

There is a good news for the hon. Members that they will have dinner on behalf of the Leader of the House.

**THE CONSTITUTION (FIFTY-SECOND AMENDMENT) BILL, 1984**

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

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

By article 33 of the Constitution Parliaments empowered to enact laws determining to what extent any ' of the rights conferred by Part III of the Constitution shall, in their application to members of the Armed Forces or the Forces charges with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them. There are certain other organisations whose proper functioning is equally vital to the national security. These organisations are meant for collection of intelligence and for transmission and receipt of messages relating to security and law and order. The maintenance of discipline among the personnel working in these organisations is also of the utmost importance as the maintenance of discipline in case of members of the armed forces or the police force. It is, therefore, proposed to amend Article 33 of the Constitution to bring within its ambit personnel working in the afore mentioned categories of organisations.

In view of this position, I request this august House to approve Constitution (Fifty-second Amendment) Bill, 1984.

*The question was proposed.*

SHRI DIPEN GHOSH (West Bengal): Sir, I rise to oppose this Bill. Because it seeks to widen the enabling power of the Central Government to

I restrict or abrogate the rights conferred on the citizens of our country under the chapter of Fundamental Rights.

[The Vice-Chairman (Shrimati Margaret Alva) in the Chair].

Madam, I know, the hon. Minister of Home Affairs, characteristic to his approach and method of disposing of the matter in Parliament, may say that most of the part of my speech is not relevant to this important aspect. But, however, I am inclined to say all these things because after going through this small Bill, question has arisen before me, where the present ruling party at the Centre, is leading to, because already there are enabling powers in the Constitution—adequate enabling powers—and by exercising such enabling powers, there are adequate rules, regulations, laws Acts and statutes to denude the people of our country of their fundamental rights. Already, this particular Session of Parliament has been seized of passing the National Security (Amendment) Bill, the Terrorist-affected Areas (Special Courts) Bill, and today itself, amending Article 358 of the Constitution in so far as it 'applies to Punjab. Already by National Security (Second Amendment) Act, they have taken upon themselves the power of preventive detention of any person on any count or on any ground. By the Terrorist Affected Areas (Special Courts) Act, they have taken upon themselves the power of declaring any part of our country as terrorist-affected and any act as terrorist act and, therefore, to take action against them.

Madam, by amending Article 35fi from today, they have assumed powers to extend the President's rule now in Ppnjab and it is expected in other States also in course of time. Madam, I like to stress on a particular point which I wanted to say when the Terrorist Affected Areas (Special Courts) Bill was sought to be passed from this House, that the present ruling party at the Centre is going (to take upon itself the emergency

[Shri Dipen Ghosh]

powers without declaring emergency as per constitutional provisions. Already I have said, and now I am going to say it again. In the mean time, we have seen press statement appearing in a section of the Press some Members of Parliament of the ruling party at the Centre have issued stating as if a situation is being created like the pre-emergency situation in 1975, thereby indicating that the Government may have to declare emergency in our country.

Madam Vice-Chairman, you know that a burnt child dreads fire. The people of our country, including myself, had the experience of what the enabling power of the Government in restricting or abrogating the fundamental rights of the people mean during the emergency. We have seen how all kinds of democratic rights were either restricted or abrogated, including the rights of the Members of Parliament's speeches being published outside, including the rights of the Judiciary, the rights of the Press—all types of freedom. And I recall what the Attorney-General of India had stated in the Supreme Court in connection with the *habeas corpus* petition because at that time I was behind the bars; I had to read all these things in the newspapers. He said that even if a citizen of India is detained and killed in police custody, his relatives had no right to go to the court of law for judicial redress. 'Because of emergency all these rights were abrogated. So, Madam, in this background. I like to look at this particular Bill, because already there is article 33 whereby the Government, or for that matter, Parliament has got the power to restrict or abrogate the fundamental right in respect of members of the Armed Forces and other forces who are engaged in the maintenance of law and order and security of our country. Now by this Bill it has been sought to be extended to certain other sections of the personnel, as the Minister of Home Affairs has stated, connected with the security of our country. Madam, I

want to draw the attention of the hon. Minister to the first modification. I quote:

"(c) Persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence."

Madam, you know that even though the people of our country enjoy, in real terms, very little democratic rights, and for that matter particularly the employees of the people employed in the Central or State Services, whether it is in the Army or it is in any civilian departments, yet there is some distinction between people employed in the Armed Forces and the people employed in the civilian departments. Persons employed in the Army Headquarters, Stations and installations who are called "civilians" do enjoy certain rights and privileges and some trade-union rights also—like right to form unions or associations. But here it is so large a definition: "persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter-intelligence", that it includes even Group 'D' employees, even a sweeper, even an ordinary clerk working in such offices. In their case also, the Government is taking upon itself the right to restrict or abrogate the Fundamental Rights. The same is the case in clause (d) which is sought to be incorporated. I quote:

"(d) persons employed in, or in connection with the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c)".

I would like to draw the attention of the hon. Minister to this clause: "persons employed in connection with the telecommunication systems set up for the purposes of any force etc. etc." There is one category of people who are engaged in operating telecommunication systems belonging to the armed forces. But there is another category of persons employed

"in connection with the running of telecommunication systems for the purpose of armed forces." In the areas where defence establishments are located, the telecommunication system that they enjoy or avail of... I am going to conclude, Madam... is also manned by P&T Department in certain sections. Mr. Makwana is here, once who happened to be the Minister of State for Communication. I can cite many places where the telephone exchanges are located mainly for the defence establishments. In Hashimara there is a telephone exchange that is run by P&T. There is no other telephone subscriber. In Bagdogra, in Siliguri, in Kalimpong in Gangtok and various other areas throughout the country the telecommunication system is operated by the P&T employees, though that telecommunication system is in connection with and for the purposes of any Force. And those P&T employees do enjoy certain rights and privileges, in the matter of right to form unions or associations. So naturally the language in which it has been framed is so wide that any day the rights of that section of the P&T employees can well be restricted or abrogated by this enabling provision of Art. 33.

So, Madam, I understand the problem. The problem is, though the Minister has not stated it clearly, that so far there were only two forces—members of the armed forces and members of the police forces—engaged in the maintenance of security and law order. In the meantime the Central Government run by the Congress (I) has proliferated various para-military, para-army and para-police forces and organisations. And now they confront a problem of disciplining them—in the Ministers language. But, Madam, may I draw the attention of the Minister of Home Affairs . . .

SHRI P. V. NARASIMHA RAO: It may not be para-discipline. That's all.

SHRI DIPEN GHOSH:...to a particular aspect? During the 1st 37

years of Indian Independence, wherever or whenever there was a case of passing defence secrets or security secrets to foreigners or foreign countries, for that matter, Or doing activities against national interests, no civilian employee was found to be indulging in them. But in the case of members of the armed forces in whose respect already there was article 33—there were disciplining measures, security measures—they did all these things. Madam, I want to say this thing, that simply by the Government taking certain powers to restrict or abrogate the Fundamental Rights or even by exercising those powers, national security cannot be maintained, for less strengthened. Wherever and whenever the security of the country has been endangered, the security can be strengthened and protected only by the people of the country depending upon the rights and privileges given to them. By denuding the people their rights and privileges you cannot maintain, you cannot strengthen, the security of the country. History says that wherever there was foreign aggression, people fought against it armed with democratic rights and privileges. There is the recent history. The strongest imperial power was fought out in a very tiny land, that is, "Vietnam.

The US imperialist force was fought back by the Vietnamese people and the Vietnamese Government was not required to restrict or abrogate the Fundamental Rights of the Vietnamese people. On the other hand, they went to the people and the people protected the country.

SHRI DEBA PRASAD RAY (West Bengal): Now they are fighting with the Chinese.

SHRI DIPEN GHOSE: That is true, but that is another thing.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALWA): Let us not go into External Affairs!

SHRI DIPEN GHOSH: The hon. Minister has stated, while replying to the debate on the amendment of article 356, that by this they are getting enabling power and they are not going to exercise it. Here also I know that the Minister will be replying that they are getting enabling power but they are not going to exercise it.

SHRI P. V. NARASIMHA RAO:  
No, I don't say that.

SHRI DIPEN GHOSH: In the case of article 356 he said it.

SHRI P. V. NARASIMHA RAO:  
What I say is, we are going to exercise it but the law is yet to come. When we go into the details of the legal provisions, we will come before the House in pursuance of this power taken. Then we can go into all those aspects whether what you said in connection with . . .

SHRI DIPEN GHOSH: That is why I am saying that in connection with article 356 you said it is an enabling power and it is not going to be exercised.

SHRI P. V. NARASIMHA RAO:  
No. It is an enabling power which has become necessary as a condition for making a law.

SHRI DIPEN GHOSH: It may not be exercised?

SHRI P. V. NARASIMHA RAO:  
No, not in that sense. It is not an enabling provision in that sense. We may or may not use it. We would like to use it, and there is no other way of invoking that law except by making this.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): You have already got your answer, Mr. Ghosh.

SHRI DIPEN GHOSH: However, I want to say, I do not want even to give this enabling power to a party which (is ruling the country now, which was unable to rule the country by civil law and civil rule and which promulgated the emergency curtailing and types of democratic rights of these people. That is why I oppose this Bill.

Thank you.

SHRI RAMESHWAR THAKUR (Bihar): Sir, I rise to support the Constitution (Forty-second Amendment) Bill, 1984.

SHRI NIRMAL CHATTERJEE' (West Bengal): The time of the dinner should be announced.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): They want to know the dinner time.

संसदीय कार्य विभाग में राज्य मंत्री  
(श्री कल्पनाय राय) : डिनर साढे आठ के बाद मिटेगा, जब यह बिल पास हो जाएगा।

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): The quicker you finish, the quicker will you have dinner. So, I am ringing the bell for you to finish this quickly.

