोलते हैं तो कोई भी नहीं सुन पाते कि क्या कह रहे हैं। बोलिए, महाजन जी।

SHRI PRAMOD MAHAJAN: Madam, it was decided at the leaders' meeting to pass it without discussion ... (Interruptions)...

THE DEPUTY CHAIRMAN: I request every body to sit down.

SHRI PRAMOD MAHAJAN: Now it seems the Governemnt has changed its stand, and they want a discussion in the House.

SHRI VAYALAR RAVI (Kerala): No, no. We don't want it ... (Interruptions)...

SHRI DIGVJAY SINGH (Bihar): They should know how to run Parliament. Are they Ministers or....? ... (Interruptions)...

THE DEPUTY CHAIRMAN: Please ... (Interruptions)...

SHRI PARMOD MAHAJAN: Madam, to put the record straight, we have not changed our stand. When the Minister insisted that he wants to make a speech ... (Interruptions)...

SHRI K.V. THANGKA BALU: We are going according to the rules. It is a convention ... (Interruptions)...

SHRI PRAMOD MAHAJAN: You quote the rule, which rule you are following ... (Interruptions)...

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): Why should we fight? we should come to a decision ... (Interruptions) ... we want the Bill to be passed immediately ... (Interruptions)...

श्री सत्य प्रकाश मालवीय: माननीय उपसभापति जी, मेरा एक व्यवस्था का प्रश्न है। व्यवस्था का प्रश्न यह है कि यह तय हो गया था कि बिना विचार के यह संविधान संशोधन पारित किया जाएगा और अब आपने यह व्यवस्था दी कि इस पर विचार होगा सदन में। जब आपने व्यवस्था दे दी कि इस पर विचार होगा सदन में और जबकि सब लोगों ने मिलकर के यह तय किया था कि इस पर कोई विचार नहीं होगा, तो इसमें समय की व्यवस्था भी लागू होनी चाहिए। ... (व्यवधान) ... मेरा निवेदन यही है कि फिर इसके समय का एलोटमेंट होना चाहिए/या तो यह बिल पास हो और अगर आप कहें कि यह बिल पास नहीं हो सकता है तो इसके लिए समय का अलाटमेंट होना चाहिए, बगैर समय के अलाटमेंट के यह कार्रवाही आगे नहीं बढ़ सकती है इस संविधान संशोधन विधेयक पर। ... (व्यवधान)...

श्री सिकन्दर बख्त: सरक्युलेट करें पहले बिल को।

श्री सत्य प्रकाश मालवीय: सरक्युलेट हो गया है, आज की डाक से मिला है।

श्री सिकन्दर बख्त: पूरा वक्त मिलना चाहिए।

SHRI S. VIDUTHALAI VIRUMBI: I request all the Members and the Ministers to

see that the Bill is passed without discussion.
...*(Interruptions)*...

SHRI S.B. CHAVAN: Madam, I request....

THE DEPUTY CHAIRMAN: The Leader of the House is saying something. Jaipalji, the Leader of the House is saying something. Let him speak. He wants to say something.

SHRI S. JAIPAL REDDY: Madam, let the Leader of the House speak after hearing us.

THE DEPUTY CHAIRMAN: Let the Leader of the House say what he wants to say. I cannot decide the time at which he should speak.

SHRI S. JAIPAL REDDY: I am requesting him.

SHRI S.B. CHAVAN: I request the hon. Members from both sides of the House. We had taken the decision in the BAC. We are very keen that this Bill should be passed not only here but by the other House also. We have the formality of giving some reasons why we are bringing this kind of Constitution Amendment. That is why it should be placed on record. That is why I request Mr. Kesri not to read his speech but to lay it on the Table of the House. ...*(Interruptions)*... I am really surprised. ...*(Interruptions)*... May I request you to let me finish my argument? ...*(Interruptions)*...

Let me finish my argument.

SHRI GURUDAS DAS GUPTA: We agree to the suggestion of Mr. Chavan. We agree with you. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: The dignity of the House is at issue. Listen to him. What is this? When the Leader of the House is saying something, you should have the courtesy to listen to him. What are you doing? Listen to him first.

श्री प्रमोद महाजन: मैडम, मेरा यह कहना है कि कांस्टिट्यूशन अमेंडमेंट बिल पास करते समय श्री मंत्री को लंबा भाषण देना पड़ता है, ऐसा कोई प्रावधान नहीं है। मंत्री जी उठकर, खड़े होकर कह सकते हैं कि मैंने यह बिल रखा है, इसमें एम्स एंड आब्जेक्ट्स लिखे हैं, पढ़िए और इसको पास कर दीजिए, तीन सेंटेंस कह सकते हैं। अगर लंबा भाषण करके कि मैंने यह क्यों

किया, वह क्यों किया, अगर आपके थू, भाषण के थू और लेइंग आफ दि पेपर्स के थू, अगर समाज के पास जाकर एडवेंटेज लेना चाहते हैं तो

Let all the political parties including my own party, which are supporting this Bill, explain to the people why we have supported it. Otherwise, only the Minister will claim कि मैंने बहुत बढ़िया भाषण दिया, बाकी तो कोई भाषण कर ही नहीं सकता। ...*(व्यवधान)*...

THE DEPUTY CHAIRMAN: He is not objecting to it. He is not objecting to it.

I am asking Jaipalji to speak.
...*(Interruptions)*...

प्रो. विजय कुमार मल्होत्रा: बिजनेस एडवाइजरी कमेटी में क्यों पास किया था? ...*(व्यवधान)*...

SHRI PRAMOD MAHAJAN: He is not objecting to it. If the Government is ready for a discussion, then, let us decide the duration and start the discussion.

SHRI S.B. CHAVAN: Will the hon. Member be accepting what his leader....

SHRI S. JAIPAL REDDY: Chavan Saheb, why don't you listen to me?

SHRI S.B. CHAVAN: I have a discussion with Sikander Bakht Saheb just now, in which both of us have generally agreed that the speech be laid on the Table of the House. You say that you are not accepting that position.

SHRI PRAMOD MAHAJAN: I do not need Congress people to teach me.

SHRI S.B. CHAVAN: I think we have to find a way out. That is why, in order to avoid ...*(Interruptions)*...

SHRI PRAMOD MAHAJAN: Making or laying the speech is the same thing ...*(Interruptions)*...

PROF. VIJAY KUMAR MALHOTRA: It will go to the press. ...*(Interruptions)*...

श्री दिग्विजय सिंह: मैडम, अगर यह बिल पास करना है ...*(व्यवधान)*... इसमें भाषण देने की जरूरत नहीं है, इसको पास किया जाए। ...*(व्यवधान)*...

SHRI S.B. CHAVAN: Actually, we are not opposed to the discussion at all.

SHRI G. SWAMINATHAN: Madam, I am on a point of order. *(Interruptions)* You please allow me. The Bill has already been circulated and has become a public document. *(Interruptions)*

THE DEPUTY CHAIRMAN: I have a suggestion to all the leaders and Members of the House. *(Interruptions)* I have a suggestion that we can adjourn the House for fifteen minutes and discuss it in my chamber and then come to a solution.

SHRI G. SWAMINATHAN: Please, do not adjourn the House.

The House then adjourned at thirty six minutes past twelve of the clock.

The House reassembled at forty-nine minutes past twelve of the clock.

