

RAJYA SABHA

*Saturday, the 9th August, 1975/18 Sravana,
1897 (Saka)*

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

**Statement by Minister correcting the reply
given in the Rajya Sabha on the 25th July,
1974 to Unstarred Question 249**

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRY AND CIVIL
SUPPLIES (SHRI B. P. MAURYA) : Sir,
I beg to lay on the Table a statement (in
English and Hindi) correcting the reply
given in the Rajya Sabha on the 25th
July, 1974, to Unstarred Question 249,
regarding foreign collaboration in cigarette
companies. [Placed in the Library. See
No. LT-9941/75]

**Statement by Minister Regarding Integrated
Child Development Scheme**

THE MINISTER OF EDUCATION, SO-
CIAL WELFARE AND CULTURE (PROF.
S. NURAL HASAN) : Sir, I beg to lay on
the Table a statement (in English and Hindi)
regarding the Integrated Child Develop-
ment Scheme. [Placed in Library. See
No. LT-9942/75]

THE CONSTITUTION (FORTY-FIRST AMENDMENT) BILL, 1975

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI H. R.
GOKHALE) : Sir, I beg to move for leave
to introduce a Bill further to amend the
Constitution of India.

33RSS/75—1

*The question was put and the motion
was adopted.*

SHRI H. R. GOKHALE : Sir, I in-
troduce the Bill.

Mr. Chairman, Sir, I move:

"That the Bill further to amend the
Constitution of India be taken into con-
sideration."

Hon'ble Members are familiar with the
provisions of article 361 of the Constitution
which relates to the protection of President
and Governors from legal proceedings.
Clause (1) of the article provides that the
President or the Governor shall not be
answerable to any court for the exercise
and performance of the powers and duties
of his office. This, however, does not
restrict the right of any person to bring
appropriate proceedings against the Govern-
ment of India or the Government of a State.

Under clause (2) of the said article, no
criminal proceeding whatsoever shall be in-
stituted or continued against the President
or the Governor in any court during his
term of office and under clause (3), no
process for the arrest or imprisonment of
the President or the Governor can be issued
during his term of office. Clause (4) re-
fers to the civil proceedings in which relief
is claimed against the President or the Go-
vernor and it is provided that no proceed-
ings can be instituted until the expiration
of two months next after notice in writing
has been delivered to the President or the
Governor, as the case may be. Under the
existing scheme of article 361, therefore,
the President or the Governor is not
answerable in respect of exercise or perfor-
mance of the powers and duties of his
office and is also immune from criminal
proceedings during the term of his office.
There is, however, no immunity in respect
of civil proceedings and the only condition

□ [Shri H. R. Gokhale]

for instituting civil proceedings against the President or the Governor is that two months' notice in writing is delivered to him before instituting such suit. It will be further seen that at present the protection under article 361 is confined to the President and the Governor.

Now it may appear illogical, that although no criminal proceedings whatsoever can be instituted against the President or Governor in respect of any act done either before or during the term of his office, the moment the President or the Governor demits his office they can be instituted in respect of such act. It is, therefore, provided in the Bill that no criminal proceedings whatsoever shall be instituted or continued against the President or the Governor in any court in respect of any act done either before he entered upon the office as President or the Governor, as the case may be, or during his term of office and accordingly no process for the arrest or imprisonment of the President or the Governor shall issue from any court in respect of such acts. It may be made clear that the immunity is not in respect of any act done or committed by him after he demits his office.

Existing clause (4) of article 361 only requires that before any civil proceedings in which relief is claimed against the President or the Governor is instituted, a notice, similar to the notice under section 80 of the Civil Procedure Code, be delivered to the President or the Governor, as the case may be. The hon'ble Members will appreciate that in the case of persons holding high position as the President or the Governor, if civil proceedings are allowed to be instituted against them, and it may happen that in many cases frivolous suits are instituted, they would hamper the efficient discharge of his duties, apart from the fact that they would cause unnecessary and unwarranted harassment. It appears, therefore, most reasonable that while a person holds such high office as President or Governor, no proceedings should be allowed to be instituted against him. The idea is not that good and rightful claims of

persons may be defeated but that during the term of his office the head of the Union or the State should not be involved in litigation.

It is, therefore, proposed to make a provision that while no civil proceedings shall be instituted against the President or the Governor during the term of his office, it would be open to third parties to institute or continue the proceedings after he demits his office and the time during which he is disabled from instituting civil proceedings would be excluded for the purpose of law of limitation.

Under our democratic and Republic form of Government, Prime Minister of the country holds a most pivotal position and, therefore, the hon. Members will appreciate that it is most reasonable as also advisable to extend the protection given by the Constitution to the President or the Governor to the Prime Minister also. Opportunity is, therefore, taken to amend the provisions of article 361 so as to extend the protection conferred by it to the Prime Minister as well.

I would now recommend to the House to take the Bill into consideration.

The question was proposed.

SHRI N. H. KUMBHARE (Maharashtra) : Sir, I welcome this Forty-first Amendment to the Constitution. In fact, there was a grave omission in not extending this protection to the office of the Prime Minister which was available to the Governor. This has resulted in a sort of anomaly which is sought to be removed by this amendment.