SHRI SUSHIL CHAND MOHUNTA (Haryana): It is a very important Bill.

We cannot hurry up. After all it will be in spite of us.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): We are not cutting the time. He wants to go early; He can go.

SHRI SUSHIL CHAND MOHUNTA: We cannot be a party to such a measure. It is most surprising that the Government which says that it has come to work, which has promised to work . . .

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Do not take it so seriously; do not get upset.

SHRI SUSHIL CHAND MOHUNTA: You cannot cut the time.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): We are not cutting the time. Who said we are cutting?

SHRI SUSHIL CHAND MOHUNTA: You are going to cut short the time of all the parties.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): You can talk all the time.

SHRI SUSHIL CHAND MOHUNTA: I would like to.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Please.

SHRI RAMESHWAR THAKUR: Madam Vice-Chairman, I rise to second and support the Constitution (Fifty-second Amendment) Bill, 1984. The main object of the Bill is to substitute Article 33 of the Constitution which gives power to Parliament to modify the rights conferred by this Part in their application to forces, provides:

"Parliament may, by law, determine to what extent any of the rights conferred by this part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or (abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."

In the light of this power conferred by Article 33 of the Constitution, the hon. Home Minister has brought this proposal before this House for substitution of Article 33

with enlarged scope which would include:

"(a) the members of the Armed Forces; or

(b) the members of the Forces charged with the maintenance of public order; or

(c) the members of the Forces charged with the protection of property belonging to or in the Charge of possession of the State; or

(d) persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or

(e) persons employed in, or in connection with the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in Clauses (a) to (d)."

In the light of the experience that we have gained it has become essential to accord highest priority to the national security. We must have this substitution of article 33 of the Constitution. We all know the recent developments in Punjab and my friends sitting on the opposite side criticise the Government that the intelligence and paramilitary forces could not work effectively and so on.

Mr. Dipen Ghosh has criticised this on two grounds. He said that the telecommunications specially are now operated by the P & T and their employees. Our suggestion is as the amendments provides here that: all these persons employed in Forces or bureau or other organisations especially in connection with the telecommunications system set up for the purposes of any Force, bureau or organisation should be taken into consideration and should be given due protection. This is in the national interest. Madam, therefore, the proposed amend-

[Shri Rameshwar Thakur]

ments are essential in the national interest and there cannot be any compromise as far as the national security is concerned.

The second point which he mentioned was that these para-military forces or organisations have been brought into and proliferated. Madam, in fact, they have been augmented. These para-military forces are supplementing the Armed Forces. It is essential for our national protection. His suggestion is rather wrong. If there is any question of protection, it is only people—without the help of the people we cannot ensure the national security. The Armed Forces, para-military forces and allied organisations have played a splendid part in the recent past. We commend them and their activities. By bringing these organisations together they will be playing more important part and therefore, I commend the proposed amendment of the Constitution (Fifty-Second Amendment) Bill, 1984.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Mr. S. C. Mohunta.

SHRI SUSHIL CHAND MOHUNTA: Madam, Vice-Chairman, I rise to oppose this Bill for obvious reasons. The Constitution came into force in 1950. The chapter on 'Fundamental Rights' was carefully enacted by looking at all sides and every point of view. While considering each aspect very very lengthy discussions took place and then it was carved out by passing of the Constitution. Surely this right was not carved out by an illusion which would last for two or three decades and then liable to be slowly and slowly encroached upon. Ultimately, it is not the purpose. When Fundamental Rights are drafted they are meant to endure to the nation for centuries, not for a period of two or three decades. And we are rather trying to make a joke of those people who drafted this beautiful document. This sacred document, the constitution of India, by coming before Parliament every now and then and seek-

ing power to amend certain provisions to curtail fundamental rights.

Another aspect which strikes me in regard to this amendment Bill is that since 1947—it is now 1984—we have passed through very many serious and very serious types of crises where the character of the nation was tested, where our whole system in every respect was tested and we did not, none of us, belied the nation, neither the Opposition parties nor the services nor the armed forces nor the para-military forces nor the people living in the villages or in the urban areas. Nobody ever let down the nation. But I find that we are trying to give an impression that we are trying to shirk our responsibility towards the nation that we are an indisciplined lot, that we do not know how to protect our country, that when a call is given, we do not behave, with the net result that the army would some day march into this country. No such impression was ever given. We seek an amendment to any enactment when we find that there are certain basic defects in the enactment itself, which cannot be implemented properly without the help of an amendment. Then only we come forward with an amendment. So, we must have experience behind us to show that article 33, as it stands, is not sufficient to safeguard the interests of this country, that there is something radically very wrong with us, with all of us and that unless article 33 is amended, the security of this country will be in jeopardy. There must be experience behind it, not simply a dream or a hypothesis. There must be some tangible facts, experience. There was the Kashmir war which took place at the time of our independence. Subsequently we have had the Chinese aggression, the Chinese war and then two major wars with Pakistan, along with the Bangladesh war. I want to ask: has anything happened during these wars which has entitled you to come to the conclusion that article 33 must be amended in this manner as our armed forces or

the supporting forces—because this is not meant for the armed forces; this is meant for the supporting forces—have in any way not come up to the expectations of this country? What happened to make y<sup>shu</sup> come to the conclusion that Unless you have this enabling provision of denuding a certain class of people of their fundamental rights, the interests of the country will not be safe? If this has been the experience, I will be surprised, no doubt, because it has never been said from any platform, in any press or in any report that our countrymen at the time of any crisis had let down the country. If the reason is what has been advanced by the speaker preceding me, because he probably knows the mind of the hon. Home Minister, that the situation in Punjab and the developments in Punjab necessitated their coming to the conclusion that after all, these checks and balances are very necessary because we never got proper intelligence reports from Punjab, then is this an enabling provision for you to get proper intelligence reports? Intelligence reports! can only be got when you have proper men and material and system for providing you intelligence. But I can understand if there is leakage somewhere, leakage of intelligence which comes to you. So that is the only indication which has come to us. Probably this is what it working behind in the hon. Home Minister's mind and it is because of that that he is coming up with such a drastic measure telling the whole nation that article 33 must be amended because without this amendment, they cannot stand guarantee for the safety and security of this country. I thought with the passage of time we had learnt certain things. Earlier we were slaves and we were smarting under the British over/ords. We were there to serve their purpose and I could understand that we might have been an indisciplined lot at that time. But after the independence of our country, when your young boys and girls have been brought up in an independent atmosphere when they have got into their

head the value of independence, now; after 37 years of independence, we have come up with this amendment. If this was at all needed, it was needed in 1947. After 1952 when the Constitution came into force, why should we need such an amendment? This is a joke on the drafters, on the framers, of our Constitution. Fundamental rights are not rights which can be easily put in jeopardy. Fundamental rights should be respected. We must try our level best to protect their sanctity. Everytime we experience a little problem we should not rush to amend the Constitution. Amendment of the Constitution should not easily be resorted to, it should not even have been thought of. We must allow a reasonable period of time to elapse, allow a few of our generations experience the working of the Constitution before the necessity of a constitution amendment could be contemplated. Today it is the armed forces, tomorrow it may be somebody else. Emergency can curtail everybody's rights. We have become none the wiser for what had happened already. The position has deteriorated. What was the position of the country even in 1975? Today it is even worse at every level. The tendency is growing everywhere. What will you do with this Act when you have not been able to discipline your Governor in Andhra Pradesh? First you try to discipline your highest officers, pour constitutional heads, wherever they exist; try to discipline them first. What is the use of disciplining a small fry, a peon or a clerk in a small department here and there? He has enjoyed civil rights and now I give him a threat. The Home Minister should not have raised this threat now. The honourable Minister said it is not enabling. we mean to bring in a measure; it is not that we might avail of this, we mean to bring in a measure of this kind. So this is a direct threat. Please don't rule by rods; rule by persuasion, rule by consensus, rule by agreement, not by rod. This rod system has failed throughout the world. Don't bring this rod everywhere. Let

[Shri Sushil Chand Mohunta]

this country which attained freedom in 1947 remain in a free atmosphere. Don't put it under constraints, because the moment you put this country into constraints, there is no end to it, it will prove disastrous in the years to come, the shape of things will be so disastrous that we would actually curse the day when we came forward with such draconian measure\*. Therefore, Madam, with all the weight at my command and with folded hands I would request you don't give an impression to the world that things are not right with our security forces or forces connected with our security directly or indirectly, because that is going to expose the whole country, an exposure which is wrong. Thank you.

