

I hope he will take them into consideration today. Now let us take up Bill for Introduction.

**THE PHARMACY (AMENDMENT)
BILL, 1975**

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (SHRI A. K. M. ISHAQUE): Sir, I beg to move for leave to introduce a Bill further to amend the Pharmacy Act, 1948.

The question was put and the motion was adopted^

SHRI A. K. M. ISHAQUE : Sir, I introduce the Bill.

**THE CONSTITUTION (FORTIETH
AMENDMENT) BILL, 1975**

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) : Mr. Chairman, Sir, I move:

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

Sir, Hon'ble Members are familiar with the provisions of article 71 of the Constitution, which relates to matters as to the election of a President or Vice-President. This article provides for two things, namely, (1) disputes arising out of their election shall be decided by the Supreme Court, and (2) that matters relating to their election be regulated by a Parliamentary law. Parliament has enacted laws on the subject. The time has now come for reviewing whether a change is needed as regards the forum for determining matters relating to their election. Hon'ble Members are aware that neither the President nor the Vice-President is answerable to courts of law for anything done in the exercise of their powers while in office. It is, therefore, appropriate that issues relating to their election should also be placed beyond the jurisdiction of courts. Accordingly, a provision has been made in the Bill to the effect that issues relating to

their election should be determined by an authority or body created by a Parliamentary law. Consistently with the provision creating a separate forum other than the Supreme Court for the resolution of disputes relating to their election, a clause has been inserted to the effect that the validity of any law creating the new forum or the decision of such forum shall not be called in question in any court of law. We now come to the offices of Prime Minister and Speaker.' From the point of view of the high offices they hold, their position is in no way different. At present the validity of an election to either House of Parliament of a person holding the office of Prime Minister or Speaker is governed by the provisions of the Representation of the People Act, 1951. Under Article 329 of the Constitution, their election can be questioned by way of an election petition presented to such authority as is provided for in a Parliamentary law. Now section 80A of the Representation of the People Act, 1951, provides that the High Court has jurisdiction to try an election petition. The proposal is to amend the Constitution to provide that no election to either House of Parliament of a person holding the office of Prime Minister or Speaker shall be called in question except before such authority or body as may be provided for by a Parliamentary law. With this end in view, a special provision has been made in the new proposed article 329A for resolving disputes arising out of election to Parliament of a person holding the high office of Speaker or Prime Minister. Here again, we have made a provision that the validity of the law creating the new forum or the decision of any authority or body constituted under such a law shall not be called in question in any court.

Opportunity is being taken to include certain laws, Central as well as State, in the Ninth Schedule to give them the protection of article 31B and remove any uncertainty about their validity. As hon. Members will recall, we resorted to article 31B in the past whenever we found that the validity of progressive legislation was challenged in courts. The last Constitutional amendment was made in 1974. We

[Shri H. R. Gokhale] have had experience

as regards important pieces of legislation, which have been put in jeopardy in writ proceedings in the Supreme Court and the High Courts, being reviewed. We find that it is necessary to give these laws the protection of article 31B. I can give a few instances for your information. Take the case of nationalisation of coal and coking coal mines. Coal reserves were limited and our idea was to increase production. Government stepped in to assume responsibility so that enough reserves are made available. Laws were enacted nationalising them, but they have been challenged. We cannot afford to see them struck down. National interest is involved. So is the case with legislation relating to sick textile undertakings and smuggling. Organised smuggling has been on the increase, with the result that it has affected national economy and security. Parliament enacted the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act. But we found that this legislation was also challenged. Our intention is to place this also beyond challenge. I would not take your time by mentioning all the pieces of legislation which are now proposed to be included in the Ninth Schedule. Certain State enactments dealing particularly with Land Reforms are also proposed to be included in the Ninth Schedule.

I would, Sir, recommend to the House to take the Bill into consideration.

The question was proposed.

MR. CHAIRMAN : Shri Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal) : Again, Sir, a constitutional law. Before, I come to the provisions of the Bill, I would like to mention certain things. This has been an emergency session and we know under what conditions this session has been conducted. I fully understand the need for a certain haste in the present situation—the reasons are obvious—while dealing with constitutional amendments. But I do hope this will not be a precedent when similar compelling circumstances are not operating. After all, when

you are amending the Constitution you should not only be interested in getting the requisite vote for getting it passed—I am speaking of the Government or those who stand for the proposed amendment, as we are also in favour of it—but what is necessary is to discuss it so that even in the framework of support and approval we exchange our thoughts and ideas over such important matters and we do not go by only prompted ideas, prompted, may be, by the Minister or by some officials or by the draftsman because it has been seen for some time that even when we pass a law in all sincerity, there are some lacunae in the provisions of the law. That gets stuck up and the Court strikes it down. Hence it is necessary to mobilise and take opinions based on rich experience, legal and otherwise, in order to check up from the Members of the House the soundness of the formulations that we have made including the language. I would say that even every comma and full stop should be carefully gone through. Otherwise we abrogate the responsibility and authority which we have and that is not good for any institution. Individually I would think it somewhat demeaning and degrading. When I say this thing I hope I will not be misunderstood by well-meaning people. Take for example this present Constitution Amendment Bill. We got it today. Lok Sabha got it yesterday morning. The leader of the Lok Sabha group talked to me. But we did not get the time to sit together and to discuss it. There was no time. We had other appointments. Naturally we should be given a little time to discuss it, to refer to the Constitution and see whether things have been properly formulated in the Bill even when we are prepared to support it. But there was no time. Is it nice? I understand there is need for 'haste.' I said it before. There is a sense of urgency on the part of those who are sponsoring this measure. I do not mean anything ill. Nor do I want to cast any reflection on the sincerity and the urgent desire of those who want to get it passed as quickly as possible. I do share their anxiety. All the same it is good for those who formulate those to see that they¹ formulate them in such manner and in such.

time that others get a chance. By 'others' I do not mean only those who are supporting. Even those who are opposing should get a chance. Let them also have their say. There should be debate, dialogue and controversies. We are not afraid of such things if we know that our case is morally sound, politically valid, legally justified and reasonable and Constitutionally admissible. Why should we be afraid of ? Govern-¹ment is proceeding with supersonic speed. I wish the same speed was shown in other matters of implementation of the policies of the Government and dealing with administration. Shri Umashankar Dikshit is here. Shri Gokhale is here. Shri Kamla-pati Tripathi is sitting here. Prof. Nurul Hasan a_{nd} other members of the Govern- I ment are here. Even they should have a look at it because every Constitutional Amendment Bill is an important thing. We all have to apply our mind to make the best of the job. That is what we want, But for that we have not been given time. Under the Rules we should have two days. But .at least give us four-five hours or two hours. Givs us reasonable time to read it and assimilate. I am not unfamiliar with these things. Even so, we require a little time. You are giving us little time. Whenever things are being settled and shaped finally, they should remember that here is a body which, though functioning under conditions of emergency, is a lasting body which has a past tradition. In future also it will function keeping in view the needs of the country. We have thus a past and a future. We should not forget our past tradition. All I say is that in future these things should be done a little more carefully. As I said, the situation demands that we should not falter or hesitate. We must act quickly. Emergency requires quick action. We are ready for it. Even then it should be possible to have mutual consultation and so on.

Sir, in the past Constitutional amend-¹ments had been thought over and they were discussed and there was no secret about them at all. You can do the same thing now and you can do it in the House also. After all the country should know

what the amendment is and what we are doing to the Constitution. They must know, while we are supporting the measure, why we are supporting and they must know why we are doing it. The people of the country must know this. And, Sir, they must know what those people like us who are supporting it have to say on this. These are all matters which the Law Minister and the other members of the Government should seriously consider. I say this because I would not like a situation when we would be unwittingly, with all good intentions, denying the Parliament its right in any manner. Of course, we know there are people whose policy and plan are to pull down the institutions of democracy in our country and you have to deal with them. Those who want to bring down the institutions of democracy defile and defame them; but they shower affection on them so long as it suits them. They denounce them the moment it does not suit them. Sir, we do not belong to this category of people. Institutions must be changed, if necessary, and they cannot be a stagnant pool. They must be given some puxpose and direction and they must be renovated from time to time to bring them in line with the changing situation, to meet the challenge of our times. I entirely agree with that and hence I also agree that it is necessary for us to have a second look even at our own Constitution. Of course, I will come to that a little later.