If a comparison is drawn, the office of the Governor is much below in status to that of the Prime Minister. While a Governor was immune in respect of civil and criminal proceedings, the same protection was not extended to the office of the Prime Minister. It is true that the incumbent to the office of the Prime Minister is the leader of a particular political party and continues to belong to that party. But the moment he or she occupies that high position, she becomes the

leader of the people. The Prime Minister has the responsibility of securing the welfare and well-being of the people as a whole, irrespective of the party affiliations of the people. Therefore, this high position of the Prime Minister deserves all our respect and it is the bounden duty of each and every citizen to hold the incumbent in respect and honour. But, unfortunately, this sense of understanding was not witnessed in the recent past and such an attitude of denigrating the office of the Prime Minister has to be restrained. Therefore, I welcome this amendment.

At the same time, there is another important matter which relates to upholding the dignity, prestige and honour of the August Houses of our Parliament. It is true that it depends upon the conduct and behaviour of all the Members. But a Member is a politician and howsoever popular he may be, there are so many opponents to him as well.

Instances are not wanting when fictitious criminal and civil proceedings are instituted against Members of Parliament. He may be acquitted or discharged, but during the pendency of the proceedings, his image is sought to be tarnished and the poor M.P. has to suffer a great mental agony. The opponents, during the pendency of the proceedings, fully exploit the situation to lower his position in the eyes of the people. It is, therefore, necessary that Members of Parliament should be protected from such fictitious proceedings. I do not want to suggest that the Members should be totally immune in respect of any acts or omissions on their part which may constitute an offence or civil wrong. But before any proceedings are initiated against him, it should be scrutinised by some forum. In case of Government servants, they cannot be prosecuted without the previous sanction obtained from the Government. Likewise, there should be some such forum which should give permission before an M.P. is subjected to civil or criminal proceedings.

I was extremely happy to note that the Law Minister gave assurance that our Constitution called for a fresh look. There is a view that holds the Constitution as

something sacrosanct. When the Parliament made Constitutional amendment in relation to right to property to make it clear that there is nothing like fundamental right in respect of property, the criticism was levelled that the Constitution was defaced and defiled. Let us not be influenced by this propaganda. When the amendments to the Constitution were made, some of the Members—of course they are very few—were found to be dejected. They feel guilty. They suffer on account of some guilty conscience.

To me, it appears that we are thinking of re-framing the Constitution almost after a period of 25 years. We are now considering it when almost one generation has passed, and we are supported in our view by the great American statesman who is often quoted. He said: "We may consider each generation as a distinct nation, with a right, by the will of the majority to combine themselves, but none to combine the succeeding generation, more than the inhabitants of another country." Therefore, there is nothing wrong if we go in for amendment of the Constitution. We can try it on a clean slate. If it comes to that, we can also re-write the Constitution. But we have got some more tasks ahead. Sir, I will take the opportunity to make a reference to our secularism. Unfortunately, I find that though we have adopted the policy of secularism, certain things have happened which run contrary to that. I will take the example of Buddhists converted from Scheduled Castes. The strength of the Buddhists in this country is 40 lakhs, out of which 32 lakhs are in Maharashtra. Though they have embraced Buddhism, their economic condition has not improved. They still suffer from social disability and poverty and this has been recognised by the Government in principle. The hon'ble Law Minister must be knowing very well, these Buddhists are now given the benefit of Government of India's post matric scholarships, but they are not given other benefits. Now, in a secular State, though religion is a personal matter, simply because they have chosen a particular religion, should they be deprived of these benefits?

[Shri N. H. Kumbhare]

You will agree with me that this goes against the principle of secularism.

These are some of the challenges we have to meet. Then there is the challenge of economic well-being of the masses. Of course, we have got the 21-point economic programme. We want to assure the landless labourers a minimum wage. But is it practicable to give them a minimum wage unless you make an alternative arrangement to provide them employment? No, it is not possible. Therefore, I say there are some tasks ahead which we have to face. I will recollect at the proper time certain observations which were made by Dr. Ambedkar during his last speech in the Constituent Assembly. He said :

"We must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others."

" . . . On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th of January, 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the struc-

ture of political democracy which this Assembly has so laboriously built up."

With these words, Sir, I support the Bill.

SHRI R. NARASIMHA REDDY (Andhra Pradesh): Mr. Chairman, Sir, before supporting this Bill, I would like to make a few general observations. We are passing through a period of emergency and even the legislation has taken the nature of an emergency which is very necessary in certain periods of a nation's history. We will have to make quick strides. There are people in this country whose mind is conditioned and even fossilised to that extent who say that the Constitution is sacred and should not be touched. Sir, I do not agree with that point of view. Constitution is man made and Constitution can be changed once again by man under new conditions and new compulsions. I feel, as an Advocate and a politician myself, that the great drafters of our Constitution, influenced, by the period in which they sat and drafted the Constitution, naturally gave predominance to the idea of freedom because we were slaves under the British. It looks that they have guarded this concept of freedom in diverse ways today we see that freedom which has been enshrined in the Constitution, has been misused and abused to such an extent that freedom has degenerated into licence and democracy has degenerated into mobocracy. When the situations differ and when the situations demand that the Constitution has got to be changed, it must be changed. Therefore, I am fully in support of all the constitutional measures that have been introduced and also passed and this measure which has been introduced now for consideration. I am also in agreement with the Minister of Law when the Minister of Law when he said in the other House that this Constitution may need still more changes. This has got to be looked into. He said that in regard to this Constitution which had been drafted 25 years ago, we will have to take into consideration the conditions that exist today, look clause by clause and see whether it serves our national purposes, our