**श्री जगतपाल सिंह ठाकुर (मध्य प्रदेश)**

माननीय वाइस-चेयरमैन साहिब, अभी जो अमेंडमेंट कॉन्स्टिट्यूशन में पेश किया गया है, मैं उसका समर्थन करने के लिये खड़ा हुआ हूँ। मैं अभी सुन रहा था अपने साथियों को। इस सदन में जो विरोधी पक्ष के लोग बैठे हुए हैं, उनके भाषणों से मुझे आश्चर्य होता था। हर आदमी यह जानता है कि जब बीमारी होती है तो उसके लिये दवा देना पड़ता है। आज मुल्क में जो बाढ़ल भंडारा रहे हैं वे आपस में छिने नहीं हैं। जो तात्विक और हिन्दुस्तान का सम्बन्ध करता चाहती है, जो तात्विक हिन्दुस्तान को जो बढ़ाचढ़ा हो रहा है, उसका इलाज देना नहीं चाहते, उसे गिराना चाहते हैं इसके लिये यह बहर्षा हो जाता है कि जो भी ऐसी ताकत है जो इस देश का सुरक्षा के लिये खतरा हो या जो हमारे देश का आज उन्नति हो रहा है उसमें बाधा है तो उनके साथ उन्नति में निषेधना आवश्यक है। आपने अभी पंजाब की बात कही। एक तरफ आप कहते हैं कि आपकी इंटेन्शंस फेल हुई। जहाँ राइट है वहाँ ड्यूटी भी है। जब भीसम

बदलता है तो कपड़े भी बदल जाया करते हैं। जब यह संविधान बना था, जिस समय जिस हालात में इसको बनाया गया उस वक्त हमारे नेताओं ने बहुत अच्छा संविधान बनाया लेकिन उसके बाद जो हमारे तज्जुबे हुए समय-समय पर हमें उसे बदलना पड़ा। अगर हमें देश को एकता में रखना है उसकी सुरक्षा करनी है ब्रिटिश गवर्नमेंट में भुलाने की बात थी लेकिन आज दुनिया के उन मुल्कों के सामने हमारा मुल्क श्रीमती इन्दिरा गांधी के नेतृत्व में जब तेज से आगे बढ़ रहा है तो दुनिया के लोगों को खतरा पैदा हो गया। आज दुनिया के लोग यह समझते हैं कि वह हिन्दुस्तान जो गुलाम था इन 40 सालों में उन मुल्कों के बराबर आ गया है जो मुल्क 100 साल पहले आजाद हुए थे उनके बराबर आ गया है तो मैं आपसे पूछता चाहता हूँ कि जो हमारी सुरक्षा सेनाएं हैं अगर कम्युनिकेशन फेल हो जाता है अगर विरोधी ताकतों, दूसरे मुल्कों की ताकतों इस मुल्क में उन के अन्दर घुस कर जिस तरह से अभी आपने देखा कि पंजाब में क्या हुआ वहाँ पर या विदेशी ताकतों का हाथ था। हो सकता है हमारे देश में कुछ ऐसे लोग हो सकते हैं। सिब हमारा बहादुर काम है उसमें या कुछ लोग गलत हो सकते हैं हिन्दुओं में या हो सकते हैं, मुसलमानों में भी गलत हो सकते हैं। आज इस मुल्क में सुरक्षा करने वाला सेनाएं हैं उनको बढ़ाकर किता तरफ किता तरफ से स्ट्राइक करा कर के इस मुल्क को बरबाद कर दें तो इस स्थिति से बचने के लिए मैं यह पूछना चाहता हूँ यदि ऐसा अमेंडमेंट आया है तो इसमें एतराज का क्या बात है? यह तो शकल इसलिए है कि अगर बरसात आए तो छाता आपके पास होना चाहिये। अगर यह अमेंडमेंट पास हो जाता है तो सहायता

ये आपके माध्यम से यह पूछना चाहता हूँ कि इसमें सुझाव क्या है ? मैं हमारे होम मिनिस्टर को बधाई देना चाहता हूँ कि वे इस बिल को बड़े समय पर लाए हैं। जब आग लगती है तब फायर ब्रिगेड नहीं खरीदा जाता वह तो पहले से ही खरीद कर रखा जाता है। जब आज हिन्दुस्तान में दुनिया के उन लोगों की निगाह लगी हुई है जो यह देख रहे हैं कि श्रीमती इन्दिरा गांधी के नेतृत्व में पंडित नेहरू, मोलाना आजाद, पटेल और लाल बहादुर शास्त्री जैसे नेताओं ने इस देश के अन्दर जो विधान बनाए इन विधानों के ऊपर हमने सरकार चलाई है। उसको मान खण्डित करना चाहते हैं इसलिए मैं विनया करना चाहता हूँ अपने इस सदन के विरोधी सदस्यों से कि आप हर बात में विरोध न करें। पहले आप राइट्स को देखें फिर ड्यूटी को देखें। पहले आप ड्यूटी देखिये फिर राइट्स की बात करिये मैं कहता हूँ सभी हमारे माननीय सदस्य ने कहा कि श्रीपर के ऊपर भी लागू होगा मेरे दोस्तों मर्जान का कोई पुरा खराब हो जाता है तो पुरा मर्जान बन्द हो जाता है। जो हमारा मुश्किल सेना है बहुत अच्छी है, हमारी सैन्य सेवाएं बहुत अच्छी हैं वे सब बधाई के पात्र हैं। यह अनुशासित है, अनुशासित रहेगा यह मेरा विश्वास है। लेकिन हमें खतरा है उस ताकत से जो इस मुल्क के अन्दर डिस्टर्बेंस फैला चाहता है प्रजातन्त्र को समाप्त करना चाहता है। वर है हमें उन पाटियों से जो इस मुल्क के अन्दर प्रजातन्त्र को चूने नहीं देना चाहती इसलिए मैं व्यवसायिक महोदय इसको समझें चाहता हूँ और मैं अपने होम मिनिस्टर का बधाई देता हूँ कि उन्होंने बड़े उचित समय पर वरसात आने से पहले छतों लगाने का बात की है। मैं उनका पुनः बधाई देता हूँ।

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Mr. Jaswant Singh.

SHRI JASWANT SINGH (Rajasthan): How many minutes are there for me?

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): According to the chart, 4 minutes. But you can take 12 minutes.

SHRI JASWANT SINGH: Thank you. Which Minister is taking notes?

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): They are all taking notes.

SHRI JASWANT SINGH: I am seriously asking. % Jffif fffifTOcT ^r

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): The Home Minister is here.

SHRI RAMANAND YADAV (Bihar): The Law Minister is also here. You want all big dignitaries?

श्री जसवंत सिंह : आप हर चीज को शिकायत क्यों समझते हैं ?

गृह मंत्रालय में राज्य मंत्री (श्रीमती राम दुलारि सिन्हा) : हम लोग यहां हैं, नोट कर रहे हैं।

श्री जसवंत सिंह : मेरा निवेदन था, मैं शिकायत नहीं कर रहा था। हर चीज को शिकायत न समझें। मैं बधाई ही समझना चाहता था।

Madam Vice-Chairman, this particular Constitution (Amendment) Bill I support. I do really think that perhaps the content and the context of this Bill have not been sufficiently understood. It is an empowering provision and the provision under article 33 was in existence has always been in existence and has existed and it provided for certain restriction on the Armed Forces which is the continuing portion of article 33.

[Shri Jaswant Singh]

Now, whether one opted to join the police or the Armed Forces was a voluntary exercise. The empowering of the State with powers to restrict and to abridge Fundamental Rights was enshrined in the Constitution and such citizens as volunteered to join either the Armed Forces or the police voluntarily thereafter agreed to have their rights abridged. Therefore, I think that some of the suggestions made here by some of my colleagues on the Opposition side do not make any sense to me. Now, as far as article 33 is concerned, it has been in place. The point now is that growing out of article 33, thereafter the Armed Forces and the Police instituted their own laws and the Indian Army Act came into existence in 1960 and there was earlier the Indian Military Law Manual and similar things the Air Force and then the Navy and likewise the police had. There were two other articles which were of contextual relevance here. Article 227 (4) especially excludes the superintendence of the High Courts. You know, the High Courts have superintendence over most of the tribunals, courts etc. Even there, clause (4) of article 227 provides specifically that High Courts will not have any right or power over any court appointed or instituted by the Armed Forces. Article 136(2), in a similar fashion, restricts even the right of the Supreme Court. Now, these are the provisions which were placed in the Constitution because as I said, those that volunteered to join, did so voluntarily. Now, there are two or three questions which arise and which are questions of substance and I would have appreciated if the honourable Home Minister were here and I was motivated by this only when I asked as to who was going to reply.

Now, Madam, there is the aspect of discipline. The honourable Home Minister, when initiating the measure, said that this amendment is required because (a) of discipline and (b) because he wants to bring a large

number of forces within the ambit of article 33. Now, even from the point of view specifically of discipline in the Armed Forces, I have here two things: One is a direct reply to the question asked by me and the other is a comment by the jurists. During the last five years, about 8,500 persons have been tried by the Courts Martial. Now, these 8,500 cases have taken place only in the context of the servicemen only. Courts Martial does not apply to the civilians at all. Out of these, nearly seven thousand have succeeded and have had their convictions set aside and this is a point to which I will come subsequently.

In reply to a question raised by me in this House, it was mentioned that the position of discipline in the Armed Forces is like this: I will give only the example of the Army.

In 1979, there were 1528 S.P.M. courts martial in Army, 7 in

Navy and 73 in Air Force. In 1960, there were 1643 court martials in Army, 11 in Navy and 74 in Air Force. In 1981, there were 1854 in Army, 10 in Navy and 83 in Air Force. Some of them went in for a review and attempted to have the court martial proceedings set aside. Now, the question arises that you want to extend the scope of Article 33 and empower the State with the restricting and abridging provisions of Article 33 to extend it to other agencies, such as, telecommunications, intelligence, etc. I would like to caution the Government Armed Forces have an inbuilt ethos, an established hierarchy of discipline which has been developed over the years as a process inbuilt to the Armed Forces. It is a very important thing. I have had occasion to point this out.... The retired Governor may exercise restraint. If he wants to talk, he may go out of the House.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Order please. The speaker is being distracted.

SHRI JASWANT SINGH: This often happened before also. He was doing this even before he became Governor.

SHRI ANANT PRASAD SHARMA: (Bihar): Is there anything wrong with you?

SHRI JASWANT SINGH: Something seems to be wrong with you.

SHRI ANANT PRASAD SHARMA: We are listening to you all right. Why are you speaking like this? Is it correct?

SHRI JASWANT SINGH: If you disturb the speaker, then it is correct.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND • REHABILITATION (SHRI DHARMAVIR): These types of remark? do you feel irritated?