Sir, about this procedural thing, I want to say something. I have a feeling that we will be meeting again during this month. I have a feeling, I have a hunch, you see, that we would be again meeting this month. So, think of it; make up your mind as to what you want to do during this session; and then prepare the business so that indecision is not demonstrated in the frequent demand for the extension of the House. It should not be so. Sir, this is all that I want to say now. You kindly guide us, Sir. You will now be protected from the court as some others are going to be and I am very glad and I fully support that. After all, why should anybody take you to the court ? You are so innocent and all that. Anyway, that is all right.

[Shri Bhunesh Gupta] What I have suggested is for the Government to consider. Now, coming to this Bill : Sir, we have supported the Bill in the other House. Now, you can ask: Why don't you say that and sit down ? Normally, I feel like sitting down. But we shall be gone sometime or the other. In the first instance, we are not immortal and, in the second place, mortality is higher in the Rajya Sabha than perhaps in life outside and hence I think it is necessary to put on record our points of view and we have to put on record as to why we are supporting so that those who come after us will know that we did not submit to the wishes of the Congress Party or of Mr. Gokhale or of the sponsors of the Bill and that we had a point of view for supporting it. That point of view should be put on record so that others who may come after us in this House and elsewhere would be knowing, when there is a need to know, as to what the position was of the private Members of the Parliament on both sides in regard a measure of this kind.

Sir, he has rightly pointed out that the President enjoys certain position and that the Vice-President and others are not to go to the courts and all that. I am not going into that in detail now. I am only dealing with the provisions of the Bill. But, before I start making my submission, I would like to say that one or two points need to be clarified and they do not seem to be very clear in the Bill, in the drafting of the Bill.

Sir, what happens to a Speaker who contests an election as the Speaker, but loses the election ? Suppose an election petition is filed against him for certain election malpractices. Then, what happens? Will it be covered by this protection ? I should like to know this. I ask this because he has lost the election and cannot, therefore, be the Speaker. That is number one.

Then, another person may be the Speaker and his election may also be contested. Does it mean that this provision will cover him also ? Does it mean that this will cover the person who contests the election

as the Speaker and the Speaker who has contested the election and who has lost it ? Since he has lost the election, he does not come into the picture. But, will be also be covered insofar as the election case is concerned by these provisions ?

SHRI M. P. SHUKLA (Uttar Pradesh) : There is no petition against a person who loses an election anywhere.

SHRI D. D. PURI (Haryana) : For malpractice there can be.

SHRI BHUPESH GUPTA : I am seeking a clarification. I am asking because the thing is there. These are all theoretical points. Now, they may assume practical significance in a certain future situation. It is conceivable that at a given point of time two election petitions are being covered by this

Bill. Election petitions can be filed against candidates who have lost, charging them with some malpractices, and so on. Now, what happens to them ? A Speaker must have contested as an ordinary Member and he would have been election after the election by the House. The position should be a little more clarified. It applies to the Prime Minister also that way. These are theoretical points. They must be clarified. In any set-up a Prime Minister contests the election and then gets re-elected later as the leader, and becomes the leader of the majority and then becomes the Prime Minister. It is conceivable in a certain situation. We may have, for example, a party electing another leader. What happens to then ? These anomalies should be kept in mind. I am not suggesting that it has any practical significance at the moment. But you are putting something in the fundamental law of the land. It should be clear as to who is protected. I want protection to the Prime Minister and the Speaker. There is no doubt about it. But it should be clarified as to whether it is liable to be interpreted in a different way. That does not seem to be very clear.

Sir, it is true that in many countries this kind of law does not exist. I do not know as to when our Constitution makers took that view. We were underground at

that time. Perhaps it was thought that we had been finished in those days. You never heard my name or names of many hon. Members present here. The Constitution makers took no notice of us, except for suppressing us. But later when elections took place, we came here as an Opposition party next only to Congress. At that time, notice was taken of us. Sir, I think there is every case for dealing with this matter dispassionately and with a larger perspective.

President should not go to the court, should not be dragged to the court. He should not be the subject-matter of a judicial review or of litigation. That is not good in the normal situation. I am not saying about other times. Some protection is already there.

Sir, we did not like, for example, the manner in which the Giri's case was conducted. Mr. Giri went there, sat in the Supreme Court, just as the Prime Minister went to the Allahabad High Court, to give evidence. The President of the country, on whose order or under whose signature the judges are appointed, the President who appoints the judges, the same President went to the Supreme Court almost as an accused answering the charges of malpractices and corruption. Mr. Giri was brave and bold. He went there and faced the cross-examination. All right. But, surely, this is not an ideal arrangement. This does not project the image of the country outside very well. Once he is the President of a Republic, he occupies certain position and status which, whatever be the internal differences, we have to protect, we have to defend, and we have to even to some extent sometimes extol. It is very very necessary because. In our country, specially, the President is nothing but a constitutional head. My friends here would not have accepted that President is the constitutional head. They would like the President to be invested with all kinds of powers. We are not of that view. President must function in our set-up as the constitutional head, acting on the advice of the Prime Minister or for that matter the Council of Ministers. There should not be

any 'ifs' and 'buts' about it. The first President wanted to raise a controversy when he spoke in a seminar of lawyer as to what should be the powers of a President. You were not here. Sir. Dr. Radha-krishnan was here. I at once raised an objection to this kind of utterance by the President who wanted to discuss the question of powers of the President. We said that our Constitution did not envisage such powers being given to the President. Our Constitution wanted the President to be a 'constitutional head, acting unconditionally and unreservedly to the advice of the Council of Ministers. We said it. Fortunately. Pandit Jawaharlal Nehru intervened in that discussion and he also held the same view. The matter was set at rest. Nothing followed. But then, again, it has been revived by certain people in the country with a view to investing the President with some powers so that there could be a contradiction between the President and the Prime Minister, the parliamentary institution, the President the executive and the legislature, which, according to them would suit very well their plan of creating a constitutional and political crisis. That is well known. Therefore Sir, I think, the President should be taken outside the pale of such controversies, and I am investing the President with full powers with the knowledge that he remains as the constitutional head.

Sir, as far as the Vice-President's position is concerned, he stands on the same footing. Sir, in our country, the Vice-President is elected by the Members of the two Houses. When the two Houses elect the Vice-President, why he should be subjected to scrutiny by the court, I cannot understand. You will say, "Why did you not understand it before?" Very well, you can say that thing. Well, then it did not become a practical problem. Some of the things we did not take up because they did not create any problem. Now everything is being dug up. So, Sir, the Vice-President is elected by the Members of the two Houses. Why should the Supreme Court come in. If his election has gone wrong, if you, Sir, not you, Sir, I say, someone occupying your position is accused of some malpractice,

[Shri Bhupesh Gupta] why should I take you, why should I take the question of your election to the Supreme Court? It could be settled here by discussion amongst us. It is open to this House and even to the other House to move certain motions of confidence and no-confidence in such matters. Anyhow, the two House should discuss and settle such matters independently, if necessary, by joint bodies and so on. Why should he take the matter, drag the matter to the Supreme Court to adjudicate upon a matter which is our, if I may say so, entirely domestic matter? It is the domestic affair of this Parliament. Why should somebody encroach upon the domestic affairs of Members of Parliament, in so far as the Vice-President is concerned? I cannot understand it. But it is conceivable, Sir, that some* people may rouse this House. All kinds of things are raised. Requisitions are made in order to build up political agitation, rouse public or gain some political advantage. And it may well be that some case about Vice-President's election would also be questioned and taken to the court of law when the matter can be settled here on the spot and settled by Members of Parliament themselves.

Now, I come to the Speaker. Last I will come to the Prime Minister.

Speaker is elected by the Members of the Lok Sabha. Speaker is not elected by anybody else. Surely, Speaker is not elected by giving blankets to somebody or by making speeches. Speaker is elected in an open discussion in the House through nominations made. He gets elected. And the House should settle if there is any malpractice or any such thing in anybody's mind. He should take it up in the House. Sir, what is more is that Speaker can even be removed by a no confidence motion of the House. It is possible for the Members of Lok Sabha to replace one Speaker by another. They have got even the right of capital punishment, that is to say, behead the Speaker—not behead the Speaker physically. Why should then he be taken to the court? If one Member is aggrieved and if he feels that he has some grievance, he should agitate on the floor of the House, take the opinion of his colleagues there and thrash it out on the floor of the House.