social purposes and our economic purposes. Whatever obstructs our aims and programmes in furtherance of this purpose must go mercilessly and whatever helps this will have to come into the Constitution. This attitude I hole-heartedly welcome. Further, Sir, I am one of those who have been thinking that this country, in this particular situation, needs two things, namely, a Government which is strong and a Government which is stable. These two factors are essential in the present situation. From that point of view I am one of those who feel that a Presidential type of system might perhaps be a better instrument to translate the sovereign people's ambitions and aspirations in this country. This is a big problem which has to be thought over. Parliament must think it over as to whether this is necessary and if it is necessary it has to be done. Sir, changes are necessary. It is said: Old order changes yielding place to new; and God fulfils himself in many ways lest a good custom should corrupt the world. When God Himself changes, Parliament should also change. No system is absolute. No Constitution is absolute. No virtue can be absolute in life. All things are relative. The Constitution is relative. The system of Government is relative. The parliamentary democratic system is also relative to the particular needs of the situation. Therefore, where the Constitution needs changes, we have got to change it, and that does not mean that the change that we make should be permanent. Tomorrow another situation may arise, when we have to change it. That is the law of life. If we go against the law of life, as the reactionaries are doing in this country under the pretext that the Constitution is sacred, as if the Constitution has been given by God Himself directly to this country. This attitude is reactionary, anti-progressive and anti-people.

Sir, having said this, coming to the Bill, I welcome it. In the original article the President and the Governor have been included. Now, the Prime Minister is included. Actually in our system of Government, Prime Ministership is a position

of immense power, as important as Governorship or Presidentship and, therefore, Prime Ministership has also to be protected under article 361. That is why it has been clearly stated instead of 361: "The President or the Governor". It now says: "The President or the Prime Minister or the Governor". The Prime Minister is included. There is one thing which I would like the hon. Minister to consider. As an advocate I was just looking into this:—

"(2) No criminal proceedings whatsoever, against or concerning a person who is or has been the President or the Prime Minister or the Governor of a State, shall lie in any court, or shall be instituted or continued in any court, in respect of any act done by him, whether before he entered upon his office or during his term of office as President or Prime Minister or Governor of a State, as the case may be, and no process whatsoever including process for arrest or imprisonment shall issue from any court against such person in respect of any such act."

Now, this is the, proposed clause. This is in place of clauses (2), (3) of the Constitution. Clause (2) of article 361 says—

"No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office."

Clause (3) says—

"No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office."

I have a doubt here which the hon. Minister may kindly consider. When 'during the term of office' is removed, if a Governor has done something which comes under a criminal law and if he ceases to be a Governor, then after he ceases to be so, can he be prosecuted or can he not be prosecuted according to this amendment? My understanding is that he cannot be

[Shri R. Narsimha Reddy]

prosecuted. If this is the understanding, I would request the hon. Minister to consider whether this contravenes article 14 of the Constitution which is equality under law. I am not sure of this. But this doubt came to me when I studied the Constitution. I am placing this point before the House and I request the hon. Minister to give due consideration to this. I naturally support this Bill but this aspect has got to be considered. And as I said, changes have got to be made, but as an advocate I would request responsible people who are entrusted with the task of looking into the Constitution to go into this thoroughly because this Constitution has been framed by the elders of our country after thorough thinking and discussion. Changes are necessary, changes must be made, but when changes are made, serious consideration and careful application of mind are also necessary. I would request the hon. Minister to consider this aspect also and enlighten me in this respect.

SHRI V. B. RAJU (Andhra Pradesh): Mr. Chairman, Sir, this is a very simple amendment, very innocuous but very important. The principle of giving protection and immunity to the high dignitaries of the State was accepted by the framers of our Constitution and they rightly provided for the President and the Governors, who are the head of the Union and heads of the States respectively. Sir, we are in a democracy which is a plant of slow growth, and parliamentary democracy particularly is one of the most difficult systems to work. And it is not a ready made model that Great Britain has manufactured and given to the rest of the world to be imported by them and then supplanted. Even a good idea or a very useful system, when it gets supplanted or transplanted in a soil different from where it has originally taken birth, undergoes certain changes. It was said for that matter that even Marxism, when it went to China, got 'Sinified'. It is not the same European concept that is now present in the Asian soil. So, Sir, if anybody takes it that all the philosophy or programme relating to the functioning of a

democratic polity is contained in the Constitution that was written in 1950 or that was given to us in 1950, I do not think that he is making a correct assessment.

A quarter of a century has passed and we have had our experience, and suited to our genius, to our requirements we have been trying to make changes. And till now what we have changed appeared to us immediate and necessary and not completely based on the experience that we have had. It is a very pertinent statement that the hon'ble Minister of Law made the other day on the floor of this House and also the other House that our Constitution needs a second look.