[THE DEPUTY CHAIRMAN *in the Chair.*]

**THE CONSTITUTION
(EIGHTY-FIFTH) AMENDMENT BILL,
1994—Contd.**

उपसभापति: केसरी जी, जो आप बिल के साथ प्रिन्टेड ऑब्जेक्ट्स लेकर आए हैं, वह आप हाऊस में पढ़ दीजिए और बाकी जो आपने कहा था, वह माना जाएगा कि आपने नहीं कहा। खाली यह कह दीजिए।

SHRI SITARAM KESRI: Madam Deputy Chairman, the policy of reservation of seats in educational institutions and reservation of appointments or posts in public services for Backward Classes, Scheduled Castes and Scheduled Tribes has had a long history in Tamil Nadu dating back to the year 1921. The extent of reservation has been increased by the State Government from time to time, consistent with the needs of the majority of the people and it has now reached the level of 69 per cent, 18 per cent for Scheduled Castes, 1 per cent for Scheduled Tribes and 50 per cent for Other Backward Classes.

The Supreme Court delivered its judgment in the Indira Sawhney and others Vs. Union of India and others case (AIR 1993 SC 477) on 16th November, 1992, holding that the total reservations under article 16(4) should not exceed 50 per cent.

The issue of admission to educational institutions for the academic year 1993-94 came

up before the High Court of Madras in a writ petition. The High Court of Madras held that the Tamil Nadu Government could continue its reservation policy as hitherto followed during that academic year and that the quantum of reservation should be brought down to 50 per cent, during the academic year 1994-95. The Government of Tamil Nadu had filed a special leave petition against the High Court of Madras in order that the present reservation policy of the State Government should be reaffirmed so as to ensure continued advancement of the Backward Classes. However, the Supreme Court of India passed an interim order reiterating that the reservation should not exceed 50 per cent in the matter of admission to educational institutions.

In the special session of Tamil Nadu Legislative Assembly held on 9th November, 1993, it had been unanimously resolved to call upon the Central Government to take steps immediately to bring a suitable amendment to the Constitution of India as to enable the Government of Tamil Nadu to continue its policy of 69 per cent, reservation in Government services and for admission in educational institutions as at present. An all parties meeting had also been held on 26th November, 1993 in Tamil Nadu urging that there should not be any doubt or delay in ensuring the continued implementation of 69 per cent reservation for the welfare and advancement of the backward classes.

The Tamil Nadu Government enacted a legislation namely, Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institution and of appointments or posts in the Services under the State) Bill, 1993 and forward it to the Government of India for consideration of the President of India in terms of article 31-C of the Constitution.

In view of the importance and sensitive nature of the matter, the Union Home Minister held meetings with the leaders of political parties on 13th July, 1994 to discuss the provisions of the Bill. The general consensus among the leaders was that the Bill should be assented to. Accordingly, the President gave his assent to the Bill on 19th July, 1994.

The Tamil Nadu Government accordingly notified the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or post in the Services under the State) Act, 1993 as Act No. 45 of 1994 on 19th July, 1994.

The Tamil Nadu Government requested the Government of India on 22nd July, 1994 that the aforementioned Tamil Nadu Act 45 of 1994 be included in the Ninth Schedule to the Constitution of India for the reasons given below:—

“The said Act attracts article 31C of the Constitution, as falling within the purview of clauses (b) and (c) of article 39 and article 38 and 46 of the Constitutionvide section 2 of the Act.

The Act has been passed relying on the directive principles of State Policy enshrined in Part IV of the constitution and in particular, Articles 38, 39 (b) and (c) and 46 of the Constitution. As the Act is to give effect to the directive principles of State policy contained, *inter alia*, in article 39(b) and (c), the said Act will get the protection or article 31C of the Constitution and therefore, cannot be challenged under articles 14 and 19 of the constitution, with reference to which article, 14, the reservation exceeding 50 per cent, has been struck down by the Supreme Court. Now it has been decided to address the Government of India for including the Act in the Ninth Schedule to the Constitution, so that the law cannot be challenged as violative of any of the fundamental rights contained in Part III of the Constitution including articles 15 and 16, and gets protection under article 31B of the Constitution.”

The Government of India has already supported the provision of the State legislation by giving the President's assent to the Tamil Nadu Bill. As a corollary to this decision, it is not necessary that the Tamil Nadu Act 45 of 1994 is brought within the purview of the Ninth Schedule to the Constitution so that it gets protection under article 31B of the Constitution in regard to judicial review.

The Bill seeks to achieve the aforementioned objectives.

The question was proposed.

श्री जनार्दन यादव (बिहार): बिहार को भी जोड़ा जाए रिजर्वेशन के बारे में (व्यवधान)

THE DEPUTY CHAIRMAN: Now, everybody has agreed, except Mr. Chimanbhai Mehta, not to speak. But Mr. Chimanbhai Mehta has expressed the desire to speak at the time of introduction. Mr. Chimanbhai Mehta, do you still have a desire to speak or are you withdrawing?

SHRI CHIMANBHAI MEHTA (Gujarat): Madam, I still have a desire to speak.

THE DEPUTY CHAIRMAN: Okay Your desire is accepted. You can speak.

SHRI CHIMANBHAI MEHTA: Madam, I consider this as the saddest day for India after the Partition of our country.

AN HON. MEMBER: It is a glorious day.

THE DEPUTY CHAIRMAN: Now, I would not like any comments please. Mr. Chimanbhai Mehta has his view-points and he is in his rights to express his view points. Have patience to listen to him so that I can call the Chairman to get the Bill passed.

SHRI V. GOPALSAMY (Tamil Nadu): What is the time allotted, Madam?

THE DEPUTY CHAIRMAN: There is no time allotted. But that does not mean he can speak the whole day. It is understood.

SHRI S.K.T. RAMACHANDRAN: He is indulging in filibustering.

SHRI CHIMANBHAI MEHTA: I am not indulging in filibustering. I am precise and to the point.

I am referring to that event of the history because now we have come to the conclusion that reservations are inevitable and if they go in proportion to the number of castes, that is also inevitable. When the Act was passed by Tamil Nadu, they were within their competence. They passed it. Then it was challenged in the Madras High Court. Again, the Tamil Nadu Government, went in appeal against the order of the Madras High Court and in the Supreme Court, the matter is pending decision. It is *sub judice*. When the Court is going to decide something in its wisdom, why are we being deprived of the wisdom of the Court?

Madam, in this country, the Judiciary has always been respected and the State's two branches, Parliament and Judiciary, both of them have always been held in high esteem. But, today, what we find is that we are confronting the judiciary and trying to avoid even the judicial review. What is being avoided here is a judicial review of 69 per cent reservation. This shows that they are going against justice; they are going against the fundamental principles. The Supreme Court has something to say in this regard and we should hear their views also. In this connection, what we are trying to do is that we want to deprive the Supreme Court of its right of giving its view and verdict and educating our people.

"Be very careful in such sensitive matters." I would like to quote the Founding Father of the Constitution, Dr. Ambedkar, and what he had said about the quantum of reservation. Nobody was against reservation to the backward classes. I am not against the reservation for backward classes because that would go against my philosophy. I am reading out the relevant portion of Dr. Ambedkar's speech. Dr. Ambedkar was, however, for limited reservation and the illustration he gave, is as follows:

"Supposing, for instance, reservations were made for a community or a collection of communities and the total came to 70 per cent of the total posts under the State and only 30 per cent posts retained as unreserved, would anybody say that the reservation of 30 per cent, as open to general competition, would be satisfactory from the point of giving effect to the principle that there shall be an equality of opportunity? It cannot be, in my judgment."