SHRI RAMANAND YADAV: When we are listening to you, why do you feel irritated?

SHRI JASWANT SINGH: I was saying that the Armed Forces whether it is the Army or the Navy or the Air Force, have evolved an in-built process of discipline which is a hierarchical system. They have taken years to come to it. Therefore, as a result of that process of discipline, an ethos has come into being. Article 33 may cover the existing ethos as far as the Armed Forces are concerned. If you extend the provisions of Article 33 and if you want to bring in a number of agencies which do not have an ethos within the ambit, then I would submit to the Government and I would like to caution the Government that perhaps such an empowering provision in the Constitution may not suffice. I would like to tell you why it would not suffice. As I had occasion to mention just the other day, it may not suffice because of the confusion and the proliferation of paramilitary organisations. Some of them really astound me. You have

the Indo-Tibetan Border' Police. U.P. has a similar organisation. There is a difference between the military and the police which must be understood. Military is trained to kill. The police (is trained to police. This is such a fundamental difference of training that if you confuse between the two, there will be a resultant confusion in whatever disciplinary measures you may take. For instance, Bihar excels by calling its Armed Constabulary as Bihar Military Police. If somebody in Bihar were to reflect, he would realise that by calling its police as military police, they are creating a Frankenstein which they would themselves not know what to do with, what was police or it is military. In the context of proliferation of paramilitary organisations in the last two years, we have had occasion to use C.R.P.F. and B.S.F., on 227 separate occasions. The Army in the last four years has been used on 369 separate occasions. Now, Madam Vice-Chairman, this shows, what I call, an excessive militarisation of the State. While I support this measure, the Constitutional amendment, with which the Government has come up, these are aspects which must be borne in mind. I would, therefore, sit down with just one or two suggestions. One is that please go into rationalising your paramilitary organisations. Something is with the Home Ministry another with Defence. You are now thinking of Constituting a National Security Guard, with which Ministry will it be? And finally, on the question of discipline and of appeals, there is the Supreme Court of India which has recently made a very valid observation, which I think the hon. Home Minister should take into account. It has said that because of this article 33, those tried by court-martial such as VW\*<sup>TM</sup>\* have a right of appeal. The Supreme

[Shri Jaswant Singh]

Court has said that absence of even one appeal with power to review evidence, legal formulations, conclusions and adequacy or otherwise of punishment is a glaring lacunae in a country where a counter-part civilian convict can prefer appeal after appeal to a hierarchy of courts. Because servicemen, policemen, etc., go under article 33, they are tried by court martial and they do not have a right to appeal. This aspect is connected with the amendment that we are carrying out. I would request the hon. Home Minister to pay attention to it.

SHRI ARUN SINGH (Uttar Pradesh): Madam Vice-Chairman, I rise to support the Fifty-second Amendment Bill. I am slightly surprised at the content of the debate that has gone on so far with respect even to the context (in which the hon. Mr. Jaswant Singh has chosen to word his support. Article 33 of the Constitution is very specific, in two senses. It is very specified in intention. And, secondly, and more importantly, article 33 in itself contains references both to the Armed Forces and to forces charged with the maintenance of public order. To the best of my knowledge every thing that Mr. Jaswant Singh has said with reference to the Border Security Force, the Central Reserve Police Force, the Indo-Tibetan Border Police is already covered in article 33 of the Constitution and has, therefore, no relevance what so ever to the amendment which is being discussed in this House. The amendment that, in fact, is postulated here, has nothing to do with the swings which have taken place between both the opposition benches and the Treasury Benches in the course of this discussion. It has been referred

to on the one hand as a draconian measure, imperilling the very nature of the State; and, on the other hand, as a measure designed to save the nation from all sorts of dire "consequences. It is neither. To the best of my understanding it is a very simple amendment. It merely seeks to incorporate within the definition of forces raised for the purpose of maintenance of public order" such forces as intelligence agencies and such service arms of those agencies as communications or tele-communications which are intended to support the functioning of these agencies. It is, therefore, neither a draconian measure on the one hand, and nor it is a measure aimed at saving the State from catastrophe. The role of intelligence agencies in any State is always fraught with problems which are not necessarily envisaged at the time when such an agency is either brought into being or legislation covering the creation of such an agency is enacted. One of the problems with the intelligence agencies, is that an intelligence agency is not a police force in the normal definition of police force. It does not possess the power, under the Indian Penal code. Therefore, at the time the Constitution was framed, it is possible—in fact, I would go as far as to say probable—that the potential nature of the world in which India would live in 1984, would possibly not be known, or was not anticipated by the framers of the Constitution. We are not the only country in the world to face this kind of a problem. In fact, I am sure, Mr. Jaswant Singh will bear me out, the Central Intelligence Agency of the United States of America and the MI6 of Great Britain have been through this time and time again in their own countries, and even the framers of those Constitutions, whether written or unwritten, have had exactly similar problem. They have not been able to give—as I feel we should not give—to the intelligence agencies full police powers because they are not expected to serve in the

forefront of the battle against crime. On the other hand, if we deprive them of all protection in these circumstances, they are not able to function either. Under different systems of governance in our country, various State Governments have chosen to view their own law and order forces in certain different forms. For example, as I understand, in West Bengal, the police have been allowed, so to say, or given permission to form trade union of one kind or another. This arises from a conceptual definition of freedom of an individual to incorporate himself into a body for the general protection of all such individual\*. That means, there should be no dispute with the Intelligence Bureau and Research and Analysis Wing forming trade union which would then protect the rights of all the employees in those organisations. I believe—and nearly everybody in this House would endorse the view—that anything of that nature is fraught with consequences which would, indeed, in the long run imperil the security of the State. In my view, therefore, this particular amendment is—and should logically be—something that is not disputed by anybody because, although perhaps I am not looking at it entirely in legalistic terms, but in rational terms, all that I am saying is that for purposes of Article 33 of the Constitution, we may consider and examine the possibility of incorporating the intelligence agencies in the definition of forces intended for the maintenance of public order. I would imagine that this definition is unexceptionable. I cannot see any reason whatsoever why the army or the navy or the air-force should have any articles of the Constitution, or any rights denied to them which are not similarly either added to or denied to an intelligence agency. I think Mr. Jaswant Singh, in his usual inimitable style, has chosen to use this particular moment to slip in, shall we say, a few facts and figures which are, if anything, exceedingly (beneficial to the effect of the Article 33 of the Constitution. For example,

if I do not have the figures aright, you may correct me; in 1981, the Army had 1854 Court-martials; I think there were 10 in the Navy and 20 in the Air Force, and the total rounded off to 1900 in the armed forces. Total number of men under arms is well over a million and if in a million people, there are only 1900 cases of court-martial, I think, we have...I think our Armed Forces far more disciplined than those in many nations, including many developed countries of the world. I do not, therefore, really understand the logic of bringing this figure into this debate.

I also fail to understand the reference by Shri Jaswant Singh of view, to other Forces like the Border Security Force, Central Reserve Police, etc. That is because again I feel that it has absolutely no relevance to this type of Bill. The Forces like the postulated National Security Guard and others are already covered under article 33 of the Constitution and they are not coming under the proposed amendment.

May I, therefore, plead to the House, to all sections of the House, to kindly support this Bill?

श्री सूरज प्रसाद (बिहार) : उप-सभाध्यक्ष महोदय, इस बिल के बारे में मुझे कुछ ज्यादा नहीं बोलना है। एक या दो मॉमेंट्स में इसके विरोध में कहना चाहता हूँ इसलिए कि यह फंडामेंटल राइट्स को रिस्ट्रिक्ट करता है। इसलिए मैं इसका विरोध करता हूँ।

दूसरी बात इस सम्बन्ध में मैं यह कहना चाहता हूँ कि संविधान को पास हुए तो काफी दिन हो गए और इस तरह का बिल पारित करने की जरूरत 60 में नहीं पड़ी, 70 में नहीं पड़ी, 80 में नहीं पड़ी तो 1984 में पड़ गई। इसकी आवश्यकता मुझे समझ में नहीं आती है।

[श्री सूरज प्रसाद]

कुछ लोगों ने कहा कि विदेशों से हमें खतरा है इसलिए इस तरह का कानून बनाने की जरूरत है। लेकिन भाषणकर्त्ताओं ने यह नहीं बताया कि विदेशों से किस प्रकार का खतरा है, कौन सी शक्तियाँ हैं, उनका नाम लेने के बारे में लगता है कि मुद्दे में इन लोगों के तात्ता लग गया है। अगर कोई शक्ति है तो बतायें, अमरीका है तो उसका नाम लेने में डर और भय किस बात का है? किसी ने भाषण में नाम नहीं लिया। इसलिए मैं आपसे कहना चाहता हूँ कि यह बिल आवश्यक नहीं है। लेकिन इसमें सबसे बड़ी बात यह है कि यह फंडामेंटल राइट्स को रिस्ट्रिक्ट करता है इसलिए मैं इसका विरोध करता हूँ इससे अधिक मुझे इस बिल पर कुछ नहीं कहना है।

SHRJ SANKAR PRASAD MITRA (West Bengal): Madam Vice-Chairman, This Bill, as introduced in the Lok Sabha, might have had an objectionable feature. In the Lok Sabha they wanted to bring within the ambit of the Bill members of the Forces charged with the protection of property belonging to, or in the charge or possession of, the State. That particular feature of the Bill, I understand, was withdrawn in the Lok Sabha and the Bill as introduced in the Rajya Sabha does not contain that provision at all I regret most of the speeches delivered from this side by hon. Members do not appear to be relevant to the subject matter of the Bill as it now stands. So far as article 33 of the Constitution is concerned, the Armed Forces and members of Forces charged with the maintenance of public order are already there.