Sir, it is not merely our reacting to any particular, *ad hoc* happening or an event. In fact, events merely provoked us, compelled us to think. Now this nation has begun to think very seriously and purposefully. Our collective wisdom will really present the posterity with a mode of life that will be appreciated by the rest of the world.

Sir, in our democratic system that we have given to ourselves it is a multi-party system. It is actually a representative form of government, and in the scheme of things the office of the Prime Minister occupies a very key position. The President or, for that matter, the Governor is not actually endowed with executive powers or political stature as the Prime Minister does enjoy. In fact, in this federal polity, in my humble estimate, it is the personality of the Prime Minister and it is the image of the Prime Minister that is a unifying force. Now, what is required for our country is mostly the strengthening of the bonds of unity in this country. In fact, the four pillars that were erected or for which the foundation was laid by Gandhi and Nehru, out of these four, national unity was the most important in my opinion for the reason that this nation or this country has all the elements of diversity. And, as you know, Sir, the centrifugal and centripetal forces sometimes work simultaneously. But if the centrifugal forces are powerful then the country actually does not knit into a unit. Sometimes it happens that the

centrifugal forces become very powerful and they have to be countered. Democracy is not merely a concept. It is not merely a utopian ideal. Really it is a way of life, a form of life and, therefore, realities of life must be taken note of. So I would like to repeat that the personality, the image and the leadership qualities of the Prime Minister are very much contributory to the unity of this country. Therefore, we shall not allow anything to be done to denigrate that image. Of late, in the past few years—I would divide the period like this, pre-67 and post-67—till 1967 in this country anti-Congressism was the motive force of the Opposition in this country. On the philosophy of anti-Congressism the Opposition parties in this country made an endeavour, a futile endeavour, to destroy it.

Sir, the Congress is like an elephant and they wanted to destroy it from below. I should say, history records it, partially they have been able to succeed. In 1967 in ten States they could create this confusion. But during the period 1967-71 the nation retrieved and restored stability to this country, and much of the credit goes to the personality of the Prime Minister. Sir, 1967-71 was the period of darkness. In fact, I remember to have read in the articles of many eminent academicians and political scientists that democracy should be given ago by in this country, and that democracy is most unsuited in this country.

In fact, I would remind my friends, Prof. Rasheeduddin Khan and Prof. V. P. Dutt, what exactly was written between 1967 and 1971. So, that was actually frustration that demonstrated itself at that time, that the country was going to pieces, that democracy was unsuited and that this country needed a strong personality. That was the urge that was coming up. Sir, after 1971, when the Opposition parties found that the Congress could not be destroyed from below and anti-Congressism was not paying dividends, they wanted to destroy it from the top, from the apex of the pyramid. From anti-Congressism to anti-Indira Gandhi, that was the transformation that took place from 1971. Sir, these tactics did not pay in this country. In fact, I would make this charge

against the Opposition that it is mainly responsible for the failure of a viable and responsible Opposition to grow in this country for the parliamentary democratic system to work properly. They never went to the people with an alternative economic plan, an alternative economic programme. They were only attacking personalities, denigrating the image of the leadership and only trying to blackmail. All these most unhealthy tactics had really ruined democracy and ruined the Opposition, in fact, I should say.

Now, coming to the point, Sir, as you are also aware—you were, once Chief Minister of a State—after 1956, in this country the States, which are the constituent units of this federation, began to find their identity, what I would call the sub-cultural or sub-national identity, after the formation of linguistic States. Now, this is sought to be exploited by certain political parties by way of planting ideas of separation in the guise of more autonomy. Sir, I repeat we need a strong political party in this country and we have got it. It is only a political party which can help unite the aspirations and urges of the people. All this tall talk of "partyless democracy" and "total revolution" is really misleading. In fact, I was once asked to define what is a political party. I tried to give my own definition. In fact, "political party" is an institution given as a boon to humanity as a product of Industrial Revolution in the 19th Century and "political party" is an organisation of the common people, mostly weak people, for satisfying their political urges against the aggression of the strong. A strongman does not need a political party. You know very well that many of the independents in this country who fight elections are rich men and strong men. Now, what has been the transformation? The transformation in this country has been from the policeman to the politician, from a police State to a welfare State, from a strong individual to a political party. This is the evolution. If the political party were not there. Sir, we would not have been here and I do not think you would have been in the Chair also. This is what

(Shri V. B. Raju)

I said when the Nizam of Hyderabad was brought down. In 1950 when the Nizam of Hyderabad was the Rajpramukh, he did not swear in B. Ramakrishna Rao, Vinayak Rao and Phoolchand Gandhi as popular Ministers. He did not get up to swear them in. He did not shake hands with them. He did not realise that democracy had dawned. He was thinking that he was still the Nizam of Hyderabad, that he was a strongman and that his word held sway. Somehow or other, we managed the show of swearing-in ceremony. But immediately we wrote to Mr. Gopalaswamy Ayyangar, who was the Minister in charge of States: "This strongman has not actually realised that he has been thrown in the dust-bin. Will you please tell him to behave?" Mr. Gopalaswamy Ayyangar then wrote a letter to him. Then the Nizam gave us a lunch and talked to us in good terms. Anyhow, this "partyless democracy" and all these ideas put the clock back.

SHRI D. K. BOROOAH (Assam): Democracyless party.