This is what the Founding Father of the Constitution.

Dr. Ambedkar, has said *(Interruptions)*

SHRI T.A. MOHAMMED SAQHY (Tamil Nadu): That was in 1947. We are in 1994 now. *(Interruptions)*

SHRI VAYALAR RAVI: Madam, I am on a point of order. *(Interruptions)*

SHRI CHIMANBHAI MEHTA: Madam, have you permitted him? *(Interruptions)*

THE DEPUTY CHAIRMAN: He is on a point of order. Let him speak.

SHRI VAYALAR RAVI: I would like to quote Rule 67 of the Rules of Procedure and Conduct of Business in the Council of States. It says: "If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon." On what ground is the hon. Member opposing the Bill? Is he opposing it on merit? He cannot oppose it even on merit. If he is opposing it on the basis of legislative competence of the Council of States, he has to quote the relevant Constitutional provision if he thinks that it is ultra vires of the Constitution. *(Interruptions)*

He has not quoted any Constitutional provision so far. *(Interruptions)*

THE DEPUTY CHAIRMAN: I would like to remind the Members, if a point of order is raised by a Member, it is not raised before the House. It is raised before the Chair and if the Chair has to dispose it of, then let the Chair hear him. If you do not agree with his point of order, it is up to you. That is your opinion. But, let me have my view, Okay. *(Interruptions)* No, thank you. I don't need your assistance at the moment. You can reserve it for some other time.

SHRI VAYALAR RAVI: This right of the Member has been stated in rule 67. It can be opposed if it is beyond the scope of the Council of States and ultra vires of the Constitution. The Member is speaking on the merit of the Bill. So, the Bill cannot be opposed on that basis at this stage. *(Interruptions)*

THE DEPUTY CHAIRMAN: Okay. I heard you. The thing is, Mr. Chimanbhai Mehta opposed the Bill at the introduction stage and I told him that he may raise his objections about the Bill at an appropriate time when it comes up for discussion.

He has a right to speak at this point of time because he is speaking as a Member of this House. He can speak. That is his opinion. You

may not agree with it. Let him give his opinion.

श्री प्रमोद महाजन: इसकी विडियो रिकार्डिंग हो रही है पहले बता दिया जाता तो डिस्कशन में सब हिस्सा लेते। (व्यवधान)

THE DEPUTY CHAIRMAN: I don't know whether it is video-recorded. (*Interruptions*)... No. no. Video has nothing to do with the length of the *bhashan*. It depends on my discretion.

SHRI CHIMANBHAI MEHTA: Dr. Kaka Kalelkar was the Chairman of the first Backward Classes Commission. When he submitted his report, in his letter to Pandit Jawaharlal Nehru and the President, he said:

"I am definitely against the reservation in Government services for the simple reason that the services are not meant for the servants but they are meant for the service to the society as a whole."

This is also from the letter of the Chairman of the first backward Classes Commission. The Jawaharlal Nehru wrote in 1961 to the Chief Ministers:

"I dislike any kind of reservation, more particularly in the services. I react strongly against anything which is least efficient and secondary in standards. The only real way to help the backward group is to give opportunities for a good education. But if we go in for reservation on communal and caste basis, we swamp the bright and able people and make them remain second-rate and third-rate citizens."

SHRI T.A. MOHAMMED SAQHY: We disagree with this opinion of Panditji. Do you want that?

SHRI CHIMANBHAI MEHTA: Having all this in our hands, at least the Founding Father, Ambedkar, had never said it because the basic thing was that reservation had to be for the minority quantum otherwise, if it exceeds 50% it sacrifices the principle of equal opportunity. Here the Constitution is being infringed. Here the Supreme court is defending the constitution. Therefore, it has laid down the 50% limit. The Supreme Court did say this. the Supreme Court in its judgment of 16th November, 1992 regarding reservation in services for socially and educationally backward classes held that every power must be exercised reasonably and

fairly. The power conferred by clause (4) of article 16, that is, the provision for making reservation for backward classes, should also be exercised in a fair manner and within reasonable limits and what is more reasonable than to say that the reservation under clause (4) shall not exceed 50%?

THE DEPUTY CHAIRMAN: Chimanbhaji, will you be brief? There is no time allotted for this Bill. Whatever you are speaking is at the expense of other business in the House. So, I will be thankful to you if you abide by my request.

SHRI CHIMANBHAI MEHTA: I know that I am speaking when the entire House is on the one side and I am on the other side. It is unfortunate. You might be knowing...

SHRI JAGESH DESAI: Is there anything new?

SHRI CHIMANBHAI MEHTA: There is nothing new. But let the people of India know that all these things are put here.

SHRI T.A. MOHAMMED SAQHY: Yes, they have accepted it.

SHRI CHIMANBHAI MEHTA: The apex court also pointed out that... (*Interruptions*)... reservation should be confined to the minorities. It is thus clear that reservation for majority was never envisaged by the Founding Father of the Constitution. (*Interruptions*)....

SHRI V. GOPALSAMY: You are not bothered about Tamil Nadu.

SHRI CHIMANBHAI MEHTA: Now the question of Tamil Nadu has gone to the Supreme Court. they thought it was that 50% (*Interruptions*)....

SHRI V. GOPALSAMY: Madam, he is very tired. Let him conclude.

THE DEPUTY CHAIRMAN: Mr. Gopalsamy, we know that you have come to the House after a long absence.

But that should not be at the expense of Mr Mehta (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, my appeal to the Members is to listen to the voice of dissent. (*Interruptions*).

SHRI V. GOPALSAMY: Madam he has expressed his opinion. *(Interruptions)*.

THE DEPUTY CHAIRMAN: I am sorry. I request the Members to keep quiet. *(Interruptions)*. If one Member wants to speak, in the name of democracy, allow him to speak for a short while.

SHRI V. GOPALSAMY: Madam, his purpose is served.

THE DEPUTY CHAIRMAN: Never mind.

SHRI CHIMANBHAI MEHTA: Madam, it is also to be noted that even the Mandal Commission *(Interruptions)*.

मैं आपको बता रहा हूँ कि यह जो हम कर रहे हैं तो हिन्दुस्तान की जनता को मालूम तो हो कि आपने सोच समझकर किया है।

श्री सत्य प्रकाश मालवीय: इस देश की भाषा में बोलिए।

SHRI CHIMANBHAI MEHTA: It should also be noted that even the Mandal Commission has recommended only 27 per cent reservation for the backward classes, although it argued that by virtue of the population strength higher reservation can be thought of. The Chief Minister of Tamil Nadu said, "There are 88 per cent backward class people. therefore, the quantum should be raised". The Mandal Commission also thought that 50 per cent overall limit and 27 per cent for OBCs was a legitimate limit, because the rationale behind the limit is that equality of opportunity is the general rule and reservation being exception, cannot help it. These are the important points. I know about the history of reservation in Tamil Nadu. Once there was 30 per cent reservation in Tamil Nadu. Mr MGR thought that there should be a creamy layer. There is no creamy layer" in this 69 per cent. The supreme Court is totally ignored.

Reservation is subject to the creamy layer demarcation. If there is no "creamy layer" demarcation no reservation be permitted *(Interruptions)*. So, at that time, Mr. MGR introduced the economic criteria.