TMr. Deputy Chairman in the Chair]

They are included in the existing provisions of article 33. What the hon. Home Minister is trying to do is to include two other types of persons, namely persons engaged in intelligence or counter intelligence and persons engaged in the telecommunication systems connected with the two

forces mentioned in clauses (a) and (b). Now having regard to the emergence of disintegrating and fissiparous tendencies in various parts of the country and the possibilities of internal turmoil with or without foreign aid which have appeared, it does not seem to me that these two inclusions are either unwise or uncalled for. In fact if we look at it from the point of view of some Fundamental Rights, Mr. Jaswant Singh is right in pointing out that apart from Art. 33, there are two other articles of the Constitution—namely, Art. 136, sub-article (2) and Art. 227, sub-article (4) which seek to impose various restrictions on the Armed Forces. In fact, Sir, I was a party to a Special Bench Judgement of the Calcutta High Court—a Special Bench consisting of three Judges over which I had the honour to preside. And in that Judgement it has been clearly stated that offences triable by courts or tribunals of Armed Forces are totally outside the jurisdiction of ordinary courts. The ordinary courts have no right to entertain any applications, petitions, suits or appeals relating to those matters, and the observations of the Supreme Court which Mr. Jaswant Singh has quoted are mere obiter dicta which go against Art. 136 (2) itself. Sir, it is not quite true that these persons who are in Armed Forces or are engaged for maintenance of public order are without any redress for their grievances. As far as I know or have been able to ascertain there are Staff Councils or Welfare Committees. The Council is represented by the rank and file of the organisation and at the apex level, it is chaired by the Union Home Minister himself, and the members are free to discuss any problems concerning their service or welfare. In the Armed Forces, there is scope for Sainik Sammelans which are held in the units once a month. It is an open forum for the men to express their difficulties and to put up suggestions for improvements. A record of every Sammelan is kept and is scrutinised from time to time by the senior officers for expeditious follow-up action.

I would certainly welcome the suggestions which have come from Mr. Jaswant Singh and others for rationalisation of

para-military organisations which the hon. Minister will be pleased to consider.

I would also request him to consider whether any further improvements in the rules for redressal of grievances are necessary and should be made in conformity with changing situations. But, on the whole, the Bill as it at present stands in the background of conditions existing in the country today deserves, in my opinion, support from all sections of the House and I personally extend my support to it.

**श्री हुक्मदेव नारायण यादव (बिहार) :**

उपसभापति महोदय, थोड़ा ज़्यादा समय न लेते हुए इस विधेयक पर इतना ही निवेदन करना चाहता हूँ कि मैं अपना विरोध केवल रिकार्ड पर लाने के लिए इस विधेयक का इसलिए विरोध करता हूँ कि माननीय गृह मंत्री जी ने जब इस विधेयक को सदन में प्रस्तुत किया तो यह कहा कि अनुशासन के नाम पर वे इस विधेयक को लाये हैं। मैं सरकार से यह निवेदन करना चाहता हूँ कि अभी जो लोकतंत्रीय व्यवस्था में विश्वास करने वाले लोग हैं या जो आजादी की लड़ाई में लड़े हुए पुरानी पीढ़ी के लोग हैं उनके जाने के बाद यह हो सकता है कि हिन्दुस्तान में कभी इसी लोकतंत्री व्यवस्था के मारफत ऐसे आदमी के हाथ में सत्ता आ जाय जो अनुशासन के नाम पर दमन करने का अधिकार प्राप्त करना चाहें तो उस दिन इस भारत में लोकतंत्र का क्या होगा? उस दिन नागरिक अधिकारों का क्या होगा? इसलिए जो लोग भविष्य के प्रति सोचते हैं, आशंका प्रकट करते हैं, उनको इस बिल से तकलीफ होती है।

दूसरी बात मैं यह कहना चाहता हूँ कि अनुशासन लाठी के बल पर नहीं लाया जा सकता है। अनुशासन का

मतलब होता है स्वतः, अन्दर की भावना से प्रेरित होकर जब मनुष्य कार्य करता है तब वह अनुशासन कहलाता है। जब तक हमारा राष्ट्रीय जीवन स्वतः अनुशासन से संचालित नहीं होगा, राष्ट्र प्रेम और राष्ट्रीय भावना से प्रेरित नहीं होगा, त्याग और समर्पण की भावना से प्रेरित नहीं होगा, जब तक हमारे अन्दर अनुशासन की भावना अन्दर से बलवती नहीं होगी तब तक उसको अनुशासन का नाम नहीं दिया जा सकता है। इस प्रकार से अनुशासन अनुशासन नहीं है बल्कि इसको शासन कहना चाहिए। अनुशासन तो स्वतः प्रेरित होता है। अनुशासन जबरदस्ती नहीं लाया जा सकता है। इसलिए मैं आपसे यह प्रार्थना करना चाहता हूँ कि इसको आप अनुशासन का नाम नहीं दे सकते हैं। आपने इसमें संचार व्यवस्था में काम करने वाले लोगों को भी शामिल किया है। मैं इस विधेयक का इसलिए विरोध करता हूँ कि मैं इस परम्परा में रहने वाला व्यक्ति हूँ, मैं उस स्कूल का विद्यार्थी हूँ जिसके गुरु श्री राममनोहर लोहिया जी रह चुके हैं। वे कहा करते थे कि हमारे देश में सेना को भी राजनैतिक अधिकार मिलने चाहिए, उनको भी राजनीति में हिस्सा लेने का हक होना चाहिए क्योंकि वे प्रथम तो भारत के नागरिक हैं। इस देश के निर्माण में उनका योगदान रहा है। जब तक वे इस देश के नागरिक हैं, उनको नागरिक अधिकारों से वंचित नहीं किया जा सकता है। सेना के लोगों को राजनीति में हिस्सा लेने का हक देने का यह मतलब नहीं है कि वे सीमा पर लड़ने में कमजोर हो जाएंगे। मैं समझता हूँ कि इससे उनका मन और मजबूत होगा। देश के प्रति उनके प्रेम में और बढ़ोतरी होगी। इसलिए मेरा आपसे अनुरोध है कि आप इस विधेयक को द लायें और इसको वापस करें।

SHRI P. V. NARASIMHA RAO: Sir, I am grateful to the Members for their contribution in this debate. The fact of the matter is that when an amendment was passed in the Lok Sabha, deleting clause (c) of the original Bill, the guns trained on the Bill from the Opposition became silent. So I find that the opposition which I have to encounter on this Bill is not even half-hearted; it is quarter-hearted! And it is good that it is so. I realised that the original clause (c) was a little wide—not that it would have certainly been misused but, may be, there was a possibility of criticism on those lines. So, I thought that it is a good thing for the Government to take note of this. And this is going to be the sense of the House, and it is the sense of the Government also. So, on the matter of human rights, on the matter of liberty, on the matter of not curbing the Fundamental Rights of the people, I do not think the Opposition need to consider themselves as the repositories of the liberties of the people; we are as much keen about them. The founding fathers of the Constitution wrote article 33. I do not think any one can say that they were less wedded to these principles than any one of us. So, article 33 happens to be there. It was there, right from the beginning. It was not interpolated, it was not added later, and they realised the need, the utmost need, the supreme need, for discipline in certain forces. Now, Sir, this amendment, according to me, does not really add substantively to what is already contained in the Constitution.

Now I would like to know from the hon. Members, if we have armed forces and police forces, how could the armed forces and the police forces act without the intelligence forces which support them, being under the same discipline as the armed forces and the police forces themselves. If anything, this is a corollary of what is contained in article 33. It is not a new addition. It was not added because, maybe, the need was not felt. But today, with the expansion of these forces and with the modern arrangements by which intelligence is organised, it is necessary that these section 33, these personnel, also are covered by the same discipline. Can any armed forces function under discipline without

the communications to back them up also—being subject to the same discipline? We came across certain cases where these personnel technically thought that they were not covered by this, and, therefore, we ran into certain problems with some persons, in some cases. Now I do not have to quote the debate in the other House. But one Member there said that even without this amendment they are covered. So, I told him that by way of abundant caution if I cover them by a positive provision, there should be no objection. So, what is already covered, according to some Members of the Opposition, I am trying to cover expressly by this provision. I do not think substantively there is any addition to it.

In regard to the question of 'connected with', those two words, I would like to submit to the hon. Members that this is only a Constitution (Amendment) Bill. Once this is accepted, we can bring the law. The present amendment does not by itself give me any power to act on the lines on which it is suggested here. I have to bring a law. When that law comes before Parliament, then would be the time to go into the provisions and see whether it is in conformity with the spirit of this Amendment. And if it is not, then, we can discuss about that. And I would like to assure the House that no unnecessary curbing of individual liberty would be allowed or would be entertained. There is no question of having any such intention. So, I would request the House to accept this Bill.