SHRI V. B. RAJU: Therefore, I repeat the Prime Minister is actually the pivot of the whole structure now. Actually nothing wrong has been done now. Even those friends who are not present here, if they were there here, would have been convinced by our arguments that what we are doing is right and they would have supported us also. I have no doubt about it. I have taken much time. Every new situation...

SHRI KALI MUKHERJEE (West Bengal): You seem to be very optimistic.

SHRI V. B. RAJU: I am a democrat. As the Prime Minister put it, the vehicle has just gone out of the rails, and it has to be brought back with a new direction. Anyhow it is the mutual responsibility of the majority party and the opposition minority to recognise each other. What is going wrong in this democracy? I think you might have noticed by sitting in the Chair that the opposition being in a very insignificant minority wanted to behave like a majority. That is the whole trouble.

The opposition wanted to behave as opposition and also as the ruling party. Both functions they wanted to perform. The majority party did not like it. The opposition did not estimate that the Congress has got tremendous resilience and it has got 90 years' history and it is going to have its centenary celebrations within the next ten years, and it can rise to the occasion. They very wrongly under-estimated the capacity of the Congress and its leadership. Anyhow, I think they must have now realised what exactly democracy means and what is the role of a ruling party and what is the role of the leader of the ruling party. It is not a question of small sentiments. Through sentiments you cannot manage the show of a big country, you cannot manage the affairs of the State. Ours is a big country. One thing. Our forefathers or the framers of the Constitution tried to provide very honestly and sincerely and purposefully checks and balances in the Constitution. They provided for the judiciary, the Public Service Commissions and some other instruments as checks and balances. But when there is a brake, you should apply it. If the vehicle is going very fast and facing a dangerous situation and when the brake becomes jammed up, how will you apply the brake? You have got to loosen the screws, open it out and remove the brake and actually allow the machine to move. In fact the judiciary wanted to play the role of the executive. One minute. You can ring the bell when I take more time...

DR. V. P. DUTT (Nominated): Today Shri Bhupesh Gupta is not here.

SHRI V. B. RAJU: I do not want to take the place of Shri Bhupesh Gupta.

I would like to bring to the notice of the House that in 1968 when I was the Minister of Civil Supplies and Revenue, I refused to allow rice to be exported outside by the rice millers. They went to the court under the writ jurisdiction under article 226. I will request the Law Minister to examine this article also. A time will come for its examination also. When it

went to the High Court, the Judge gave two export permits. One day I met the Chief Justice at a dinner. I told him: "Your brother Judge has given permits. It is an executive function. How can the judiciary assume executive functions? I do not mind. The legislature is sitting tomorrow and I will make an announcement there that if the judiciary wants to assume executive functions, let them collect tax and take their salaries. Why should I collect taxes and pay their salaries?" It is not their function. And, Sir, let the judiciary in this country realise where the demarcation line is between the judicial functions and executive functions.

Sir, it is not enough for one to be just intelligent; one should be wise also. Sir, there are many people in this country who are intelligent and who are intelligent enough to argue, to bring out the niceties of law and to actually go by the precedents. We too have got precedents. What are these precedents, after all? I think the first thing that the judiciary should get rid of is its mania for precedents. A precedent is a particular action taken at a particular point of time and it was relevant only at that time. Now, the situation has changed. Is the judiciary merely a collection of benches or chairs? Are they not human beings? Don't they take the changed circumstances into account and form their views accordingly? Therefore, I say that the judiciary in this country should not work as a brake. Let it not work as a brake, as a permanent brake. We are determined about it, Sir.

Secondly, Sir, the question is as to who is to rule the country.

AN HON. MEMBER : Parliament.

SHRI V. B. RAJU : I think we have decided it once already. Probably, our judiciary needs to be told about it time and again. I think we would be failing in our duty if we do not make them realise this. It is the people's institution, the representative institution, the Parliament, which has the last word and this must be made known

to them. Anyhow, Sir, this may not be very much relevant to this amendment. But one thing I would say : As I said a few minutes ago, the Prime Minister, along with the President and the Governors, should also be immune from or should not be subjected to proceedings in a court of law for taking any action during the term of his office. Of course, in respect of civil matters, necessary provision is there and civil law will actually have its own course.

Sir, I wholeheartedly support this amendment. I would also remind the Law Minister of what he has said and I would request him to see that we have what he has said. He has said that a second look at our Constitution is necessary. Therefore, instead of going in for amendments one after the other, let us see the Constitution wholly and in an integrated way. Thank you, Sir.