Why should he go to the Supreme Court or to the High Court. This is again absurd. If a Speaker's case is taken to the court, he will be the subject matter of a judicial scrutiny and cross-examination by smart and unsmart lawyers, not always without malice, as we know. Some cross-examination may be with a view only to exposing, only with a view to discrediting, with a view of agitating the public and carrying on some kind of agitation as we know. If some Speaker can be taken to a court, all kinds of demeaning, derogatory and disparaging questions could be asked of him so long as they are allowed by the Judges. It is there in the papers, and it is not good for a Parliamentary institution. Sir, therefore, I say that let the Speaker be looked after by the House. If the Speaker has indulged in some very wrong objectionable practices in order to get elected to the House, it is open to the House to remove him, to replace him or even ask him to voluntarily resign. And in many cases, he may even do so. There is no need whatsoever for the court to be dragged into matters of this kind. The Speaker of the House, who becomes a symbol of the dignity of the House, in a way, is the chief Spokesman of the House in relation to the basic issue or Parliamentary sovereignty. We all respect the Speaker in the Lok Sabha. If such matters are taken to a court of law, sometimes irrelevant things can be brought up in order, to malign some people or to take some political advantage out of it when you do not like some people. Therefore, I say that it is very, very reasonable that the Vice-President, the Chairman of this House, and also the Speaker, are put outside the jurisdiction of the court.

And now, the Prime Minister.

Sir, before I say anything about that, in a way, I am happy that we have kept, by this Bill, the President the Vice-President, the Speaker and the Prime Minister from being hijacked by somebody at the judicial gun-point. Well, Sir, hijackings are of various types. Now, hijacking can take place in many ways. Here, Sir, one can take a gun—you do not need a revolver or a pistol—the High Court judgment, that is your gun, point it and hijack the Prime

Minister and take him or her away. Sir, I think we are protecting him or her against this hijacking business at the judicial gunpoint or gun-point of a judgment, if you call it. Well, nobody of such high eminece or such high position, whether he lives in Rashtrapati Bhavan or Maulana Azad Road No. 6, or wherever it is, or here in this House or the other House or the Safdarjung Road residence, if it remains the Prime Minister's official residence, should be hijacked like that. So, we are stopping this hijacking business by this Bill. We shall deal with them in the House. Everybody every one of them can be dealt with in the House. You, Sir—yes, I am not meaning anything to you—if we have any grievances, can be dealt with by means of a motion here. We have the privilege. There is no need of going to the court. Why should I go to the court ? Some thing applies to the Speaker. The Prime Minister, of course, holds office due to the majority in the Lok Sabha, due to the majority of vote in the Lok Sabha. Even if the Prime Minister does not have a majority of the ruling party, he or she can still remain the Prime Minister so long as he or she can command the majority of the House. Prime Minister Indira Gandhi did it. Well, she did not have majority for more than a year or so but nobody questioned her Prime Ministership at that time. Why ? Should he not have gone to the court? No. It should be settled by the Lok Sabha itself. It is the Lok Sabha which is to decide whether they have the confidence in the person occupying the Prime Minister's position. That is the thing. That is the main consideration. Therefore, Sir, there is no need of going to the court and the Prime Minister should also be protected.

Sir, here a question will come up and a question will be asked: Is it not being discriminated in favour of the Prime Minister and being against somebody else ? That question has to be answered. Sir, Prime Minister in a parliamentary democracy, as I said before, and I repeat now, does not occupy the same position as you or any other private Member or, for that matter, any member of the Government does. This is the scheme' of our Constitution.

And, what does the Constitution say ? Constitution says that the leader of the majority party would be invited by the President and asked to form a Government. Now, President forms the Government on whose advice ? On the advice of the person who has assumed the position of the Prime Minister. That person advises because he or she is the final authority in this thing. Whether they can discuss within the party or not, it is not my concern here. But, it is the advice of the Prime Minister and the privilege of the Prime Minister to have one appointed as a member of the Council of Ministers and also to have one out of it. Now, naturally that person and that office-holder stands on an entirely different footing even compared to her colleagues or his colleagues in the Council of Ministers. Then, the question arises why things should not be left as they are. In many countries, Sir, this kind of law does not exist. As far as I have gathered, there, in the western countries, such laws do not exist. Sir, it does not mean that the Prime Minister is not equal before the eyes of law. Suppose, Prime Minister drives a car and violates the traffic rule. She is as much liable as I am. Suppose Prime Minister commits a crime. He or she is as much liable as I am. The Prime Minister cannot claim immunity from criminal and judicial proceedings when he or she has committed a crime. Therefore, law stands there. Law is not discriminating between the Prime Minister and others so far as we know. There may be one or two points about appearing in court and other things but basically it is the same position. But we are not discussing individuals as such in the matter. We are discussing the question of treating the office and the institution of Prime Minister just as in the case of a Member of Parliament I enjoy certain immunities and privileges which a member of the Press, does not enjoy. Suppose here I make the most scurrilous, defamatory statement, I am protected by article 105 of the Constitution provided, of course, I do not violate the Rules of Procedure of the House. And if anyone publishes my speech, he also will be protected by the law of the land which protects the publication of a speech by a Member of Parliament even if it is defamatory. Therefore, in the

[Shri Bhupesh Gupta] law of defamation I enjoy certain immunities. I can defame you and I can have that published in the newspaper. Nobody can touch me and even the newspaper which publishes my speech cannot be touched. Therefore, am I not enjoying certain immunities and privileges compared to other citizens ? I am enjoying them.

Now the question arises with regard to the Prime Minister. Well, it is a question of immunity or a question of certain privileges which attaches to an office, to an institution, just as article 105 and other relevant laws give me certain immunities and privileges not because I am a citizen of India but because I am a Member of Parliament. Similarly, certain laws are proposed here which should give certain cover or certain immunities or privileges to a holder of, what they call, high office. There is nothing wrong there that way. I think from that angle there is no discrimination as such. But that also makes those who occupy such positions responsible. They should be absolutely clear as to what they have got and how they should function, whether it is a Chief Minister or the Prime Minister or other people occupying high positions. I agree but that does not mean that the Prime Minister should be placed under this kind of judicial scrutiny.

We have seen what happened. There is no escape from the fact of our experience that here was a case against the Prime Minister of the country dragging on for four years or so. The inspiration was intensely political; the inspiration was not legal. Surprisingly in our country a Prime Minister is sought to be dislodged from Prime Ministership of the country because somebody's name had not been gazetted in time or because somebody was appointed as an election agent without his name being gazetted or because some policeman went and constructed something to protect her. The case goes on. But lakhs of rupees are spent for winning an election, flouting every item of the People's Representation Act with regard to election expenses. These are not covered. I ask my friends of the Lok Sabha : How many of them are sitting there who can put their hands on their

hearts and say that they won the election within the prescribed limit of election expenses ? Sir, they would not say these things publicly put some of them, I believe, are God-fearing people. Let them stand in a shrine, a mosque, a temple or a gurudwara and ask themselves this question and give the answers to themselves, and we will see the absurdity of our election law.

SHRI JAGJIT SINGH ANAND ("Punjab) : What about those who do not believe in gurudwaras ?

SHRI BHUPESH GUPTA : These offences are nothing. Rajnarain is all right, everybody is all right but not this little thing. Our friend who was sitting here—he is not here—was a Government officer at that time. Whether his resignation should have been gazetted or something happened earlier, that became such a mighty, terrible, devastating thing that the Prime Minister's office crumbles and the Prime Minister is brought down. Crisis is created and some people start calling it a total revolution but we call it a total counter-revolution. Naturally, Sir, you have to amend the law, you have to do that, there is no other way.

Nobody is bothered. I would have thought that Jayaprakash Narayan and others would be leading a campaign that we asked all the elected M.Ps to declare publicly in the name of God or in whatever name they prefer whether they spent more than the prescribed limit on their election. They should declare it publicly and await public judgment. But that was not done. How many of them would have been there ? But that was not done. Instead of all that, somebody wanted the resignation of the Prime Minister and on that basis a great storm was created in the country. It is not the question of the High Court Judgment only. The case went on for months and months, where everything was dug up. Many other things which "had nothing to do with the election case, which had nothing to do with how an election could or could have been won, were brought in. Sir, this is not good even for an ordinary member of Parliament, leave alone the Prime Minister. So, I can quite understand that kind of thing.