MR. DEPUTY CHAIRMAN: The question is:

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

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes —	159
Noes —	16

Ayes—159

Akarte, Shri Jagannath Sitaram

Aladi Aruna, Shri alias V. Arunachalam

AU, Shri Syed Rahmat  
 Allahabadi, Shri Hashim Raza Abidi  
 Alva, Shrimati Margaret  
 Amarjit Kaur, Shrimati  
 Arif, Shri Mohammed Usman  
 Arun Singh, Shri  
 Banamali Babu, Shri  
 Bansal, Shri Pawan Kumar  
 Basavaraju, Shri M.  
 Basheer, Shri T.  
 Basumatari, Shri Dharanidhar  
 Bharadwaj, Shri Ramchandra  
 Bhardwaj, Shri Hansraj  
 Bhatia, Shri Madan  
 Bhatt, Shri Nand Kishore  
 •Bhattacharjee, Shri Kamalendu  
 Bhim Raj, Shri  
 Bhuyan, Shri Gaya Chand  
 Birla, Shri Krishna Kumar  
 Chandrasekhar, Shrimati Maragatham  
 Chatterjee, Prof. (Mrs.) Asima  
 Chavan, Shrimati Premilabai Dajisaheb  
 Chowdhury, Ram Sewak  
 Dalwai, Shri Husen  
 Darbara Singh, Shri  
 Das, Shrimati Monika  
 Deori, Shrimati Qunem Moyong"  
 Desai, Shri Jagesh  
 Deshmukh, Shri Shankarrao Narayanrao  
 Dharmavir, Shri  
 Dhusiya, Shri Sohan Lal  
 D'Souza, Dr. Joseph Leon  
 Ganesan, Shri V. C.  
 Ganeshwar Kusum, Shri  
 Ghan Shyam Singh, Shri  
 Govind Das, Shri  
 Gupta, Shri Vishwa Bandhu  
 Handique, Shri Bijoy Krishna  
 Hanumanthappa, Shri H.  
 Haq, Shri (Molana) Asrarul  
 Haridas, Shri C.  
 Heerachand, Shri D.  
 Heptulla, Dr. (Shrimati) Najma  
 Islam, Shri Baharul

Jacob, Shri M. M.  
 Jadhav, Shri Vithalrao Madhavrao  
 Jain, Shri J. K.  
 Jain, Shri Jagadish  
 Jayalalitha, Miss  
 John, Shri Valampuri  
 Joshi, Shri Krishna Nand  
 Joshi, Miss Kumudben M.  
 Joshi, Shrimati Sudha Vijay  
 Kadharsha, Shri M.  
 Kalita, Shri Bhubaneswar  
 Kamble, Prof. N. M.  
 Kar, Shri Ghulam Rasool  
 Kaul, Shrimati Krishna  
 Kaushik, Shri M. P.  
 Khan, Shri F. M.  
 Khaparde, Miss Saroj  
 Kidwai, Dr. Mohd. Hashim  
 Kollur, Shri M. L.  
 Krishna Mohan, Shri B.  
 Kureel, Shri Piare Lal Urf Piare Lal  
 Talib Unnavi  
 Kushnoor, Shri Veershetty Moglappa  
 Laxmi Narain, Shri  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida, Shri Harisinh Bhagubava  
 Mahto, Shri Bandhu  
 Majhi, Shri Prithibi  
 Makwana, Shri Yogendra  
 Malaviya, Shri Radhakishan  
 Malhotra, Shrimati Usha  
 Malik, Shri Mukhtiar Singh  
 Malik, Shri Satya Pal  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 Mehta, Shri Chimanbhai  
 Mirdha, Shri Ram Niwas  
 Mirza Irshadbaig Aiyubbaig, Shri  
 Mishra, Shri Mahendra Mohan  
 Mishra, Shri Sheo Kumar  
 Mitra, Shri Sankar Prasad  
 Mittal, Shri Sat Paul  
 Mohanarangam, Shri R.

Mohapatra, Shri Shyam Sundar  
 Mohanty, Shri Subas  
 Moopanar, Shri G. K.  
 Mukherjee, Shri Pranab  
 Naik, Shri G. Swamy  
 Natha Singh, Shri  
 Pachouri, Shri Suresh  
 Pahadia, Shrimati Shanti  
 Panda, Shri Akshay  
 Pandey, Shrimati Manorama  
 Pandey, Shri Sudhakar  
 Panicker, Shri K. Vasudeva  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Patel, Shri Vithalbhai Motiram  
 Patil, Shri Dinkarrao Govindrao  
 Pattnaik, Shri Sunil Kumar  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rafique Alam, Shri  
 Rai, Shri Kalpnath  
 Rajagopal, Shri M.  
 Rajangam, Shri N.  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ramamurthy, Shri Thindivanam K.  
 Ramanathan, Shri V.  
 Ramesh Babu, Shri S. B.  
 Rao, Prof. B. Ramachandra  
 Rao, Shri R. Sambasiva  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Rathvakoli, Shri Ramsingbhai Pataliyabhai  
 Ray, Shri Deba Prasad  
 Razi, Shri Syed Sibtey  
 Reddy, Shri Adinarayana  
 Reddy, Shri T. Chandrasekhar  
 Roshan Lal, Shri  
 Sahu, Shri. Rajni Ranjan  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sankata Prasad, Dr.  
 Saring, sJhri Leonard Soloman  
 Sharma, Shri Anand

Sharma, Shri A. P.  
 Shukla, Shri Keshavprasad  
 Siddiqi, Shri Shamim Ahmed  
 Silvera, Dr. C.  
 Singh, Shri Bir Bhadra Pratap  
 Singh, Shrimati Pratibha  
 Singh, Shri R. K. Jaichandra  
 Singh, Dr. Rudra Pratap  
 Singh, Thakur Kamakhya Prasad  
 Singh, Shri Vishvajit Prithvijit  
 Singh, Shri Vishwanath Pratap  
 Sukul, Shri P. N.  
 Sultan, Shrimati Maimoona  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Tariang, Shri Jerlie E.  
 Thakur Jagatpal Singh  
 Thakur, Shri Rameshwar  
 Thangabalu, Shri T.  
 Tripathi, Shri Chandrika Prasad  
 Tyagi, Shri Shanti  
 Valiullah, Shri Raoof  
 Varadaraj, Shri G.  
 Verma, Shri Shrikant  
 Vikal, Shri Ram Chandra  
 Yadav, Shri Ramanand

*Noes—16*

Barman, Shri Debendra Nath  
 Bhattacharjee, Shri Nepaldev  
 Bhattacharya, Shrimati Ila  
 Chatterjee, Shri Nirmal  
 Dhabe, Shri S. W.  
 Ghosh, Shri Dipen  
 Goswami, Shri Biswa  
 Mohanan, Shri K.  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Pradhan, Shri Badri Narayan  
 Quasem, Shri Mostafa Bin  
 Sen, Shri Sukomal  
 Suraj Prasad, Shri  
 Yadav, Shri Hukmdeo Narayan  
 Yadav, Shri Jagdambi Prasad

*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. DEPUTY CHAIRMAN: Now, we shall take up clause; by-clause consideration of the Bill. The question is:

"That Clause 2 stand part of the Bill."

*The House divided*

MR. DEPUTY CHAIRMAN:

Ayes— 159;

Noes — 16.

Ayes—159

Akarle, Shri Jagannath Sitaram  
Aladi Aruna, Shri alias V. Arunachalam  
Ali, Shri Syed Rahmat  
Allahabadi, Shri Hashim Raza Abidi  
Alva, Shrimati Margaret  
Amarjit Kaur, Shrimati  
Arif, Shri Mohammed Usman  
Arun Singh, Shri  
Banamali Babu, Shri  
Bansal, Shri Pawan Kumar  
Basavaraju, Shri M.  
Basheer, Shri T.  
Basumatari, Shri Dharanidhar  
Bharadwaj, Shri Ramchandra  
Bhardwaj, Shri Hansraj  
Bhatia, Shri Madan  
Bhatt, Shri Nand Kishore  
Bhattacharjee, Shri Kamalendu  
Bhim Raj, Shri  
Bhuyan, Shri Gaya Chand  
Birla, Shri Krishna Kumar  
Chandrasekhar, Shrimati Maragatham  
Chatterjee, Prof. (Mrs.) Asima  
Chavan, Shrimati Premilabai Dajisaheb  
Chowdhury, Ram Sewak  
Dalwai, Shri Husen  
Darbara Singh, Shri  
Das, Shrimati Monika  
Deori, Shrimati Omen Moyong

Desai, Shri Jagesh  
Deshmukh, Shri Shankarrao Narayanarao  
Dharmavir, Shri  
Dhusiya, Shri Sohan Lal  
D'Souza, Dr. Joseph Leon  
Ganesan, Shri V. C.  
Ganeshwar Kusum, Shri  
Ghan Shyam Singh, Shri  
Govind Das, Shri  
Gupta, Shri Vishwa Bandhu  
Handique, Shri Bijoy Krishna  
Hanumanthappa, Shri H.  
Haq, Shri (Molana) Asrarul  
Haridas, Shri C.  
Heerachand, Shri D.  
Heptulla, Dr. (Shrimati) Najma  
Islam Shii Baharul  
Jacob, Shri M. M.  
Jadhav, Shri Vithalrao Madhavrao  
Jain, Shri J. K.  
Jani, Shri Jagadish  
Jayalalitha, Miss  
John, Shri Valampuri  
Joshi, Shri Krishna Nand  
Joshi, Miss Kumudben M.  
Joshi, Shrimati Sudha Vijay  
Kadharsha, Shri M.  
Kalita, Shri Bhubaneswar  
Kamble, Prof. N. M.  
Kar, Shri Ghulam Rasool  
Kaul, Shrimati Krishna  
Kaushik, Shri M. P.  
Khan, Shri F. M.  
Khaparde, Miss Saroj  
Kidwai, Dr. Mohd. Hashim  
Kollur, Shri M. L.  
Krishna Mohan, Shri B.  
Kureel, Shri Piare Lal Urf Piare UH  
Talib Unnavi  
Kushnoor, Shri Veershetty Moglappa  
Laxmi Narain, Shri  
Lokesh Chandra, Dr.  
Maddanna, Shri M.  
Mahida, Shri Harisinh Bhagubava

Mahto, Shri Bandhu  
 Majhi, Shri Prithibi  
 Makwana, Shri Yogendra  
 Malaviya, Shri Radhakishan  
 Malhotra, Shrimati Usha  
 Malik, Shri Mukhtiar Singh  
 Malik, Shri Satya Pal  
 Manhar, Shri Bhagatram  
 Meena, Shri Dhuleshwar  
 M.hta, Shri Chimanbhai  
 Mi Jha, Shri Ram Niwas  
 Mir. a Irshadbaig Aiyubbaig, Shri  
 Mi.hra, Shri Mahendra Mohan  
 Mishra, Shri Sheo Kumar  
 Mitra, Shri Sankar Prasad  
 Mittal, Shri Sat Paul  
 Mohanarangam, Shri R.  
 Mohapatra, Shri Shyam Sundar  
 Mohanty, Shri Subas . . .  
 Moopnar, Shri G. K.  
 Mukherjee, Shri Pranab  
 Naik, Shri G. Swamy  
 Natha Singh, Shri  
 Pachouri, Shri Suresh  
 Pahadia, Shrimati Shanti  
 Panda, Shri Akshay  
 Pandey, Shrimati Manorama  
 Pandey, Shri Sudhakar  
 Panicker, Shri K. Vasudeva  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Patel, Shri Vithalbhai Motiram  
 Patil, Shri Dinkarrao Govindrao  
 Pattnaik, Shri Sunil Kumar  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rafique Alam, Shri  
 Rai, Shri Kalpnath  
 Rajagopal, Shri M.  
 Rajangam, Shri N.  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ramamurthy, Shri Thindivanam K.  
 Ramanathan, Shri V.