श्री महावीर प्रसाद शर्मा (उत्तर प्रदेश) : अध्यक्ष महोदय, हम विशेषकर का समर्थन करने समय मुझे इस देश में भी और विरोधी पार्टियों के वरतन सामने आते हैं जो प्रायः यह कहा करने हैं कि संविधान तो हमारा कोई ऐसा सौकर-मेन्ट है कि जिसे बार-बार आप बदल नहीं सकते। मुझे इस बात का हर्ष है कि गणतन्त्र के 25 वें वर्ष में विशेषकर समद के इस इमरजेंसी मंत्र में इस संविधान में कई महत्वपूर्ण मशौशन हुए हैं जिनके बारे में यह कहा जा सकता है ठीक तौर पर कि 'देर आयद इरुस्त ग्रामद'।

मान्यवर, यदि हम इस देश में मद्रास में जो कपड़ा पहनते हैं बागों महीने अगर वही हम लहाख और काश्मीर में पहनें तो हमें शायद जीवित रहना कठिन हो जाएगा। बचपन में जो कपड़े हमारे पिताजी ने हमें 5 वर्ष की उम्र में निला दिये हों और 25 वर्ष की उम्र हो जाने के बाद भी हम वही पहनते रहे तो यह संभव नहीं होगा। शायद फट भी जायेंगे। इसी तरह से रूमियों और जाहों में भी अन्तर रहता है। यह बात जिस तरह से व्यक्तियों पर लागू होती है उसी प्रकार समाज और देश के लिये भी लागू होती है। यह जगत 18वीं, उन्नीसवीं और बीसवीं शताब्दी के पूर्वार्द्ध में जितनी जल्दी से बदल रहा था उससे

[श्री महावीर प्रसाद शुक्ल]

कई सी गुना तेजी से अब बदल रहा है। जो बातें आज से 20 वर्ष पहले, 25 वर्ष पहले सामाजिक भावनाये, राजनीतिक मान्यताये और आर्थिक मान्यताये जो भी रही हो उस समय की परिस्थिति के अनुसार, आज किसी भी देश में किसी भी प्रणाली में वह नहीं रह सकती है और आने वाले वर्षों में भी नहीं रह सकती। यह प्रगतिशील मानव यदि यह कहे कि हजारों वर्षों पहले हमारे पूर्वजों ने जिस प्रकार से खाना खाया था, जिस प्रकार से कपड़े बनाये थे, जिस प्रकार से वेशभूषा बनाई थी, उसी प्रकार से हम आज भी रहेंगे या आने वाले वर्षों में जब हम चन्द्रलोक में जानें लगेगे तब भी उसी प्रकार से रहेंगे तो यह बात नहीं हो सकती। इसलिये मनुष्य को डिफाइन्ड किया गया है कि वह एक विवेकशील प्राणी अर्थात् रेशनल एनिमल है इसीलिये मनुष्य को स्टीगमैण्ट नहीं होना चाहिये बल्कि उन्नतिशील, प्रगतिशील होना चाहिये, काल के अनुकूल और समय के अनुकूल उसे बढ़ने और बदलने जाना चाहिये। यह कहें कि हवाई जहाज निकल आया तब भी बेल गाड़ी पर चलेगे तो बात ठीक नहीं जान पड़ती।

इसी प्रकार संविधान में जिनने भी हमारे नियम अधिनियम है वे सब परिस्थिति के अनुसार इस समाज को आगे ले जाने के लिए है, उसके कल्याण के लिये है न कि उसके मार्ग में बाधा डालने के लिये। यह संशोधन विधेयक जो आज आया है मैं समझता हूं पता नहीं हमारे संविधान निर्माताओं को उस समय यह बात ध्यान में क्यों नहीं आई। आर्टिकल 361 में जहां दो महान पद,—युनियन के अध्यक्ष या राज्यों के अध्यक्ष सुरक्षित रखे हैं, मैं समझ नहीं पाया वहां हमसे कहीं अधिक महत्व का पद जो प्रधान मंत्री का पद है क्यों छोड़ दिया गया है? उसके व्यक्तित्व में देश को सारी शक्ति जिसे आमूल शक्ति कहते हैं, निहित होती है। वह देश की तरफ से, राष्ट्र की तरफ से बोलता है, कदम उठाता है, राष्ट्र की तरफ से देश को दिशा दिखाता है। वह राष्ट्र को आगे ले चलता है। ऐसा जिसका व्यक्तित्व होता है वही राष्ट्र को सुरक्षित रखता

है, राष्ट्र की एकता को दृढ़ रखता है। ऐसे व्यक्ति छोटी-छोटी उच्छृंखलता उत्पन्न करने वाले व्यक्तियों की वजह से छोटी-छोटी परेशानियों में, उलझनों में पड़े तो न केवल इस पद का महत्व बल्कि इस देश का महत्व भी गिरता है। इसी दृष्टिकोण से आज यह विधेयक आया है और मैं इसका स्वागत करता हूं।