THE DEPUTY CHAIRMAN: Mr. Mehta, be brief. We have to pass this Bill. The Business Advisory Committee has not allocated any time for this. Please conclude now. आप 12 मिनट

बोल चुके हैं, अब बैठ जाइए।

श्री प्रकाश यशवंत अम्बेडकर (नाम निर्देशित): पांच मिनट और लेने दीजिए, वह मेरा नाम ले रहे हैं।

SHRI CHIMANBHAI MEHTA: Madam, I am the only person who is speaking. The point is that you are sacrificing articles 15 (1) and 16 (1). The backward class people can be given the benefit of articles 15(4) and 16(4) but the class must comprise homogenous groups. the element of homogeneity should be the backwardness characterising the class.

THE DEPUTY CHAIRMAN: If you speak elaborately then the Minister will have to reply to your points. Please be brief. *(Interruptions)*.

SHRI CHIMANBHAI MEHTA: Madam, at least, you must know on what rational ground I am thinking and speaking and what reason I have got to go against this huge majority. *(Interruptions)*.

THE DEPUTY CHAIRMAN: I am asking him to conclude. Mr. Mehta, I can't give you more than one minute.

SHRI CHIMANBHAI MEHTA: Madam *(Interruptions)*.

THE DEPUTY CHAIRMAN: I am sorry, I cannot allow you any more.

SHRI CHIMANBHAI MEHTA: I am going to conclude. I have to say many things *(interruptions)*....

THE DEPUTY CHAIRMAN: Mr. Mehta, please finish... *(interruptions)*...

SHRI DIGVIJAY SINGH: Madam, you ask him to lay the papers on the Table... *(interruptions)*...

THE DEPUTY CHAIRMAN: I don't know what papers he is having.

SHRI CHIMANBHAI MEHTA: Madam, I am concluding now. My point is that in the judgement of the Supreme Court on the Mandal Commission report, there was a majority judgement and a minority judgement. They insisted that there be a judicial review. It is precisely to avoid judicial review of our action by the Supreme Court that this Bill is brought. Let the truth be known. We have never discussed a Supreme Court judgement, whether it is a minority judgement or a majority

judgement. This is a big question. India was partitioned into two in 1947. Now you are partitioning this country into hundreds of groups, both mentally and emotionally. Casteism has become a philosophy. It is a vote bank philosophy. That is why all the parties which are interested in capturing vote banks are supporting this 69% reservation. Therefore...*(interruptions)*...

SHRI V. GOPALSAMY: Madam, he cannot cast aspersions on a political party. He is casting aspersions on all the political parties. I strongly object to it. I strongly object to his remarks...*(interruptions)*...

SHRI CHIMANBHAI MEHTA: It is only for capturing vote banks...*(interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: It is not for capturing vote banks.

SHRI V. GOPALSAMY: He ought not to have cast aspersions on the political parties.

SHRI S. VIDUTHALAI VIRUMBI: He is unnecessarily casting aspersions...*(interruptions)*... We are fighting for those people who are oppressed for centuries.

SHRI V. GOPALSAMY: He cannot cast aspersions on the political parties. He is entitled to his views...*(interruptions)*...

THE DEPUTY CHAIRMAN: Now the matter is over. Please sit down all of you.

SHRI V. GOPALSAMY: Does he know anything about Tamil Nadu? How can he say that we are doing all this for capturing vote banks?

SHRI S. VIDUTHALAI VIRUMBI: We are fighting for social justice. We are working for those people who are oppressed for centuries...*(interruptions)*...

SHRI A. NALLASIVAN (TAMIL NADU): Madam, he had his say. Let him conclude.

SHRI S. VIDUTHALAI VIRUMBI: Cutting across party lines, everybody has supported this Bill...*(interruptions)*...

SHRI V. GOPALSAMY: Madam, I have to register my protest against his remarks. He cast aspersions on all the Member...*(interruptions)*...

THE DEPUTY CHAIRMAN: Discussion

on this issue is over. Please sit down all of you...*(interruptions)*... I am not allowing any more. Now more discussion...*(interruptions)*... Please sit down. Nothing will go on record now. Nobody's speech is going on record...*(interruptions)*... It is all over. Nothing is going on record.

SHRI V. GOPALSAMY:*

SHRI S. VIDUTHALAI S. VIRUMBI:*

SHRI CHIMANBHAI MEHTA:*

THE DEPUTY CHAIRMAN: Mr. Mehta, please keep quiet. Nothing is going on record. Mr. Mehta, please sit down. You have spoken enough. That is all. Please sit down...*(interruptions)*... Please sit down all of you.

SHRI CHIMANBHAI MEHTA:*

THE DEPUTY CHAIRMAN: It is not going on record.

[MR. CHAIRMAN in the chair]

MR. CHAIRMAN: Hon. Members, please, this is a Constitutional Amendment. Therefore, let us proceed constitutionally. I shall now put the motion for consideration of the Bill to vote... *(Interruptions)*

Under Article 368 of the Constitution, the motion will have to be adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.

The question is:

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

The House divided.

MR. CHAIRMAN: Ayes 147

Noes 2

'Ayes' 147

Adik, Shri Govindrao

Agarwal, Shri Lakkhiram

Aggarwal, Shri Satish

Agarwalla, Shri Parmeshwar Kumar

Alva, Shrimati Margaret

Ambedkar, Shri Prakash Yashwant

Anil Kumar, Shri

Ansari, Shri Jalaludin

* Not recorded.

Antony, Shri A.K.
 Austin, Shri S.
 Azad, Shri Ghulam Nabi
 Azmi, Maulana Obaidullah Khan
 Babbar, Shri Raj
 Baby, Shri M.A.
 Bakht, Shri Sikander
 Balanandan, Shri E.
 Barik, Shri Rahashihari
 Barongpa, Shri Sushil
 Basu, Shri Nilotpal
 Bhandari, Shir Ram Deo
 Bhandari, Shri Sunder Singh
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bisi, Shri Sanatan
 Birla, Shri Krishna Kumar
 Biswas, Shri Dehabrata
 Chanpuria, Shri Shivprasad
 Chavan, Shri S.B.
 Chellappa, Shri V. Rajan
 Dard, Shri Jagir Singh
 Dasgupta, Dr. Biplab
 Das Gupta, Shri Gurudas
 Dave, Shri Anantray Devshanker
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Jagesh
 Dhawan, Shri R.K.
 Dronamraju, Shri Satynarayana
 Fernandes, Shri John F.
 Gadgil, Shri V.N.
 Ganesan, Shri Misa R.
 Gautam, Shri Sangh Priya
 Gohain, Shri Bhadreswar
 Gopalsamy, Shri V.
 Goswami, Shri Ramnarayan
 Gujral, Shri Inder Kumar
 Gupta, Dr. Ishwar Chandra
 Hanumanthappa, Shri H.
 Hariprasad, Shri B.K.
 Heptulla, Dr. (Shrimati) Najma
 Iqbal Singh, Shri

Jaiswal, Shri Anant Ram
 Jayadevappa, Shri K.R.
 Jitendra Prasada, Shri
 Jogi, Shri Ajit P.K.
 Judev, Shri Dilip Singh
 Kaldate, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalyan, Shri Mohinder Singh
 Katara Shri Kamak Mal
 Kataria, Shri Virendra
 Kesri, Shri Sitaram
 Khan, Shri K.M.
 Khan, Shri K. Rahman
 Khan, Shri Mohd. Masud
 Kiruttinan, Shri Pasumpon Tha.
 Kohli, Shri O.P.
 Kore, Shri Prabhakar B.
 Korwar, Shri Gundappa
 Kovind, Shri Ram Nath
 Koya, Shri B.V. Abdulla
 Krishnan, Shri G.Y.
 Ledger, Shri David
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwari, Shrimati Sarala
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Mani, Shri S. Muthu
 Matang Singh, Shri
 Md. Salim, Shri
 Meena, Shri Moolchand
 Miri, Shri Govindram
 Mishra, Shri Chaturanan
 Mishra, Dr. Jagannath
 Misra, Shri Janeshwar
 Mitra, Shri Ashok
 Mohammed Afzal *Alias Meem Afzal*, Shri
 Mohanty, Shri Sarda
 Mukherjee, Shri Dipankar
 Nallasivan, Shri A.
 Nomani, Maulana Habibur Rahman