Ramesh Babu, Shri S. B.  
 Rao, Prof. B. Ramchandra  
 Rao, Shri R. Sambasiva  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Rathvakoli, Shri Ramsingbhai Pataliyabhai  
 Ray, Shri Deba Prasad  
 Razi, Shri Syed Sibtey  
 Reddy, Shri Adinarayana  
 Reddy, Shri T. Chandrasekhar  
 Roshan Lal, Shri  
 Sahu, Shri Rajni Ranjan  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Sankata Prasad, Dr.  
 Saring, Shri Leonard Solomon  
 Sharma, Shri Anand  
 Sharma, Shri A. P.  
 Shukla i, Shri Keshavprasad  
 Siddiq i, Shri Shamim Ahmed  
 Silvera, Dr. C.  
 Singh, Shri Bir Bhadra Pratap  
 Singh, Shrimati Pratibha  
 Singh, Shri R. K. Jaichandra  
 Singh, Dr. Rudra Pratap  
 Singh. Thakur Kamakhya Prasad  
 Singh; Shri Vishvajit Prithvijit  
 Singh, Shri Vishwanath Pratap  
 Sukul, Shri P. N.  
 Sultan, Shrimati Maimoona  
 Sultan Singh, Shri  
 Swu, shri Scato  
 Tariang, Shri Jerlie E.  
 Thaku Jagatpal Singh  
 Thakur, Shri Rameshwar  
 Thangabalu, Shri T.  
 Tripat ii, Shri Chandrika Prasad  
 Tyagi, Shri Shanti  
 Valiullah, Shri Raoof  
 Varadaraj, Shri G.  
 Verma Shri Shrikant  
 Vikal, Shri Ram Chandra  
 Yadav Shri Ramanand

Noes—16

Barman, Shri Debendra Nath  
Bhattacharjee, Shri Nepaldev  
Bhattacharya, Shrimati Ila  
Chatterjee, Shri Nirmal  
Dhabe, Shri S. W.  
Ghosh, Shri Dipen  
Goswami, Shri Biswa  
Mohanan, Shri K.  
Mohunta, Shri Sushil Chand  
Mukherjee, Shrimati Kanak  
Pradhan, Shri Badri Narayan  
Quasem, Shri Mostafa Bin  
Sen, Shri Sukomal  
Suraj Prasad, Shri  
Yadav, Shri Hukmdeo Narayan  
Yadav, Shri Jagdambi Prasad

*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.*

MR. DEPUTY CHAIRMAN: Now the question is:

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

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes —; 159

Noes — 16.

Ayes—159

Akarte, Shri Jagannath Sitaram  
Aladi Aruna, Shri alias V. Arunachalam  
Ali, Shri Syed Rahmat  
Allahabadi, Shri Hashim Raza Abidi  
Alva, Shrimati Margaret  
Amarjit Kaur, Shrimati  
Arif, Shri Mahammed Usman  
Arun Singh, Shri  
Banamali Babu, Shri  
Bansal, Shri Pawan Kumar  
Basavraju, Shri M.  
Basheer, Shri T.

Basumatari, Shri Dharanidhar  
Bharadwaj, Shri Ramchandra  
Bhardwaj, Shri Hansraj  
Bhatia, Shri Madan  
Bhatt, Shri Nand Kishore  
Bhattacharjee, Shri Kamalendu  
Bhim Raj, Shri  
Bhuyan, Shri Gaya Chand  
Birla, Shri Krishna Kumar  
Chandrasekhar, Shrimati Maragatham  
Chatterjee, Prof. (Mrs.) Asima  
Chavan, Shrimati Premilabai Dajisaheb  
Chowdhury, Ram Sewak  
Dalwai, Shri Husen  
Darbara Singh, Shri  
Das, Shrimati Monika  
Deori, Shrimati Omem Moyong  
Desai, Shri Jagesh  
Deshmukh, Shri Shankarrao Narayanrao  
Dharmavir, Shri  
Dhusiya, Shri Sohan Lal  
D'Souza, Dr. Joseph Leon  
Ganesan, Shri V. C.  
Ganeshwar Kusum, Shri  
Ghan Shyam Singh, Shri  
Govind Das, Shri  
Gupta, Shri Vishva Bandhu  
Handique, Shri Bijoy Krishna  
Hanumanthappa, Shri H.  
Haq. Shri (Molana) Asrarul  
Haridas, Shri C.  
Heerachand, Shri D.  
Heptulla, Dr. (Shrimati) Najma  
Islam, Shri Baharul  
Jacob, Shri M. M.  
Jadhav, Shri Vithalrao Madhavrao  
Jain, Shri J. K.  
Jani, Shri Jagdish  
Jayalalitha. **Miss**  
John, Shri Valampuri  
Joshi, Shri Krishna Nand  
Joshi, Miss Kumudben M.  
Joshi, Shrimati Suda Vijay

Kadharsha. Shri M.  
Kalita, Shri Bhubaneswar  
Kamble, Prof. N. M.  
Kar, Shri Ghulam Rasool  
Kaul, Shrimati Krishna  
Kaushik, Shri M. P.  
Khan, Shri F. M.  
Khaparde, Miss Saroj  
Kidwai, Dr. Mohd. Hashim  
Kollur, Shri M. L.  
Krishna Mohan, Shri B.  
Kureel, Shri Piare Lall *Urf* Piare Lall  
Talib Unnavi  
Kushnoor, Shri Veershetty Moglappa  
Laxmi Narain, Shri  
Lokesh Chandra, Dr.  
Maddanna, Shri M.  
Maftida. Shri Harisinh Bhagdbava  
Mahto, Shri Bandhu  
Majhi, Shri Prithibi  
Makwana, Shri Yogendra  
Malaviya, Shri Radhakishan  
Malhotra, Shrimati Usha  
Malik, Shri Mukhtiar Singh  
Malik, Shri Satya Pal  
Manhar, Shri Bhagatram  
Meena. Shri, Dhuleshwar  
Mehta, Shri Chimanbai  
Mirdha. Shri Ram Niwas  
Mirza Irshadbaig Aiyubbaig, .Shri  
Mishra, Shri Mahendra Mohan  
Mishra, Shri Sheo Kumar  
Mitra, Shri Sankar Prasad  
Mittal, Shri Sat Paul  
Mohanarangam. Shri R.  
Mohapatra, Shri Shyam Sundar  
Mohanty, Shri Subas  
Moopananar, Shri G. K.  
Mukherjee, Shri Pranab  
Naik. Shri G. Swamy  
Natha Sinch, Shri  
Pachouri. Shri Suresh  
Pahadia. Shrimati Shanti

Panda, Shri Akshay  
Pandey. Shrimati Manorama  
Pandey, Shri Sudhakar  
Panicker, Shri K. Vasudeva  
Paswan, Shri Ram Bhagat  
Patel, Shri Ram Pujan  
Patel. Shri Vithalbhai Motiram  
Patil, shri Dinkarrao Govindrao  
Pattnaik, Shri Sunil Kumar  
Prajapati, Shri Pravin Kumar  
Prasad, Shri K. L. N.  
Rafique Alam, Shri  
Rai, Shri Kalpnath  
Rajagopal, Shri M.  
Rajangam, Shri N.  
Ramachandran, Shri M. S.  
Ramakrishnan, Shri R.  
Ramamurthy, Shri Thindivanam K..  
Ramanathan, Shri V.  
Ramesh Babu, Shri S. B.  
Rao, Prof. B. Ramachandra  
Rao. Shri R. Sambasiva  
Rao. Shri V. C. Kesava  
Ratan Kumari. Shrimati  
Rathvakoli, Shri Ramsingbhai Pataliyabhai  
Ray, Shri Deba Prasad  
Razi, Shri Syed Sibtey \*

Reddy, Shri Adinarayana  
Reddy. Shri T. Chandrasekhar  
Roshan Lal, Shri  
Sahu, Shri Rajni Ranjan  
Sahu, Shri Santosh Kumar  
Salve, Shri N. K. P.  
Sankala Prasad, Dr.  
Saring, Shri Leonard Soloman  
Sharma, Shri A. P.  
Sharma, Shri Anand  
Shukla, Shri Keshavprasad  
Siddiqi. Shri Shamim Ahmed  
Silvera, Dr. C.  
Singh, Shri Bir Bhadra Pratap  
Singh. Shrimati Pratibha  
Singh. Shri R. K. Jaichandra

Singh, Dr. Rudra Pratap  
Singh, Thakur Kamakhya Prasad  
Singh, Shri Vishvajit Prithvijit  
Singh, Shri Vishvanath Pratap

Sukui. Shri P. N.