Now the question arises why the Prime Minister's office is being taken out of these things. Yes, it should be. Today Shrimati Indira Gandhi may be Prime Minister, tomorrow another Prime Minister may be there but our projection of parliamentary institution is that the Prime Minister's office occupies a very crucial place. It has an international image, it has a national image, and it is not good for a country to allow its Prime Minister to be subjected to all these things, it is not good particularly for a country like ours so long as we proceed on the progressive road. I am not talking about the Prime Ministers who are disastrous in history. I am not talking about them. There are Prime Ministers who are disastrous in history. I know Mr. Chamberlain, for example. You can name such persons who have been denounced, but they have been denounced for political and similar other reasons. Therefore, I think it stands to reason that law requires to be checked here and this protection has to be given.

This case has opened the eyes of many. I agree but unfortunately some people have taken a distorted view out of political grudge or political reasons or political designs or whatever that may be. Here is an interesting thing in the recent issue of the 'Time' magazine. I find, the great President Gerald Ford was interviewed by the Chief Editor of the American news magazine 'Time' and the interview is published in full in the July 28 issue of 'Time' magazine. The question was :

"I was trying to make a list the other day of the number of democracies left in the world and I could only get up to 21 out of 150 plus countries."

According to him only 21 democracies are left in the world. Further it is said :

"I wonder how you see democracy in this world. Is it a minority habit that is contracting ?"

Now see the answer of the President, Gerald Ford, who himself forgot that he has not been elected. The answer was :

"It is sad to see, but with the action in India, which is at least a temporary demise of democracy, it makes the

United States the largest democratic nation in the world."

What a wonderful answer. So, Mr. Gerald Ford, who is yet to be the elec-

12 Noon ^{ted President; who is the f_an.}

out of the Watergate scandal—had there been no Watergate scandal, he would not have been there—who came there by a mere accident of history than by winning any election, he had to make some observation about our country. He had observed that there is demise—are you alive Mr. Dikshit ?—a temporary demise; demise is also temporary; demise is not permanent as yet according to him. My bet somebody will come and revive us again; resurrection will take place." I hope Mr. Gerald Ford is not interested in resurrecting our democracy by his de-stabilisation injections, and so on !

Now, you can see how perverse certain tilings are there. Demise of democracy of American democracy is living and kicking and there is nothing wrong there. When his predecessor was there in office, and when the genocide was taking place in Bangladesh, when more than 3 million people had been killed, then there was no demise of democracy! They supported Mr. Yahya Khan in order to carry out their plot in the name of democracy, and so on.. And from the same office, or from an incumbent of the same office, this wonderful discovery of demise of democracy in India has come ! Mr. Dikshit, you are smiling, but let not the External Affairs Minister smile over it. I do not know how the External Affairs Ministry is thinking of reacting to a statement of this kind. Those living in South Block are still underlying the need of improving relations with Americans. But, I am sure, with this sudden demise, according to Mr. Gerald Ford, you would not be able to improve your relations. I need not go into that. That is a different point. I am just saying how they are looking at it.

So, Sir, those are the things. The Americans dislike what is happening in the country. The West Germans dislike it. The imperialist class, the British imperialists dislike it. They are denouncing it. They are running a campaign—some of them—

[Shri Bhupesh Gupta] in support of Jayaprakash Narayan. They are denouncing it. What conclusion do I draw from it ?

I draw the conclusion that perhaps we have struck a blow against them. Sir, I take this action against the rightist forces as a blow struck against the strategy of American neo-colonialism. I know this will not be published, but it will be on record so that when the so-called scholars come from the United States of America: with the help of Government here to do some so-called research work, they will read that I was making a statement—we were making a statement—that the blow that has been struck against the right reaction in our country to Anand Marg, RSS and others is a blow which has struck at the very basis of the American strategy of de-stabilisation, the strategy of these elements within the country to bring about a rightist take-over of the country so that neo-colonialism can have an upper hand. Therefore, Sir, we are happy from that angle also. It is not that the action has been of international significance. It is because all the progressive sections in the world, not to speak of the socialist countries, the people of the socialist countries, have been fully supporting these actions. Sir, these measures have been brought in line with them. We are amidst a fight. Maybe we are not fighting as some people are fighting in the streets of Lisbon or the Northern Portugal. Maybe, the hordes of reaction and reactionaries are not out in the streets with guns in their hands. That will be a fatal day for us. But the fact remains that ideologically, politically we are in the midst of a fight, in the midst of a big and severe combat and contest. But we do not have to be forced constitutionally, politically, legally or economically but we have to conduct the fight from a position from where we can strike them most effectively and beat them down into total and complete surrender. Let us involve the brave soldiers, fighters and the Generals of total revolution into a situation of total surrender. That is what we should like. Hence this measure justified itself even from the moral and political angle, leave alone the constitutional angle because they are counting on it; they are counting

I on certain facts, certain other opportunities open to them. So, Sir, I think that is quite all right that we have it now.

Many things have been said. I do not know why they have been included. When they have included Maintenance of Internal Security Act in the 9th Schedule, why is it that they have included also the Compulsory Deposit Scheme ? It looks as though when you are getting something good done—many things are good; they should be included in the 9th Schedule in the Constitution—why should everything be included ? I cannot understand. That only damages the approach. That will weaken the political fight. That somewhat embarrasses the moral position and gives handle to your adversaries in this country. Compulsory Deposit Scheme should have gone. Employers¹ have objected to it. Some portion of it has gone; others remain. It is not necessary, as a temporary measure, to be included in this 9th Schedule to give the protection of the kind that you have given to other measures, including the amendment to People's Representation Act. I do not understand why it should have been done like that. You should have discussed it a little.

Sir, one thing is clear. Take away this right to property from the Fundamental Rights Chapter of the Constitution. You have done many things. Why not take away property right as a Fundamental Right ? Let that property right be fought in the court of law as a matter of ordinary law. Let it not be shielded and protected by treating it as a fundamental right. Therefore, Sir, I suggest—which has been suggested before—that since we are thinking now radically in regard to certain matters, the property right should not be made a fundamental right. Any action taken against private property, monopoly or whatever it is, should not be sought to be frustrated by taking cover under Part 111 of the Constitution, that is to say, Fundamental Rights Chapter. Let it be fought out in other places. Therefore, Sir, this should be considered by the Government and I think it is very necessary. Many things are there, perhaps, that way. It is good. But they are to be implemented. That is more important.

Finally, Sir, I should like only to say one thing more. In his speech in the other House, he talked about the Constitution. Sir, many years ago, from these benches we were saying that our Constitution required to be radically revised in some respects. At that time, many of you were not here but your predecessors occupying these benches, do you know what they used to call it, they accused us as if by making such suggestions we had committed almost a sacrilege. We were denounced as non-believers in the Constitution. We were told that we had come here to wreck the Constitution, for the simple reason that we had suggested certain changes in the constitution of a radical nature and recasting of the Constitution in some way. Today we are very glad, after 23 years of the functioning of this Parliament, even the Treasury Benches have come to a conclusion that the Constitution requires a second look, radical look and I was very much edified to hear—not that I support every little of the syllable of what he has said—I was rather interested to hear the hon. Minister saying we should consider whether we can amend the Constitution or there is need for the Constituent Assembly. You see how radically things are moving now. Sir, I am not making a big point of that. The Constitution needs to be amended and it will be amended through democratic processes and by following the standards and rules of democracy. If the Constitution itself permits the amendment of it radically, by all means do it. If it does not permit it, we have to do other things, but I think it does permit us even after the Supreme Court judgment. Except what they call the basic structure of the Constitution we can change anything, we like. The Golaknath case now does not stand in the way. I am not going into it. You think how it should be done, but, Sir, we must be clear as to why we are amending it. It should not be taken advantage of by some people in order to push through certain things which will strengthen monopoly capital or which will strengthen bureaucracy or strengthen reactionary forces. I think none of you would want it. We must see objectively that it does not help them. Our amendments should be for two objectives, namely, one, the Constitu-