Pandey, Shrimati Chandra Kala
 Pandian, Shri N. Thangaraj
 Parmar, Shri Rajubhai A.
 Paswan, Shri Kameshwar
 Patel, Shri Ahmed Mohamedbhai
 Patel Shrimati Anandiben Jethabhai
 Patil, Shri Gopalrao Vithalrao
 Pillai, Shri Ramachandran
 Pillai, Shri Thennala Balakrishnan
 Poojary, Shri Janardhana
 Pradhan, Shri Narendra
 Rai, Shri Ratna Bahadur
 Rajagopal, Shri O.
 Ram Ratan Ram, Shri
 Ramachandran, Shri S.K.T
 Ramji Lal, Shri
 Rao, Shri V. Hanumantha
 Ravi, Shri Vayalar
 Razi, Syed Sibtey
 Reddy, Shri S. Jaipal
 Roy, Shri Jibon
 Sahu, Shri Rajni Ranjan
 Salve, Shri N.K.P.
 Samantaray, Shri Pravat Kumar
 Sanadi, Prof. I.G.
 Saqhy, Shri T.A. Mohammed
 Sarang, Shri Kailash Narain
 Sarma, Shrimati Basanti
 Sayeed, Mufti Moh.
 Sarma, Shri Krishan Lal
 Sharma, Shrimati Malti
 Sharma, Shri Venod
 Shastri, Shri Vishnu Kant
 Shinde, Shri Sushilkumar Sambhajirao
 Singh, Shri Digvijay
 Singh, Dr. Naunihal
 Singh Dr. Ranbir
 Singh, Shri Raj Nath
 Singh, Shri Shankar Dayal
 Singla, Shri Surinder Kumar
 Sinha, Shrimati Kamla

Solanki, Shri Madhavsinh
 Surjewala, Shri S.S.
 Swaminathan, Shri G.
 Swell, Shri G.G.
 Thakur, Shri Rameshwar
 Upendra, Shri P.
 Veerappan, Shri K.K.
 Verma, Shrimati Veena
 Viduthalai Virumbi, Shri S.
 Yadav, Shri Ish Dutt
 Yadav, Shri Janardan
 Yadav, Shri Naresh
 Yadav, Shri Ram Gopal
 Yerra Narayanaswamy, Shri
 Yonggam, Shri Nyodek

'Noes'—2

Pradhan, Shri Satish Mehta,
 Shri Chimanbhai

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.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

The question is:

"That Clause 2 stand part of the Bill."

'The House divided'

MR. CHAIRMAN: Ayes	147
Noes	2

'Ayes' 147

Adik, Shri Govindrao
 Agarwal, Shri Lakkhiram
 Agarwal, Shri Satish
 Agarwalla, Shri Parmeshwar Kumar
 Alva, Shrimati Margaret
 Ambedkar, Shri Prakash Yashwant
 Anil Kumar,
 Shri Ansari, Shri Jalaludin
 Antony, Shri A.K.
 Austin, Shri S.
 Azad, Shri Ghulam Nabi
 Azmi, Maulana Obaidullah Khan
 Babbar, Shri Raj
 Baby, Shri M.A.
 Bakht, Shri Sikander
 Balanandan, Shri E.
 Barik, Shri Rahasbihari

Barongpa, Shri Sushil
 Basu, Shri Nilotpal
 Bhandari, Shri Ram Deo
 Bhandari, Shri Sunder Singh
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bisi, Shri Sanatan
 Birla, Shri Krishna Kumar
 Biswas, Shri Debabrata
 Chanpuria, Shri Shivprasad
 Chavan, Shri S.B.
 Chellappa, Shri V. Rajan
 Dard, Shri Jagir Singh (Punjab)
 Dasgupta, Dr. Biplab
 Das Gupta, Shri Gurudas
 Dave, Shri Anantray Devshanker
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Jagesh
 Dhawan, Shri R.K.
 Dronamraju, Shri Satyanarayana
 Fernandes, Shri John F.
 Gadgil, Shri Vithal Narhar
 Ganesan, Shri Misa R.
 Gautam, Shri Sangh Priya
 Gohain, Shri Bharewar
 Gopalsamy, Shri V.
 Goswami, Shri Ramnarayan
 Gujral, Shri Inder Kumar
 Gupta, Dr. Ishwar Chandra
 Hanumanthappa, Shri H.
 Hariprasad, Shri B.K.
 Heptulla, Dr. (Shrimati) Najma
 Iqbal Singh, Shri
 Jaiswal, Shri Anant Ram
 Jayadevappa, Shri K.R.
 Jitendra Prasada, Shri
 Jogi, Shri Ajit P.K.
 Judev, Shri Dilip Singh
 Kaldate, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalyan, Shri Mohindar Singh

Katara, Shri Kanak Mal
 Kataria, Shri Virendra
 Kesri, Shri Sitaram
 Khan, Shri K.M.
 Khan, Shri K. Rahman
 Khan, Shri Mohd. Masud
 Kiruttinan, Shri Pasumpon Tha.
 Kohli, Shri O.P.
 Kore, Shri Prabhakar B.
 Korwar, Shri Gundappa
 Kovind, Shri Rani Nath
 Krishnan, Shri G.Y.
 Ledger, Shri David
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwari, Shrimati Sarala (West Bengal)
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Mani, Shri S. Muthu
 Matang Sinh, Shri (Assam)
 Md. Salim, Shri
 Meena, Shri Moolchand
 Miri, Shri Govindram
 Mishra, Shri Chaturanan
 Mishra, Shri Jagannath
 Misra, Shri Janeshwar
 Mitra Shri Ashok
 Mohammed Afzal *Alias* Meem Afzal, Shri
 Mohanty, Shri Sarada
 Mukherjee, Shri Dipankar
 Nallasivan, Shri A. (Tamil Nadu)
 Noman, Maulana Habibur Rahman
 (Nominated)
 Pandey, Shrimati Chandra Kala
 Pandian, Shri N. Thangaraj
 Parmar, Shri Rajubhai A.
 Paswan, Shri Kameshwar
 Patel, Shri Ahmed Mohmedbhai
 Patel, Shrimati Anandiben Jethabhai
 Patil, Shri Gopalrao Vithalrao
 Pillai, Shri Ramachandran