Saltan, Shrimati Maimoona

Sultan Singh. Shri

Swu, Shri Scato

I ariang, Shri Jerlie H.

Thakur Jagatpal Singh

Thakur, Shri Rameshwar

Thangabalu, Shri T.

Tripathi, Shri Chandrika Prasad

Tyagi, Shri Shanti

Valiullah, Shri Raoof

Varadaraj Shri G.

Verma, Shri Shrikant

Vikal, Shri Ram Chandra

Yadav. Shri Ramanand

**Noes — 16.**

Barman, Shri Debendra Nath

Bhattacharjee. Shri Nepaldev

Bhattacharya, Shrimati 11a

Chatterjee, Shri Nirmal

Dhabe. Shri S. YV.

Ghosh, Shri Dipen

Goswami, Shri Biswa

Mohanan, Shri K.

Mohunta, Shri Sushil Chand

Mukherjee, Shrimati Kanak

Pradhan, Shri Badri Narayan

Quasem, Shri Mostafa Bin

Sen, Shri Sukomal

Suraj Prasad, Shri

Yadav. Shri Hukmdeo Narayan

Yadav, Shri Jagdambi Prasad

*The motion was carried by a majority of the total membership of the House and a by 0 majority of not less than two-thirds of the Members present and voting.*

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

SHRI P. V. NARASIMHA RAO: Sir.

I move:

•That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is:

That, the Bill be passed.\*'

*The House divided.*

MR. DEPUTY CHAIRMAN:

Ayes **159;**

Noes 16.

Ayes —; **159**

Akarte. Shri Jagannath Sitaram

Aladi Aruna, Shri alias V. Arunachalam

Aii. Shri Syed Rahmat

Allahabadi, Shri Hashim Raza Abidi

■\a. Shrimati Margaret

Amarjit Kaur. Shrimati

Arif. Shri Mohammed Usman

Arun Singh, Shri

Banamali Babu. Shri

Bansal. Shri Pawan Kumar

Basavaraju. Shri M.

Basheer. Shri T.

Basumatari, Shri Dharanidhar

Bharadwaj, Shri Ramchandra

Bhardwaj. Shri Hansraj

Bhatia. Shri Madan

Bhatt. Shri Nand Kishore

Bhattacharjee, Shri Kamalendu

Bhim Raj, Shri

Bhuyan, Shri Gaya Chand

Birla, Shri Krishna Kumar

Chandrasekhar. Shrimati Maragatham

Chatterjee, Prof. (Mrs. 1 Asima

Chavan, Shrimati Premilabai Dajisaheb

Chowdhury. Ram Sewak

Dalwai, Shri Husen

Darbara Singh, Shri

Das. Shrimati Monika

Djori, Shrimati Omem Moyong

Desai, Shri Jagesh

Deshmukh, Shri Shankarrao Narayanrao

Dharmavir, Shri

Dhusiya, Shri Sohan Lal

D'Souza, Dr. Joseph Leon

Ganesan, Shri V. C  
 Ganseshwar Kusum, Shri  
 Ghan Shyam Singh, Shri  
 Govind Das, Shri  
 Gupta, Shri Vishva Bandhu  
 Handique, Shri Bijoy Krishna  
 Hanumanthappa, Shri H.  
 Haq, Shri (Molana) Asrarul  
 Haridas, Shri C.  
 Heerachand, Shri D.  
 Heptulla, Dr. (Shrimati) Najma  
 Islam, Shri Baharul  
 Jacob, Shri M. M.  
 Jadhav, Shri Vithalrao Madharvao  
 Jain, Shri J. K.  
 Jani, Shri Jagdish  
 Jayalalitha, Miss  
 John, Shri Valampuri  
 Joshi, Shri Krishna Nand  
 Joshi, Miss Kumudben M.  
 Joshi, Shrimati Sudha Vijay  
 Kadharsa, Shri M.  
 Kalita, Shri Bhubaneswar  
 Kamble. Prof. N. M.  
 Kar, Shri Ghulam Rasool  
 Kaul, Shrimati Krishna  
 Kaushik, Shri M. P.  
 Khan, Shri F. M.  
 Khaparde, Miss Saroj  
 Kidwai, Dr. Mohd. Hashim  
 Kollur, Shri M. L.  
 Krishna Mohan, Shri B.  
 Kureel, Shri Piare Lall *Urf* Piare Lall  
     Talib Unnavi  
 Kushnoor, Shri Veershetty Moglappa  
 J^axmi Narain, Shri  
 Lokesh Chandra, Dr.  
 Maddanna, Shri M.  
 Mahida. Shri Harisinh Bhagubava  
 Mahto. Shri Bandhu  
 Majhi, Shri Prithibi  
 Makwana, Shri Yogendra  
 Malaviya, Shri Radhakishan

Malhotra, Shrimati Usha  
 Malik, Shri Mukhtiar Singh  
 Malik, Shri Satya Pal  
 Manhar, Shri Bhagatram  
 Meena, Shri, Dhuleshwar  
 Mehta, Shri Chimanbhai  
 Mirdha, Shri Ram Niwas  
 Mirza Irshadbaig Aiyubbaig, Shri  
 Mishra, Shri Mahendra Mohan  
 Mishra, Shri Sheo Kumar  
 Mitra, Shri Sankar Prasad  
 Mittal, Shri Sat Paul  
 Mohanarangam, Shri R,  
 Mohapatra, Shri Shyam Sundar  
 Mohanty, Shri Subas  
 Moopnar, Shri G. K.  
 Mukherjee, Shri Pranab  
 Naik, Shri G. Swamy  
 Natha Singh, Shri  
 Pachouri, Shri Suresh  
 Pahadia, Shrimati Shanti  
 Panda, Shri Akshay  
 Pandey. Shrimati Manorama  
 Pandey, Shri Sudhakar  
 Panicker, Shri K. Vasudeva  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Ram Pujan  
 Patel, Shri Vithalbhai Motiram  
 Patil, Shri Dinkarrao Govindrao  
 Pattnaik, Shri Sunil Kumar  
 Prajapati, Shri Pravin Kumar  
 Prasad, Shri K. L. N.  
 Rafique Alam, Shri  
 Rai, Shri Kalpnath  
 Rajagopal, Shri M.  
 Rajangam, Shri N.  
 Ramachandran, Shri M. S.  
 Ramakrishnan, Shri R.  
 Ramamurthy, Shri Thindivanam K.  
 Ramanathan, Shri V.  
 Ramesh Babu, Shri S. B.  
 Rao, Prof. B. Ra'machandra  
 Rao, Shri R. Sambasiva

Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Rathvakoli, Shri Ramsingbhai Pataliya-  
 bhai.  
 Razi, Shri Syed Sibtey  
 Reddy, Shri Adinarayana  
 Reddy, Shri T. Chandrasekhar  
 Roshan Lal, Shri  
 Ray, Shri Deba Prasad  
 Sahu, Shri Rajni Ranjan  
 Sahu, Shri Santosh **Kumar**  
 Salve, Shri N. K. P.  
 Sankata Prasad, Dr.  
 Saring, Shri Leonard Solomon  
 Sharma, Shri A. P.  
 Sharma, Shri Anand  
 Shukla Shri Keshavprasad  
 Siddiqi Shri Shamim Ahmed  
 Silvera Dr. C.  
 Singh, Shri Bir Bhadra Pratap  
 Singh, Shrimati Pratibha  
 Singh, Shri R. K. Jaichandra  
 Singh, Dr. Rudra Pratap  
 Singh, Thakur Kamakhya Prasad  
 Sing'n, Shri Vishvajit Prithvijit  
 Singh, Shri Vishvanath Pratap  
 Sukul, Shri P. N.  
 Sultan, Shrimati Maimoona  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Tariatang Shri Jerlie E.  
 Thakur, Jagatpal Singh  
 Thakur Shri Rameshwar  
 Thangabalu, Shri T.  
 Tripathi, Shri Chandrika Prasad  
 Tyagi Shri Shanti  
 Valiullah, Shri Raoof  
 Varada ai, Shri G.  
 Verma, Shri Shrikant  
 Vikal, Shri Ram Chandra  
 Yadav, Shri Ramanand

Noes—16

Barman Shri Debendra Nath  
 Bhattacharjee, Shri Nepaldev

Bhattacharya, Shrimati lla  
 Chatterjet, Shri Nirmal  
 Dhabe, Shri S. W.  
 Ghosh, Shri Dipen  
 Goswami, Shri Biswa  
 Mohanan, Shri K.  
 Mohunta, Shri Sushil Chand  
 Mukherjee, Shrimati Kanak  
 Pradhan, Shri Badri Narayan  
 Quasem, Shri Mostafa Bin  
 Sen, Shri Sokomal  
 Suraj Prasad, Shri  
 Yadav, Shri Hukmdeo Narayan  
 Yadav, Shri Jagdambi Prasad

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.

#### MESSAGE FROM LOK SABHA

##### The Taxation Laws (Amendment) BUI, 1984

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

"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 Taxation Laws (Amendment) Bill, 1984, as passed by Lok Sabha at its sitting held on the 25th August, 1984.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of Article 110 of the Constitution of India."

Sir, I lay the Bill on the Table.

MR. DEPUTY CHAIRMAN: Now we shall take up the next Bill. Mr. Venkatasubbaiah.

SHRI R. RAMAKRISHNAN (Tamil Nadu): On a point of order. This morning when you were requesting Members to pass the various Constitution Amendment Bills, we all agreed and