tion should be a weapon in our hands to fight reactionary forces, monopolies landlords and others and to promote social progress. Secondly, the Constitution should be such as would not protect imperialism, neo-colonialism and multi-national corporations in any way. Only today I have got information that the Goodyear Tyre and Rubber Company because of the constitutional and legal defects, are getting income-tax rebate on the ground that what they are earning here is a royalty and it is not payment for technical know-how. If it is payment for technical know-how, then they have to pay 70 per cent tax on that, but what they are doing is this. They are filing income-tax returns saying that what is being earned by them is really royalty and since royalty is exempt they got a much higher rebate. Therefore, this kind of thing is there. I think this provision should be thoroughly gone into and amended. I just mention the case of this particular company and I need not say very much. Several instances I have given. The Goodyear Tyre and Rubber Company Limited, a nonresident American concern, has been receiving technical fees from the Indian concern in lieu of services done by the said company (non-resident) as per terms of agreement between the resident and non-resident companies. The amount of technical fees received is about Rs. 11 crores from the assessment year 1961 onwards. This company was being assessed in Calcutta. Now, Sir they have been assessed on the basis of royalty, whereas it is technical know-how. By this we have lost more than Rs. 1 crore. I think this law should be changed and many other laws should be changed. Laws should not be changed to weaken the democratic forces, to weaken the position of the working-class, the toiling peasantry, Harijans, Adivasis and other who are fighting today. Laws must take a partisan position insofar as social questions are concerned. Constitutional changes and other things should be so conceived and contrived as to become weapons not only in the hands of the Government, but also in the hands of the toiling people to fight the vested interests and to promote their activities and struggle against the vested interests. I do not like in some quarters the manner in which the employers and em-

[Shri Bhupesh Gupta] ployees and the workers and capitalists are being equated. They are not to be equated. The capitalist class is an exploiter class. The landlords are an exploiter class. They need not be given the same protection by our Constitution as those who are being exploited, like the workers, Adivasis, Harijans and others. There also we must follow the principle which we are following here, namely, discrimination in favour of some people who deserve to be protected against the oppression, exploitation, piundur and injustice heaped upon them by the exploiting classes, foreign and Indian exploiters.

That approach should be there. Bureaucracy and others can use these measures and other measures for their own ends to suppress or hinder democratic methods. How many Ananda Margis or RSS people are in the Government service today ? Find it out. There are Jana Sangh supporters and others who do not believe in all these things. What is the guarantee that they will not use this law in order to subvert or sabotage or weaken the position of the democratic forces ? Democracy needs to be strengthened in our parliamentary setup. The future of democracy in our country depends upon the involvement of the working people with the functioning of our parliamentary institutions. They must not be mere onlookers; they must be fully associated at the functioning point; they should be brought into the orbit of the functioning of the State apparatus of the Government with a view to bringing about radical socio-economic changes. That is very very important. It is not a question of putting one or two workers as decoration pieces on some committees and then saying that they are participating in the management; from the grass-root level onwards we want that in the institutions of parliament people have their rightful place. That is very essential. You are thinking of certain other measures. I believe the writ petition should be gone into. The writ has become a pastime. But do not take this position that just when you are amending the laws, you will put curbs on the democratic movement or on most of

I their democratic activities at a time when i they need to be encouraged When I say democratic activity, I do not mean anarchy, I do not mean the wrong type of things that are being done by certain people; I say, truly democratic activity in the interests of the country, of our economy and of our people. *(Time bell rings.)* Sir, I have said enough. You have rung the bell. The points that I have mentioned would, I think, bear examination by the hon. Members of the House. We are making certain very important and drastic changes, significant changes, in the Constitution. But I think these are in line with the approach that we have taken in the context of the fight against right reaction. Let it be given a radical, democratic and forward direction. Let us put fear into the hearts of rightist forces, communal forces, fascist forces and pro-imperialist forces. Let us at the same time, whether by constitutional amendments or otherwise, inspire, mobilise and help the democratic forces not only to fight their battle, but also fight the battle of the re-making of the country, the battle for socio-economic progress for which we stand today.

With these words, naturally, we support this Bill, and I do hope that the point will be taken into consideration.

SHRI K. A. KRISHNASWAMY (Tamil Nadu) : Mr. Chairman, I rise to support this Constitution (Fortieth Amendment) Bill, 1975. This Bill seeks to substitute a new article in the place of article 71 of the Constitution, thereby placing beyond challenge in the courts the election to Parliament of a person holding the office of the Prime Minister or the Speaker, and the election of the President and the Vice-President. Further, the Bill protects from being challenged in courts, several pieces of legislation including election laws, the MISA, land reform measures of the State and economic measures. The Bill declares as null and void pending court proceedings under the existing law in respect of the election to the Lok Sabha of the Prime Minister. It provides for the creation of a new forum under parliamentary law, in place of the courts, to decide disputes relating to the election of the President, the Vice-President, or those relating to the election

to Parliament of a person holding the office of the Prime Minister or the Speaker.

Sir, first of all, I would like to say that the Thirty-ninth Amendment is in accordance with the spirit of the Constitution. A close examination of the various amendments that have been carried out till date do not betray and deliberate design on the part of the Government to tamper with the Constitution. An amendment was resorted to only when it became inevitable, an inevitability that was caused mostly by judicial interpretation. The amendments carried out till date for the preservation and perpetuation of the scheme of the Constitution and for facilitating the realisation of the goals and the aspirations of the people of India as provided for in the constitutional document. Amendments in most cases were necessitated consequent on the judicial interpretation of the phraseology of the Constitution, not being in consonance with the spirit of the Constitution, while quite a few amendments were made to comply with the interpretation given by the judiciary.

Sir, the office of the President is the fountain-head of authority under the Constitution. It is the highest, the most respected and the most cherished office in the land. Our beloved, Pandit Jawaharlal Nehru, emphasised in the Constituent Assembly, that the Constitution had made the position of the President one of great authority and dignity. The same way the institution of the Prime Minister of India has a pivotal position in the Indian constitutional structure. That dignified position has been vilified by frustrated politicians day in and day out. The sinister move by the right reactionaries is nothing but to malign the reputation of the Prime Minister, Mrs. Indira Gandhi. The habitual Indira-haters can do anything. But the country is now well aware, Sir, that Mrs. Indira Gandhi is the only leader with national following. She is the only viable, political leader commanding the respect of all the sections of the people of India. Is this authority and is this dignity to be exposed to the caprice and whims of political frustration? I think that the Thirty-Ninth Amendment has prevented this catastrophe.

Finally, Sir, I would conclude by saying that the Thirty-Ninth Amendment of the Constitution would ensure that the real intentions of the law are carried out and deliberate errands are penalised. With these words I support the Constitution Amendment Bill.

SHRI MOHAN SINGH OBEROI (Uttar Pradesh) ; Mr. Chairman, Sir, I am very thankful to you, Sir, that at the last minute you gave me an opportunity to say a few words on this amendment of the Constitution.

The House has before it the Fortieth Amendment Bill, 1975 to seek certain amendments to article 71 of the Constitution. Section (1) of the article says:—

"All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final."

The same article provides that the Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President. Some distinction has been made in the case of the Prime Minister and the Speaker in respect of the election laws. Mr. Chairman, Sir, I cannot understand how and why it escaped the attention of the Law Ministry to bring forward these amendments in the Constitution. In the absence of these amendments it gave handle to some of the opportunists or ill-advised people to come out with certain criticisms. I will not go into details as to what happened as a result of not having these amendments earlier. Some time back somebody from a street corner filed a petition against the Prime Minister. And what happened? The judgment, on two small issues or points, came in her way. And the word used was "corruption". My friends, who can question or say something against the integrity honesty, of the Prime Minister of this big nation, who on earth can say something against the Prime Minister, as was said at times by some irresponsible people? The Prime Minister won by a majority of, I think, 80,000 or 90,000 votes.

SHRI D. D. PURI : More than one lakh.

SHRI MOHAN SINGH OBEROI : Yes, by more than one lakh votes. The Prime Minister had won the seat in her constituency by a big majority. And after that, all those things happened. The worst which said was, why the Prime Minister does not come down from her position ? I will not go further into this matter. I am very glad that the hon. Law Minister has now brought these amendments in the Constitution which will give protection to the Prime Minister and the Speaker. Some protection are already provided to the President and the Vice-President.