Pillai, Shri Thennala Balakrishna
 Poojary, Shri Janardhana
 Pradhan, Shri Narendra
 Raghavji, Shri
 Rai, Shri Ratna Bahadur
 Rajagopal, Shri O.
 Ram Ratan Ram, Shri
 Ramachandran, Shri S.K.T.
 Ramji Lal, Shri
 Rao, Shri V. Hanumantha
 Ravi Shri Vayalar
 Razi, Syed Sibtey (Uttar Pradesh)
 Reddy, Shri S. Jaipal
 Roy, Shri Jibon
 Sahu, Shri Rajni Ranjan
 Salve, Shri N.K.P. (Maharashtra)
 Samantaray Shri Pravat Kumar
 Sanadi, Prof. I.G.
 Saqhy, Shri T.A. Mohammed
 Sarang, Shri Kailash Narain
 Sarma, Shrimati Basanti
 Sayeed, Mufti Mohd.
 Sharma, Shri Krishan Lal
 Sharma, Shrimati Malti
 Sharma, Shri Venod
 Shastri, Shri Vishnu Kant
 Shinde, Shri Sushilkumar Sambhajirao
 Singh, Shri Digvijay
 Singh, Dr. Naunihal
 Singh, Dr. Ranbir
 Singh, Shri Raj Nath
 Singh, Shri Shankar Dayal
 Singla, Shri Surinder Kumar
 Sinha, Shrimati Kamla
 Solanki, Shri Madhavsingh
 Surjewala, Shri S.S.
 Swaminathan, Shri G.
 Swell, Shri G.G.
 Thakur, Shri Rameshwar
 Upendra, Shri P.
 Veerappan, Shri K.K. (Tamil Nadu)

Verma, Shrimati Veena
 Viduthalai Virumbi, Shri S.
 Yadav, Shri Ish Dutt
 Yadav, Shri Janardan
 Yadav Shri Naresh
 Yadav, Shri Ram Gopal
 Yerra, Narayanaswamy Shri (Andhra Pradesh)
 Yonggam, Shri Nyodek (Arunachal Pradesh)

'Noes'—2

Mehta, Shri Chimanbhai
 Pradhan, Shri Satish

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 — Short Title

MR. CHAIRMAN: We shall now take up Clause 1. There is one amendment by Shri Sitaram Kesari.

SHRI SITARAM KESRI: Sir, I beg to move:

"That at page 1, lines 3—4 for the bracket, words and figure "(Eighty fifth Amendment Act, 1994" the bracket, words and figure "(Seventy-sixth Amendment) Act, 1994" be substituted."

The question was put and the motion was adopted.

MR. CHAIRMAN: I shall now put clause 1, as amended, to vote.

The question is:

"That Clause 1, as amended, stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes ... 148

Noes ... 1

'Ayes' — 148

Adik, Shri Govindrao
 Agarwal, Shri Lakkhiram
 Agarwal, Shri Satish
 Agarwalla, Shri Parmeshwar Kumar
 Alva, Shrimati Margaret

Ambedkar, Shri Prakash Yashwant
 Anil Kumar, Shri
 Ansari, Shri Jalaludin
 Antony, Shri A.K.
 Austin, Shri S.
 Azad, Shri Ghulam Nabi
 Azmi, Maulana Obaidullah Khan
 Babbar, Shri Raj
 Baby, Shri M.A.
 Bakht, Shri Sikander
 Balanandan, Shri E.
 Barik, Rahasbihari
 Barongpa, Shri Sushil
 Basu, Shri Nilotpal
 Bhandari, Shri Ram Deo
 Bhandari, Shri Sunder Singh
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bisi, Shri Sanatan
 Birla, Shri Krishna Kumar
 Biswas, Shri Debabrata
 Chanpuria, Shri Shivprasad
 Chavan, Shri S.B.
 Chellappa, Shri V. Rajan
 Dard, Shri Jagir Singh
 Dasgupta, Dr. Biplab
 Das Gupta, Shri Gurudas
 Dave, Shri Anantray Devshanker
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Jagesh
 Dhawan, Shri R.K.
 Dronamraju, Shri Satyanarayana
 Fernandes, Shri John F.
 Gadgil, Shri V.N.
 Ganesan, Shri Misa R.
 Gautam, Shri Sangh Priya
 Gohain, Shri Bhadreswar
 Gopalsamy, Shri V.
 Goswami, Shri Ramnarayan
 Gujral, Shri Inder Kumar
 Gupta, Dr. Ishwar Chandra

Hanumanthappa, Shri H.
 Hariprasad, Shri B.K.
 Heptulla, Dr. (Shrimati) Najma
 Iqbal Singh, Shri
 Jaiswal, Shri Anant Ram
 Jayadevappa, Shri K.R.
 Jitendra Prasada, Shri
 Jogi, Shri Ajit P.K.
 Judev, Shri Dillip Singh
 Kaldate, Dr., Babu
 Kalita, Shri Bhubaneswar
 Kalyan, Shri Mohindar Singh
 Katara, Shri Kanak Mal
 Kataria, Shri Virendra
 Kesri, Shri Sitaram
 Khan Shri K.M.
 Khan, Shri K. Rahman
 Khan, Shri Mohd. Masud
 Kiruttinan, Shri Pasumpon Tha.
 Kohli, Shri O.P.
 Kore, Shri Prabhakar B.
 Korwar, Shri Gundappa
 Kovind, Shri Ram Nath
 Koya, Shri B.V. Abdulla
 Krishnan, Shri G.Y.
 Ledger, Shri David
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwari, Shrimati Sarala
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Mani, Shri S. Muthu
 Matang Sinh, Shri
 Md. Salim, Shri
 Meena, Shri Moolchand
 Miri, Shri Govindram
 Mishra, Shri Chaturanan
 Mishra, Dr. Jagannath
 Misra, Shri Janeshwar
 Mitra, Shri Ashok
 Mohammed Afzal *Alias* Meem Afzal, Shri

Mohanty, Shri Sarada
 Mukherjee, Shri Dipankar
 Nallasivan, Shri A.
 Nomani, Maulana Habibur Rahman
 Pandey, Shrimati Chandra Kala
 Pandian, Shri N. Thangaraj
 Parmar, Shri Rajubhai A.
 Paswan, Shri Kameshwar
 Patel, Shri Ahmed Mohmedbhai
 Patel Shrimati Anandiben Jethabhai
 Patil, Shri Gopalrao Vithalrao
 Pillai, Shri Ramachandran
 Pillai, Shri Thennala Balakrishnan
 Poojary, Shri Janardhana
 Pradhan, Shri Narendra
 Raghavji, Shri
 Rai, Shri Ratna Bahadur
 Rajagopal, Shri O.
 Ram Ratan Ram, Shri
 Ramachandran, Shri S.K.T.
 Ramji Lal, Shri
 Rao, Shri V. Hanumantha
 Ravi, Shri Vayalar
 Razi, Syed Sibtey
 Reddy, Shri S. Jaipal
 Roy, Shri Jibon
 Sahu Shri Rajni Ranjan
 Salve, Shri N.K.P.
 Samantaray, Shri Pravat Kumar
 Sanadi, Prof. I.G.
 Saqhy, Shri T.A. Mohammed
 Sarang, Shri Kailash Narain
 Sarma, Shrimati Basanti
 Sayeed, Mufti Mohd.
 Sharma, Shri Krishan Lal
 Sharma, Shrimati Malti
 Sharma, Shri Venod
 Shastri, Shri Vishnu Kant
 Shinde, Shri Sushilkumar Sambhajirao
 Singh, Shri Digvijay
 Singh, Dr. Naunihal

Singh, Dr. Ranbir
 Singh, Shri Raj Nath
 Singh, Shri Shankar Dayal
 Singla, Shri Surinder Kumar
 Sinha, Shrimati Kamla
 Solanki, Shri Madhavsingh
 Surjewala, Shri S.S.
 Swaminathan, Shri G.
 Swell, Shri G.G.
 Thakur, Shri Rameshwar
 Upendra, Shri P.
 Veerappan, Shri K.K.
 Verma, Shrimati Veena
 Viduthalai Virumbi, Shri S.
 Yadav Shri Ish Dutt
 Yadav, Shri Janardan
 Yadav, Shri Naresh
 Yadav, Shri Ram Gopal
 Yerra Narayanaswamy, Shri
 Yonggam, Shri Nyodek

'Noes'—1

Mehta Shri Chimanbhai

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 1, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

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

The House decided.