माननीय अध्यक्ष जी, हमारे विधि मंत्री जी ने इसी सत्र में कई बार संविधान संशोधन विधेयकों पर बक्तव्य दिये हैं। उन्होंने अपने बक्तव्य में कहा है कि संविधान की पुनः समीक्षा आवश्यक है। मैं समझता हूं इस सदन में जिनने हमने संशोधन विधेयक पारित किये हैं वे इस बात के प्रमाण हैं कि निश्चय ही इस संविधान की समीक्षा आवश्यक है और इस समीक्षा के लिये विलम्ब करने की भी जरूरत नहीं है। मेरा एक सुझाव है कि हमने यह अनुभव किया है कि तेजी में कुछ संशोधन जो हमने किये हैं मेरी विनम्र सम्मति में उनमें कुछ खामियां टुटियां रह गई हैं। कहीं-कहीं तो जल्दी में हमने उन पर अच्छी तरह से विचार भी नहीं किया और यशिका स्थान यशिका ही रख दिया है। जैसा आप जानते हैं कि कोई विधेयक हमारे सामने आता है तो उसके लिये हम जोइन्ट सेलेक्ट कमेटी भी बनाते हैं। मेरा यह सुझाव है कि इस संविधान में सुधार लाने के लिए जोइन्ट सेलेक्ट कमेटी भी बनाते हैं पहले दोनों सदनों के सदस्यों की एक छोटी सी कमेटी बना दी जाये जिसमें ऐसे व्यक्तियों को रखा जाये जिनका संविधान में मसबूत हो और जिन्हें सामाजिक जीवन का भी अनुभव हो और वह कमेटी संविधान पर थोड़े से निर्धारित समय के अन्तर्गत विचार करके दो सुझाव दे। एक सुझाव तो यह है कि वह बताये कि ऐसे कौन-कौन से आर्टिकल हैं जिनमें तात्कालिक संशोधन की आवश्यकता है और दूसरा यह कि जो संशोधन पद्धति है जिससे यह सदन संविधान में संशोधन करती है उससे अच्छी और व्यापक पद्धति अगर सुझा सके तो अच्छा है। साथ ही यह भी निवेदन करना चाहता हूं कि यदि कहीं उनकी दृष्टि में संविधान में, आज की वर्तमान परिस्थिति को देखते हुये, आर्थिक नीतियों की दृष्टि में रखने हुये,

राजनीतिक लक्ष्य को दृष्टि में रखते हुये और सामाजिक जीवन को सुखमय बनाने की दृष्टि से सुधार करने की आवश्यकता हो तो वह यह भी बात सुझाये कि क्या इसको संविधान निर्मात्री सभा को देने की आवश्यकता है।

हम देखते हैं कि विधि यह है कि जो हम संशोधन विधेयक पर करते हैं, कानून बताते हैं वह हमारे ला विभाग के एक्स्पर्ट, जिस विभाग का वह बिल हो, वह विभाग और तीसरे विन विभाग मिलकर बनाते हैं। उनमें हम लोगों का, समुद्र सदस्यों का कोई योग नहीं होता है और अगर कोई योग भी होता है तो वह सेलेक्ट कमेटियों के रूप में ही होता है। लेकिन मन्त्रालय में इस प्रकार की कोई सेलेक्ट कमेटी नहीं होती है। इसके अलावा हमारे ऊपर व्हिप का भी प्रभाव होता है। हम व्हिप के अधीन होते हैं, सरकार के अधीन और उसकी इच्छा के अधीन होते हैं। लेकिन मैं चाहता हूँ कि कोई ऐसी कमेटी बनाई जाये जो किसी व्हिप के अधीन न हो और वह कमेटी सरकार को अपने सुझाव दे। मैं यह भी चाहता हूँ कि हमारे विधि मंत्री इस सुझाव पर विचार करें और एक्स्पर्ट लोगों की ऐसी कमेटी बनाये जो सरकार को सवैधानिक संशोधनों के बारे में अपने सुझाव दे। मैं यह भी निवेदन करना चाहता हूँ कि सरकार ने अभी तक संविधान में जो भी संशोधन किये हैं वे सब आवश्यक थे और मैं उनका हृदय से समर्थन करता हूँ। मैं समझता हूँ कि ये सारे संशोधन समयानुक्ल थे, लेकिन फिर भी उनकी समीक्षा की जरूरत है। यह बात मैं अपनी विनम्र सम्मति से एक सार्वजनिक कार्यकर्ता होने के नाते और थोड़ा बहुत कानून का जो मुझे ज्ञान है, उसके अनुसार कह रहा हूँ। मैं यह मानता हूँ कि संविधान में जो भी संशोधन किये गये हैं वे नितान्त आवश्यक हैं। लेकिन मैं आग्रहपूर्वक निवेदन करना चाहता हूँ कि विधि मंत्री महोदय इस बात पर गम्भीरतापूर्वक विचार करने की कृपा करें कि हमारे देश के संविधान में किस प्रकार से और कौन-कौन से संशोधन किये जाये। जो सुझाव मैंने दिया है उसको भी वे सरकार के मामले और मन्त्रिमंडल के मामले रखने की कृपा करें।

मैं समझता हूँ कि अब समय आ गया है जब कि हमें सम्पूर्ण संविधान में संशोधन करने की बात पर गम्भीरता पूर्वक विचार करना चाहिए। अभी स्थिति यह है कि जब हम थोड़ा-थोड़ा करके संविधान में संशोधन करते हैं तो हमारी नीयत पर हमला होता है और यह समझा जाता है कि हम किसी वस्तुस्थिति को मामने रख कर या किसी व्यक्ति विशेष को मामने रखकर कार्य करते हैं। इसलिए आज आवश्यकता इस बात की है कि हम इस बात पर गम्भीरतापूर्वक विचार करें कि हमारे देश के सामाजिक, राजनैतिक और आर्थिक लक्ष्यों के अनुकूल हमारा संविधान चल पा रहा है या नहीं। हमारा आकार जिस प्रकार से बढ़ता जा रहा है उसको दृष्टि में रखते हुए हमें इस बात पर विचार करना होगा कि हमने जो संविधान रूपी वस्त्र पहन रखा है, वह हमारे शरीर के अनुकूल है या नहीं। कहीं उससे हमें बीड़ा तो नहीं लगने लग गया है? इसके कारण हमारे देश के हितों और समाज के हितों को तो कोई हानि नहीं हो रही है? हमारे देश के राजनैतिक जीवन में जिस प्रकार की उच्छृंखलता पैदा हो गई है उसके कारण साम्यिक स्थिति उभर कर सामने नहीं आ पा रही है लेकिन मैं समझता हूँ कि अब ऐसी परिस्थितियाँ आ रही हैं जिनको ध्यान में रखते हुए हमें संविधान पर सम्पूर्ण रूप से संशोधन करने पर विचार करना होगा। इन शब्दों के साथ मैं इस विधेयक का हृदय से समर्थन करता हूँ।