With these words. I whole-heartedly support the amendments which are now being made in our Constitution. Thank you.

SHRI H. R. GOKHALE: Mr. Chairman, Sir, I fully appreciate that the reply should be brief. In fact, I had thought of not giving a very elaborate reply because some of the points have already been covered in my earlier speech when I dealt with the amendments to the Representation of the People Act, and I will not repeat those points again. But I take this opportunity to fully endorse what my friend and colleague. Mr. Bhupesh Gupta, said, that the present amendment is not only constitutionally and legally justifiable- but it is also morally justifiable. I would like to emphasise that it is morally justifiable because underlying the amendment is the basic concept that the persons holding these four high offices who have been elected by a vast majority of the people and who represent the people at large are occupying these positions by virtue of the electoral mandate, cannot be displaced by any authority which is an outside authority like the judicial authority, may be the Supreme Court or the High Court or for that matter, any other authority. It is an accepted principle that the will of the people is the last word and no judicial interpretation, given by anyone howsoever high, can override the verdict of the people. That is why I say that it has the strongest foundation not only on legal or constitutional ground but also on moral ground, as Mr. Bhupesh Gupta rightly pointed out in the course of his speech.

The Bill has been studied. The speeches themselves indicated that the provisions of the Bill have been understood and studied by the hon. Members. Therefore, I need hardly elaborate what those provisions are. In substance the provisions are that the elections of the President, the Vice-President, the Speaker and the Prime Minister cannot be challenged in a court of law, whether it is the Supreme Court or the High Court or any other authority constituted by a law for the time being in force or any law in future, except by a forum or authority or body which will be constituted in accordance with the law which will be hereafter passed. I react favourably to the observations of Shri Bhupesh Gupta that if anybody has to sit in judgment over this, that body cannot be a judicial or quasi-judicial authority. We have to work out a proper machinery and a proper system where the Parliament itself is represented in that authority which decides ultimately whether any malpractice has been committed or not committed. It is impossible at this juncture to elaborate in detail as to what the scope of that authority will be. I know, as Shri Bhupesh Gupta has said, in western democracies also elections of high dignitaries like President and others are not susceptible to any challenge in a court of law. In France, for example, as I mentioned in the House the other day, it is the Chamber of Deputies which constitutes the Committee which goes into the question as to whether there is anything wrong with the election of the President or not. I won't say what form the authority or body will take. I endorse the principle that whatever may be the body or authority which will be constituted we should take into account the fact that not only that it should not be a judicial or quasi-judicial body or authority, but it should be a body or authority which will reflect the will of the Parliament. That is all I can say for the time being until the Bill itself is fully examined and the whole machinery has been worked out.

A few questions or doubts were raised by my friend Shri Bhupesh Gupta. I do not think that those doubts will survive. First of all he said as to what will happen to the Speaker or for that matter if the Prime Minister loses an election, and if a petition

is filed against the Prime Minister or Speaker. That can never happen. Under the Representation of the People Act the election which is challenged is that of a returned candidate meaning thereby the the candidate who has been elected in an election. And the only relief which the court can give is either to dismiss such a petition or uphold the election or to allow such a petition declaring the election to be void or further, if a case exists of that nature, declare the person who has filed the petition...

SHRI BHUPESH GUPTA : Suppose the candidate is elected. He does not become the Speaker.

SHRI H. R. GOKHALE : That is the next point. Your first point was happens to the Speaker if he is defeated. The next point is what happens if the Speaker is elected, not at the time of election. Subsequently he becomes the Speaker. It is possible that in a case like this, as soon as the election takes place, within 30 days or whatever is the period of limitation, a petition is filed against the person who has subsequently become the Speaker. That is fully taken care of by the relevant clauses in the Bill. In fact both the situations are taken care of, in sub-clauses (a) and (b) in 329A(a) which say:

(a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election.

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election.

If in the meanwhile a petition has already been filed, the very same clause makes it clear that when a person is elected Speaker though afterwards as chosen as Prime Minister though afterwards, as soon as that position is occupied by the member either as Speaker or Prime Minister, whatever petition that might have been filed abates.

That situation is fully taken care of in the Bill itself. That contingency will not arise. Sir, he referred to some extracts and I did not catch the name of the journal from which he was quoting. I think it is the "Time" wherein they have listed about 21 or 23 countries as the existing democracies in the world. Now, all that I want to reassert is this : In fact, it needs no reassertion. But I am reasserting for the reason that a calculated campaign has been carried on against our country, particularly outside, by countries which have been hostile to the policies which this country has been following internally as well as internationally and all that I would say is this that our nation has always been the biggest democracy in the world and continues to be so even today. I say this for the reason that we have seen the tactics in some other countries where democracies were threatened by subversion. There are recent examples, On account of those democracies not functioning at the appropriate time to protect themselves those democracies were destroyed. Today, it is to protect this great democracy which this country has—I again repeat, the greatest democracy in the world—that timely action has been taken and also to see that similar thing which happened in the other countries where forces which were trying to subvert democracy succeeded, does not happen here. We did not allow that to happen here and the steps which are taken argue to see that those attempts by persons who were anti-democratic, who never wanted democracy to function in this country, are foiled in time and to see that we have democracy in this country. Therefore, I would again assert that all these statements and this campaign, this vicious campaign which has been carried on outside, are nothing but motivated ones. Those who want to understand the situation should fully understand this that whatever has happened is certainly not nugatory so far as the existence of democracy in this country is concerned, but is, in fact, conducive to and necessary for the protection of democracy itself.

Sir, I would not like to take much time. But a reference was made to the inclusion of the MISA in this Bill. I had occasion

[Shri H. R. Gokhale] to explain this in the other House yesterday because one honourable Member, the leader of the party there to which Mr. Bhupesh Gupta belongs, had raised this question and I had answered it and my impression is that he was fully satisfied with the answer. First of all, if the parties like that of Mr. Bhupesh Gupta realise the situations through which our country has been passing, they would realise that the situation which has been created by the Emergency, in fact, the situation which has been met by the declaration of the Emergency, requires certain action to be taken against the forces which were acting against the real and genuine democratic forces of the country. Therefore, Sir, their party also supported the MISA. None of us likes detention without trial. In fact, nobody likes it as a matter of principle. But everybody recognises that for the purpose of achieving the ends you have in mind you have to take steps and you have to take steps to protect democracy itself and you have to accept detention without trial, maybe as a necessary evil, and that was why the MISA was passed. And, Sir, it is wrong to think—there might be some such impression; at least it was there in the mind of the leader who spoke in the other House yesterday—that because of the inclusion of this in the Ninth Schedule it becomes a permanent feature. I want to remove that impression. It is not so, Article 31A does take care of the fact that any of these Acts, not only the MISA, can be repealed and amended when the situation demands such an amendment or such a repeal. Therefore, while a reference was made to a speech delivered by my colleague, the Home Minister, during the discussion on the Bill which was moved for passing the MISA as amended, he clarified the position and I further clarified the position that it was in those circumstances that the amendment was brought forward. Now, if those circumstances are genuine—and we all believe that they are genuine—we have to act against certain persons rapidly, quickly and effectively and we cannot allow such a measure to lapse merely by some judicial interpretation. The MISA is challenged in the courts of law and the challenge is thrown on the ground that it

is unconstitutional. I need hardly spell out the consequences which would follow if the amendment which was made to the MISA is quashed by the courts of law. We thought that the purpose for which the Emergency was declared would not be served if we did not protect the MISA from challenges in the courts of law. A situation, very disastrous for the nation, would arise. But this is not to say that the Government at no time will consider whether any changes are necessary or not necessary.

It does not become a permanent feature. The same is the case with some of the other Acts which are included in the Schedule though we know that there will be no occasion for removing them. Acts nationalising certain undertakings or Acts relating to land reforms have to remain as a permanent feature of the Ninth Schedule because we have to protect them permanently. The hon. Members will see even from the list which is given that those Acts were amended from time to time and every Amending Act has been included in the Ninth Schedule. A later amendment is not protected by the inclusion of the Act in the Ninth Schedule. All that you have to do is that you have to include the amendment also to give the protection which is sought to be given by including it in the Ninth Schedule. Therefore, if there is any misapprehension that the Government is, sort of, trying to put permanently in the Constitution something which need not be permanent, it is an impression which, I submit, is wrong. I gave the assurance in the other House. The Home Minister also said during the course of his speech in the other House that these are things which are necessary for an emergent situation and they should continue to be necessary till the emergent situation lasts. If that is so, we simply cannot afford to see that these Acts are struck down by courts.