MR. CHAIRMAN: Ayes ... 148

Noes ... 2

'Ayes' — 148

Adik, Shri Govindrao

Agarwal, Shri Lakshiram

Agarwal, Shri Satish

Agarwalla Shri Parmeshwar Kumar

Alva, Shrimati Margaret
 Ambedkar, Shri Prakash Yashwant
 Anil Kumar, Shri
 Ansari, Shri Jalaludin
 Antony, Shri A.K.
 Austin, Shri S.
 Azad, Shri Ghulam Nabi
 Azmi, Maulana Obaidullah Khan
 Babbar, Shri Raj
 Baby, Shri M.A.
 Bakht, Shri Sikander
 Balanandan, Shri E.
 Barik, Shri Rahasbihari
 Barongpa, Shri Sushil
 Basu, Shri Nilotpal
 Bhandari, Shri Ram Deo
 Bhandari, Shri Sunder Singh
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bisi, Shri Sanatan
 Birla, Shri Krishna Kumar
 Biswas, Shri Debabrata
 Chanpuria, Shri Shivprasad
 Chavan, Shri S.B.
 Chellappa, Shri V. Rajan
 Dard, Shri Jagir Singh
 Dasgupta, Dr. Biplab
 Das Gupta, Shri Gurudas
 Dave, Shri Anantray Devshanker
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Jagesh
 Dhawan, Shri R.K.
 Dronamraju, Shri Satyanarayana
 Fernandes, Shri John F.
 Gadgil, Shri Vithal Narhar
 Ganesan, Shri Misa R.
 Gautam, Shri Sangh Priya
 Gohain, Shri Bhadreswar
 Gopalsamy, Shri V.
 Goswami, Shri Ramnarayan
 Gujral, Shri Inder Kumar
 Gupta, Dr. Ishwar Chandra

Hanumanthappa, Shri H.
 Hariprasad, Shri B.K.
 Heptulla, Dr. (Shrimati) Najma
 Iqbal Singh, Shri
 Jaiswal, Shri Anant Ram
 Jayadevappa, Shri K.R.
 Jitendra Prasada, Shri
 Jogi, Shri Ajit P.K.
 Judev, Shri Dillip Singh
 Kaldate, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalyan, Shri Mohindar Singh
 Katara, Shri Kanak Mal
 Kataria, Shri Virendra
 Kesri, Shri Sitaram
 Khan Shri K.M.
 Khan, Shri K. Rahman
 Khan, Shri Mohd. Masud
 Kiruttinan, Shri Pasumpon Tha.
 Kohli, Shri O.P.
 Kore, Shri Prabhakar B.
 Korwar, Shri Gundappa
 Kovind, Shri Ram Nath
 Krishnan, Shri G.Y.
 Ledger, Shri David
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwari, Shrimati Sarala
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Mani, Shri S. Muthu
 Matang Sinh, Shri
 Md. Salim, Shri
 Meena, Shri Moolchand
 Miri, Shri Govindram
 Mishra, Shri Chaturanan
 Mishra, Dr. Jagannath
 Misra, Shri Janeshwar
 Mitra, Shri Ashok
 Mohammed Afzal *Alias* Meem Afzal, Shri

Mohanty, Shri Sarada
 Mukherjee, Shri Dipankar
 Nallasivan, Shri A.
 Nomani, Maulana Habibur Rahman
 Pandey, Shrimati Chandra Kala
 Pandian, Shri N. Thangaraj
 Parmar, Shri Rajubhai A.
 Paswan, Shri Kameshwar
 Patel, Shri Ahmed Mohmedbhai
 Patel Shrimati Anandiben Jethabhai
 Patil, Shri Gopalrao Vithalrao
 Pillai, Shri Ramachandran
 Pillai, Shri Thennala Balakrishna
 Poojary, Shri Janardhana
 Pradhan, Shri Narendra
 Raghavji, Shri
 Rai, Shri Ratna Bahadur
 Rajagopal, Shri O.
 Ram Ratan Ram, Shri
 Ramachandran, Shri S.K.T.
 Ramji Lal, Shri
 Rao, Shri V. Hanumantha
 Ravi, Shri Vayalar
 Razi, Syed Sibtey
 Reddy, Shri S. Jaipal
 Roy, Shri Jibon
 Sahu Shri Rajni Ranjan
 Salve, Shri N.K.P.
 Samantaray, Shri Pravat Kumar
 Sanadi, Prof. I.G.
 Saqhy, Shri T.A. Mohammed
 Sarang, Shri Kailash Narain
 Sarma, Shrimati Basanti
 Sayeed, Mufti Mohd.
 Sharma, Shri Krishan Lal
 Sharma, Shrimati Malti
 Sharma, Shri Venod
 Shastri, Shri Vishnu Kant
 Shinde, Shri Sushilkumar Sambhajirao
 Singh, Shri Digvijay
 Singh, Dr. Naunihal

Singh, Dr. Ranbir
 Singh, Shri Raj Nath
 Singh, Shri Shankar Dayal
 Singla, Shri Surinder Kumar
 Sinha, Shrimati Kamla
 Solanki, Shri Madhavsinh
 Surjewala, Shri S.S.
 Swaminathan, Shri G.
 Swell, Shri G.G.
 Thakur, Shri Rameshwar
 Upendra, Shri P.
 Veerappan, Shri K.K.
 Verma, Shrimati Veena
 Viduthalai Virumbi, Shri S.
 Yadav Shri Ish Dutt
 Yadav, Shri Janardan
 Yadav, Shri Naresh
 Yadav, Shri Ram Gopal
 Yerra Narayanaswamy, Shri
 Yonggam, Shri Nyodek

'Noes'—2

Mehta, Shri Chimanbhai
 Pradhan, Shri Satish

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.

MR. CHAIRMAN: The Bill, as amended, is passed by the required majority.

Thank you very much. The House is adjourned for one hour for lunch.

The House then adjourned for lunch at fortyfour minutes past one of the clock.

[The House resumed after lunch at
 forty six minutes past two of the clock,
 THE DEPUTY CHAIRMAN in the Chair]

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam, I would like to submit one thing. This relates to the sugar issue. I would like to know when it would be taken up because

the Prime Minister or whosoever would be replying to the debate would be required to be available in the other House also. I am told that he has stated that. We need to take up the sugar issue. I suggest that a particular time be fixed for it irrespective of the business on the order paper.

SYED SIBTEY RAZY (Uttar Praesh): Madam, I would like to say that we have a Minister in charge of the Food Department. He will be replying to this. There is no question of taking the name of the Prime Minister and other Ministers. We have a full-fledged Department....*(Interruptions)*

SHRI S. JAIPAL REDDY: I am on the agenda paper.

SYED SIBTEY RAZY: He will give the reply.

THE DEPUTY CHAIRMAN: I feel that the point which Mr. Jaipal Reddy is emphasising on is this. We have a discussion listed on sugar also. The Minister in charge of the Food Ministry has said that he would be required in the Lok Sabha tomorrow. He cannot be at two places at the same time. So, Mr. Jaipal Reddy is proposing that we should fix the time so that we can conclude the discussion today.