Sir, I would again submit that the consensus here as well as in the other House has been that the person Bill is very necessary. In fact, the complaint of one hon. Member, Mr. Oberoi, was that it has come too late and that it should have been brought earlier. Therefore, I would strongly recommend to the House that this Bill be taken into consideration.

SHRI SHYAM LAL YADAV (Uttar Pradesh) The recent amendment in MISA is not included.

SHRI H. R. GOKHALE : It has become part of the original Act.

MR. 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. CHAIRMAN ; Ayes—161: Noes—

Nil.

AYES—161

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shankar
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap
 Banerjee, Shri Jaharlal
 Berwa, Shri Jamnalal
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Bobdey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumarl
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Dhabe, Shri S. W.
 Dikshit, Shri Umashankar
 Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Cadgil, Shri Vithal
 'Goswami, Shri Sriman Prafula
 Oujral, Shri Inder Kumar

Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Sinh, Shri
 Iman, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Kalaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Chand, Shri
 Ramble, Prof. N. M.
 Kapur, Shri Yashpal
 Kesri, Shri Sitaram
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lall urf Piare Lall Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatro, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Malaviya, Shri Ganesh Lai
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syyed
 Mishra, Shri Rishi Kumar
 Mondal, Shri Ahmad Hossain
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari., Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh.
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Narul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda

Parashar, Shri Vinyakumar Ramlal
 Palil, Shri Deorao
 Patil, Shri Gulabrao
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Reddi, Shri Brahmananda
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Roshan Lai, Shri
 Roy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani

 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Iengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singli, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjan Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.

Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Totu, Shri Gian Chand
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayanidevi Manaklal
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 Wajid, Shri Sikander Ali
 Yadav, Shri Shyam Lai

NOES—Nil

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 : 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. CHAIRMAN : Ayes—161; Noes—Nil.

AYES—161

Abid, Shri Kasim AU
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shankar
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Amjad Ah", Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap
 Banerjee, Shri Jaharial
 BeTwa, Shri Jamnalal
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Boddey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati[^]. Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur

Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman. Shri Bir Chandra
 Dhahe, Shri S. W.
 Dikshit, Shri Umashankar
 Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Gadgil, Shri Vithal
 Goswami, Shri Sriman Prafulla
 Gujral, Shri Inder Kumar
 Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Sinb, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Knlaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Cband, Shri
 Kamble, Prof. N. M.
 Kapur, Shri Yashpal
 Kesri, Shri Sitaram
 Khan. Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Koliur, Shri M. L.
 Kova. Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lall urf Piare Lall Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatro, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh, Deo
 Mali, Shri Ganesh Lai
 Mehta. Shri Om
 Menon. Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syyed
 Mishra, Shri Risbi Kumar
 Mondal. Shri Ahmad Hossain

Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mull a, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri Vinaykumar Ramlal
 Patil. Shri Deorao
 Patil, Shri Gulabrao
 Poddar, Sbri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri Shri D. D.
 Rachaiaam, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rarthnabai Sreenivaso
 Rao, Shri V. C. Kesava
 Peddi, Sbri K. Brahmananda
 Ready, Shri Janardhana
 P. eddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Poshan Lai, Shri
 Roy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shab, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh: Shri D. P.
 Singh, Shri Inder
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singb, Shri Mahendra Bahadur

Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir.
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Totu, Shri Gian Chand
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayanidevi Manaklal
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 Wajid, Shri Sikander Ali
 Yadav, Shri Shyam Lai

NOES—Nil

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.

CHAIRMAN : The question is :

"That clause 3 stand part of the Bill". *The House divided.*

MR. CHAIRMAN : Ayes—161; Noes—Nil.

AYES—161

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Susbila Shankar
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avergankar, Shri R. D. Jagtap

Banerjee, Shri Jaharlal
 Berwa, Shri Jamnalal
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Bobdey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Cfaakrabarti, Dr. Rajat Kumar
 Chaidrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chatuivedi, Shrimati Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Dhabe, Shri S. W.
 Dikshit, Shri Umashankar
 Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Gadgil, Shri Vithal
 Goswami, Shri Sriman Prafula
 Gujral, Shri Inder Kumar
 Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Sinb, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Kalaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Cband, Shri
 Kamble, Prof. N. M.
 Kapur, Shri Yashpal
 Kesri, Shri Sitaram
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.

Kumbhare, Shri N. H.
 Kureel, Shri Piare Lall urf Piare Lull Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatro, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lai
 Mehta, Shri Om
 Menon, Shrimati Leela Dainodaia
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syed
 Mishra, Shri Risbi Kumar
 Mondal, Shri Alimad Hossabi
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Murtby, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Niiam-ud-Din, Shri Syed
 Nwul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri Vinaykumar Ramlal
 Patil, Shri Deorao
 Patii, Shri Gulabrao
 Poddar, Shri R. K.
 Fradban, Shrimati Saraswati
 Frasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Reddi, Shri K. Brahmananda
 Reo'dy, Shri Janardhana
 Reddy, Shri K. V. Raghunaiha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Roshan Lai, Shri
 Roy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati

Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Sbukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir.
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Totu, Shri Gian Chand
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayanidevi Manaklall
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 Wajid, Shri Sikander Ali
 Yadav, Shri Shyam Lai

NOES—Nil

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 3 was added to the Bill.

MR. CHAIRMAN : The question is ;

"That clause 4 stand part of the Bill." *The House divided.*

MR. CHAIRMAN : Ayes—161; Noes—Nil.

AYES—161

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Susbila Shankar
 Alva, Shrimati Margaret
 Amla, Shri Tirath. Ram
 Amjad Ali, Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avergankar, Shri R. D. Jagtap
 Banerjee, Shri Jaharlal
 Berwa, Shri Jamnala
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Bobdey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chandrasekhar, Shrimati' Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Dhabe, Shri S. W.
 Dikshit, Shri Umashankar
 Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Gadgil, Shri Vithal
 Goswami, Shri Sriman Prafulla
 Gujral, Shri Inder Kumar
 Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Kalaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Chand, Shri
 Kamble, Prof. N. M.
 Kapur, Shri Yashpal

Kesri, Shri Sitaram
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lal urf Piare Lal Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatro, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lai
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syed
 Mishra, Shri Risbi Kumar
 Mondal, Shri Ahmad Hossain
 Mukherjee, Shri Kalf
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mu'ia, Shri A. land Narain
 Munda, Shri Jhaiya Ram
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Paishar, Shri Vinaykumar Ramlal
 Palil, Shri Deorao
 Patil, Shri Gulabrao
 Peddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Piasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnaibai Sreenivasa

Rao, Shri V. C. Kesava
 Reddi, Shri K. Brahmananda
 Reddy, Shri Gaddam
 Reddy, Shri K. V. Raghunatha
 Ruddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Roshan Lai, Shri
 Rcy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Sinha, Shri Awadheshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan,
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Jrengbam Tompok
 Singh, S_hrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh. Shrimati Pratibha
 Singh, Shri Ranbir.
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinhu, Shri Awadheshwar Prasad
 Sisodia, Shri Sawais'ng
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwari, Pt Bhawaniprasad
 Totu, Shri Gian Chand
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma. Shrimati Narayanidevi Manaklal
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 Wajid, Shri Sikander All
 Yadav, Shri Shyam Lai

NOES—Nil

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 4 was added to the Bill."
 MR. CHAIRMAN : The question is : "That Clause 5 stand part of the Bill."

The House divided.

MR. CHAIRMAN : Ayes—161; Noes—Nil.

AYES—161

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shankar
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avergoankar, Shri R. D. Jagtap
 Banerjee, Shri Jaharlal
 Berwa, Shri Jamnalal
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Bobdey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Dhabe, Shri S. W.
 Dikshit, Shri Umashankar

Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Gadgil, Shri Vithal
 Goswami, Shri Sriman Prafulla
 Gujral, Shri Inder Kumar
 Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Kalaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Chandra, Shri
 Ramble, Prof. N. M.
 Kapur, Shri Yashpal
 Kesri, Shri Sitaram
 Khan, Shri Khurshed Alani
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lal urf Piare Lal Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatra, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lai
 Mehta, Shri Om
 Menon, Shrimati Lesla Damodara
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syed
 Mishra, Shri Rishi Kumar
 Mondal, Shri Ahmad Hossain
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Myrthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.

Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oheroi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri Vinaykumar Ramlal
 Putt!, Shri Deorao
 Pati!, Shri Gulabrao
 Foddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiiah, Shri B.
 Rana, Shri Sanat Kumar
 Raje, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabat Sreenivasa
 Rao, Shri V. C. Kesava
 Reddi, Shri K. Brahmananda
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Keshan Lai, Shri
 Roy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyarnkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu,
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri

Sultan, Shrimati Maimoona
Swu, Shri Scato
Talib, Shri Niranjan Singh
Tanvir, Shri Habib
Tilak, Shri J. S.
Tiware, Shri Shankarlal
Tiwarey, Pt. Bhawaniprasad
Totu, Shri Gian Chand
Tripathi, Shri Kamalapati
Trivedi, Shri H. M.
Varma, Shrimati Narayaiddevi Manaklall
Venigalla Satyanarayana, Shri
Vyas, Dr. M. R.
Wajid, Shri Sikander Ali
Yadav, Shri Shyam Lai

NOES—Nil

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 5 was added to the Bill.

MR. CHAIRMAN : The question is : "That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes—161: Noes—Nil.

AYES—161

Abid, Shri j Kasim Ali
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Alva, Shrimati Margaret
Amla, Shri' Tirath Ram
Amjad Ali, Shri Sardar
Anand, Shri Jagjit Singh
Anandam, Shri M.
Arif, Shri Mohammed Usman
Avergoankar, Shri R. D. Jagtap
Banerjee, Shri Jaharlal
Berwa, Shri Jamnalal
Bhagawati, Shri B. C.
Bhardwaj, Shri Jagan Nath
Bhatt, Shri N. K.
Bisi, Shri Pramatha Nath
Bobdey, Shri S. B.
Borooah, Shri D. K.
Base, Shrimati Pratima
Buragohain, Shri Nabin Chandra
Chakrabarti, Dr. Rajat Kumar
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D. P.

Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N. P.
Chaurasia, Shri Shiv Dayal Singh
Chettri, Shri Krishna Bahadur
Choudhury, Shri Nripati Ranjan
Chowdhary, Dr. Chandramanilal
Chowdhri, Shri A. S.
Chundawat, Shrimati Lakshmi Kumari
Das, Shri Balram
Das, Shri Bipinpal
Deb Burman, Shri Bir Chandra
Dhabe, Shri S. W.
Dikshit, Shri Umashankar
Dutt, Dr. V. P.
Dwivedi, Shri D. N.
Gadgil, Shri Vithal
Goswami, Shri Sriman Prafulla
Gujral, Shri Inder Kumar
Gupta, Shri Bhupesh
Hashmi, Shri Syed Ahmad
Himmat Sinfa, Shri
Imam, Shrimati Aziza
Jain, Shri Dharamchand
Jha, Shri Kamalnath
Joshi, Shri Jagdish
Joshi, Shrimati Kumudben Manishanker
Kalaniya, Shri Ibrahim
Kalyan Nath, Shri
Kalyan Cband, Shri
Kamble, Prof. N. M?
Kapur, Shri Yashpal
Kesri, Shri Sitaram
Khan, Shri Khurshed Alam
Khan, Shri Maqsood Ali
Khan, Prof. Rasheeduddin
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Kripalani, Shri Krishna
Krishna, Shri M. R.
Krishnaswamy, Shri K. A.
Kulkarni, Shri Arvind Ganesh
Kulkarni, Shrimati Sumitra G.
Kumbhare, Shri N. H.
Kureel, Shri Piare Lall urf Piare Lall Talib
Lalbuai, Shri
Lokesh Chandra, Dr.
Mahanti, Shri Bhairab Chandra
Mahanti, Shri B. K.
Mahapatro, Shri Lakshmana
Majhi, Shri Chaitanya Prasad
Makwana, Shri Yogendra
Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lai
Mehta, Shri Om
Menon, Shrimati Leela Damodara

Mirdha, Shri Ram Niwas
 Mir Qasim, Syeed
 Mishra, Shri Risbi Kumar
 Mondal, Shri Ahmad Hossain
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mu'lla, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Tai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri Vinaykumar Ramlal
 Pai, Shri Deorao
 Palil, Shri Gulabrao
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Furi, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Ralu, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Reddi, Shri K. Brahmananda
 Ready, Shri Janardhana
 Feddy, Shri K. V. Raghunathn
 Feddy, Shri Mulka Govinda
 Ready, Shri R. Narasimha
 Refaye, Shri A. K.
 Roshan Lai, Shri
 Roy, Shri Kalyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shab. Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Sbishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Jrengbam Tompok

Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir.
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadeshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Totu, Shri Gian Chand
 Tiipathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayanidevi Manaklal
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 VVajd, Shri Sikander Ali
 Yadav, Shri Shyam Lai

NOES—Nil

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, the Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE : Sir, I beg to move :

"That the Bill be passed."

MR. CHAIRMAN The question is :

"That the Bill be passed."

The House divided.

MR. CHAIRMAN : Ayes—161; Noes—Nil.

AYES—161

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Susbila Shankar
 Alva, Shrimati Margaret

Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anand, Shri Jagjit Singh
 Anandam, Shri M.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap
 Banerjee, Shri Jaharlal
 Berwa, Shri Jamnalal
 Bhagawati, Shri B. C.
 Bbardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Bobdey, Shri S. B.
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaudhari, Shri N. P.
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Balram
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Dhabe, Shri S. W.
 Dikshit, Shri Umashankar
 Dutt, Dr. V. P.
 Dwivedi, Shri D. N.
 Gadgil, Shri Vithal
 Goswami, Shri Sriman Prafulla
 Gujral, Shri Inder Kumar
 Gupta, Shri Bhupesh
 Hashmi, Shri Syed Ahmad
 Himmat Sinb, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shri Jagdish
 Joshi, Shrimati Kumudben Manishanker
 Kalaniya, Shri Ibrahim
 Kalp Nath, Shri
 Kalyan Chand, Shri
 Kamble, Prof. N. M.
 Kapur, Shri Yashpal
 Kesri, Shri Sitaram
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin

Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kripalani, Shri Krishna
 Krishna, Shri M. R.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri Arvind Ganesh
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare LaU urf Piare Lall Talib
 Lalbuaiia, Shri
 Lokesh Chandra, Dr.
 Mahanti, Shri Bhairab Chandra
 Mahanti, Shri B. K.
 Mahapatro, Shri Lakshmana
 Majhi, Shri Chaitanya Prasad
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lai
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mir Qasim, Syed
 Mishra, Shri Rishi Kumar
 Mondal, Shri Ahmad Hossain
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Puiabi
 Mulla, Shri Anand Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T.~A.
 Panda, Shri Brahmananda
 Parashar, Shri Vinaykumar Ramlal
 Pali, Shri Deorao
 Patil, Shri Gulabrao
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Pinnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Raiu, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sitenivavi
 Rao, Shri V. C. Kesava
 Reddi, Shri K. Brahmananda
 Ready, Shri Janardhana

Reddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. Narasimha
 Refaye, Shri A. K.
 Roshan Lai, Shri
 Roy, Shri Kaiyan
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Kishan Lai
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kanrcshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Parbhu
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir.
 Singh, Shri Sultan
 Singh, Shri Triloki
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 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh

Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
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 Totu, Shri Gian Chand
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 Varma, Shrimati Narayanidevi Manaklal
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M. R.
 Wajid, Shri Sikander Ali
 Yadav, Shri Shyam Lai

NOES—Nil

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 : Tomorrow another Constitution (Amendment) Bill is to be taken up. Now the House stands adjourned and reassembles tomorrow at 11 A.M.

The House then adjourned at fifty-eight minutes past twelve of the clock till eleven of the clock on Saturday, the 9th August, 1975.