But, we have the Appropriation (Railways) No. 4 Bill and the Appropriation (Railways) No.5 Bill also here before us, and the Minister is here.

I suggest that we take up the Discussion on sugar at four O'clock. If the House so agrees, we will have a discussion on Railways today till four O'clock. Then we will finish the Discussion on sugar. We will continue the discussion on the Railways tomorrow. Is it agreeable to the House?

SOME HON. MEMBERS: Yes

THE DEPUTY CHAIRMAN: At least the House should say "yes" or "no".

SOME HON. MEMBERS: Yes, yes, Madam

THE DEPUTY CHAIRMAN: It is such a feeble support that your proposition is fizzling out!

Now we will take up the Appropriation (Railways) No.4 Bill, 1994 and the

Appropriation (Railways) No. 5 Bill, 1994 together.

SHRI ANANTRAY DEVSHANKER DAVE: (Gujarat) what about Special Mentions, Madam?

उपसभापति: स्पेशल मेंशन हम 4 बजे के बाद लेंगे। जब शूअर का मामला ले लेंगे, उसके बाद लेंगे।

SHRI RAMACHANDRAN PILLAI (Kerala): What about the Zero Hour mentions, Madam? Give us an idea.

THE DEPUTY CHAIRMAN: Actually, the question of Zero Hour does not arise now because the hour has passed. We cannot turn the clock back. So, they have to be converted into Special Mentions or we can take them up sometime tomorrow.

SHRI RAMACHANDRAN PILLAI: Let us take a decision on that.

THE DEPUTY CHAIRMAN: But tomorrow also, I may say, we have a Calling Attention. We cannot have everything in the morning. We can have them in the evening. Okay?...*(Interruptions)*

SHRI RAMACHANDRAN PILLAI: important problems are there, Madam.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Madam, we have decided that normally Special Mentions will take place after the day's business is over. In view of the fact that they want to finish the discussion on sugar today and there is also a half-an-hour discussion, which has been admitted tomorrow and there are other items and also the fact that there are only two days left, if some adjustment at least in the case of Zero Hour is made i.e. we do not give time to Zero Hour and finish the business and, may be, we take up the Special Mentions in the evening, perhaps this will help us.

SHRI M.A. BABY (Kerala): If such important issues come up, zero Hour is the only avenue available to the hon. Members to voice them. we can sit late and forego the Lunch Hour. we are prepared to cooperate.

SHRIMATI MARGARET ALVA: Let us forego Lunch Hour tomorrow.

मौलाना ओबैदुल्ला खान आजमी (उत्तर प्रदेश): इसको टाला जा रहा है। कल भी उसको टाला गया था।

उपसभापति: कोई कल नहीं टाला गया था। कल अग्रवाल साहब ने सब को बुलाया था। जिनको लगता है कि ये मामले बहुत अहम हैं, वे रात को 12 बजे तक भी बैठ कर उसको बोल सकते हैं। अगर लोग अपने घर चले जाते हैं तो ये उनकी जिम्मेदारी है कि वे मामले की अहमियत को नहीं समझते हैं।

श्री प्रमोद महाजन (महाराष्ट्र): रिजर्वेशन में तो कैंरी फॉरवर्ड सिस्टम होना चाहिए। लेकिन इसमें कैंरी फॉरवर्ड ऐबसेंट होने के कारण होते हैं तो बैकलॉग बहुत बढ़ता जाता है।

उपसभापति: I agree with you. और जो नहीं आया that should lapse and a new Special Mention should come. On that point I agree with you. It should not be carried forward. carrying forward can be with the Government business. Now, we take up the Appropriation Bills. Shri C.K. Jaffer Sharief.

I. THE APPROPRIATION (RAILWAYS) NO. 4 BILL, 1994

II. THE APPROPRIATION (RAILWAYS) NO. 5 BILL, 1994

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): I beg to move:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1992 in excess of the amounts granted for those services and for that year, as passed by the Lok Sabha, be taken into consideration."

I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the consolidated Fund of India for the services of the financial year 1994-95 for the purposes of

Railways, as passed by the Lok Sabha, be taken into consideration."

THE QUESTIONS WERE PROPOSED.

उपसभापति: श्री राम रतन राम, 15 मिनट के लिए बोलिएगा क्योंकि दो नाम और भी हैं।

श्री राम रतन राम (उत्तर प्रदेश): मैडम उपसभापति जी, भारतीय रेल में करीब सात हजार स्टेशन हैं व 62486 किलोमीटर की रेल लाइनें हैं और 16,49,000 कर्मचारी इस में कार्यरत हैं और 86,000 कैजुअल लेबर हैं। इस पूरी व्यवस्था पर रेलवे का करीब 6,590 करोड़ 30 लाख रुपए खर्च होते हैं। जहां पर इस का जाल नहीं है, जहां पर रेलवे लाइनें नहीं हैं, वहां पर रेलवे लाइनों के लिए लोग डिमांड करते हैं। जहां पर छोटी लाइनें हैं वहां पर बड़ी लाइनों की डिमांड करते हैं। जहां पर सिंगल लाइनें हैं वहां पर डबल लाइनों की डिमांड करते हैं। जहां पर डबल लाइनें हैं वहां पर इलेक्ट्रिफिकेशन की डिमांड करते हैं, और अधिक लाइनें चाहते हैं। असल में हमारी रेलवे जनता की सुखसुविधा और समृद्धि की प्रतीक है। इसके बिना लोगों को तकलीफ होती है और इसके रहते हुए लोगों को बहुत सुख और सुविधा मिलती है। इसलिए यह आवश्यक है कि जहां लाइनों पैसेंजर प्रतिदिन इसमें ट्रेवल करते हैं, उनकी सुखसुविधा पर ध्यान दिया जाए और उनकी जर्नी सेफ हो, इस पर भी ध्यान दिया जाए लेकिन रेलवे विभाग में ऐसा नहीं हो पा रहा है।

कर्मचारियों की संख्या 16 लाख 49 हजार है। पर वास्तव में यहीं पर आरक्षण की बात शुरू होती है कि वहां कमजोर वर्ग के लिए, आरक्षित वर्ग के लिए आरक्षण किया गया है या नहीं। महोदया, 1991-92 में एस०सी० और एस०टी० अधिकारियों और कर्मचारियों की संख्या 2,73,990 थी और 1992-93 में यह घटकर 2,70,627 हो गई और आरक्षण का प्रतिशत भी घट गया। एक बात और नोट करने की है कि 1991-92 में ग्रुप "डी" में 1197 अधिकारी थे वहीं 1992-93 में यह संख्या घटकर 1077 हो गई। यह कम क्यों की जा रही है? इसी प्रकार सफाई कर्मचारियों की संख्या भी घटती नजर आ रही है। जहां 1991-92 में सफाई कर्मचारियों की संख्या 43,972 थी वहीं 1992-93 में यह घटकर 40,233 हो गई। जहां तक सफाई कर्मचारियों के आरक्षण का सवाल है उसमें एस०टी० के लिए आरक्षण साढ़े सात परसेंट है और दह केवल 6.21 परसेंट भरा गया है। इसे पूरा करने की कृपा की जाए।

महोदया, जहां तक कैजुअल लेबर की भर्ती का सवाल है, उसके बारे में काफी शिकायतें मिल रही हैं। आज रेलवे में 86,000 कैजुअल लेबर काम कर रहे हैं लेकिन इसके