श्री सुलतान सिंह (हरियाणा) सभापति जी, संविधान में जो संशोधन विधेयक मंत्री जी लाये हैं, मैं इसका स्वागत करता हूँ। हमारे कांस्टिट्यूशन के फ्रेमर्स ने एक आदर्श को सामने रखकर कांस्टिट्यूशन को बनाया था। वह चाहते थे कि हिन्दुस्तान का प्रत्येक व्यक्ति इस कांस्टिट्यूशन की छाया में पैदा हो और अपने विकास के रास्ते पर चल सके। वह अपनी आत्मा की आवाज को जनता के सामने प्रकट कर सके। अपने क्यालात को पूरा दिल खोलकर सामने रख सके और उसका इतना विकास हो कि उसको फिर कोई दर्बा न सके। यह भावना लेकर के हमारे वृर्गों ने हमारे इस कांस्टिट्यूशन को बनाया था। उनके सामने यह नक्शा नहीं था कि हिन्दुस्तान

[श्री सुलतान सिंह]

में कभी ऐसे लोग भी विरोधी दलों में आ सकते हैं जो कास्टिट्यूशन की आड़ लेकर इस प्रकार के कर्म इस देश में करने के लिये तैयार हो सकते हैं जो देश के और आम जनता के हितों के खिलाफ हो। अब तक हमारे संविधान में जो अमेन्डमेंट्स लाये गये हैं वे एकपैरिमेंट के आधारे पर लाये गये हैं। जैसे जैसे हमारे सामने एक्स्पेरिमेंट्स आते हैं वैसे वैसे हम उसमें संशोधन करते चले जा रहे हैं। सम्भाषित महोदय, मैं कल भी कह रहा था और आज भी कह रहा हूँ कि हमारे देश में कोई विरोधी दल नहीं बढ़ पाया है।

12 Noon और हमारे कास्टिट्यूशन में जो सबसे बड़ी कमी रही, जिसके तहत हमने रेप्रेजेंटेशन आफ दी पीपुल ऐक्ट बनाया उसमें जो सबसे बड़ी एक कमी रही वह यह रही कि हमने रीजनल पार्टियों को भी पोलिटिकल पार्टी की मान्यता दे दी, हमने रीजनल पार्टियों को भी राष्ट्रीय पार्टी बना लिया। उसका एक नुकसान हमको यह रहा, हमारी डेमोक्रेसी को, कि रीजनल पार्टी सेन्ट्रल पार्टी नहीं हो सकी, वह अपना राष्ट्रीय स्वरूप बना नहीं सकी और जब उनका राष्ट्रीय स्वरूप बन नहीं सका, जब वे आर्गनाइज कर नहीं सके सारे राष्ट्र में एक पार्टी के रूप में, तो फ्रस्ट्रेट होकर पार्टी-लेस डेमोक्रेसी का नारा देना शुरू किया। अगर हम एक ऐक्ट पास कर देते, एक कानून बना देते कि पोलिटिकल पार्टी की तारीफ वह होगी, राष्ट्रीय दल की तारीफ वह होगी जो कन्याकुमारी में काश्मीर तक काम करे, राष्ट्रीय पार्टी वह होगी जो मसूचे भारत के हर प्रदेश में एक तन्जीम पर खड़ी हो, तब शायद हम को उतनी दिक्कत नहीं आती जो दिक्कत आज हमको पेश हो रही है। वह यह हो रही है कि हमने रीजनल पार्टियों को, पोलिटिकल पार्टियों को मान्यता दे दी और रीजनल पार्टियों ने कम्युनल आधार के ऊपर पार्टियाँ खड़ी करना शुरू कर दी—जहाँ मुसलिम मैजोरिटी थी वहाँ मुसलिम लीग पोलिटिकल पार्टी बनी, जहाँ सिख मैजोरिटी थी वहाँ अकाली पोलिटिकल पार्टी बनी, जहाँ जाट मैजोरिटी थी वहाँ चरण सिंह की बी० के० डी० पोलिटिकल पार्टी बनी, यानी जैसी जैसी जिसकी जगह जहाँ मैजोरिटी हुई वैसे पोलिटिकल पार्टी बनी। नमिल एक ऐसी जवान है हिन्दुस्तान की जिसको

हम बहुत ऊँची जवान मानते हैं, वड़ी खूबसूरत लिटरेचर वाली जवान है लेकिन वहाँ भी तमिलनाडु के अदर डी० एम० के० द्राविड मुनेत्र कडघम के नाम से पार्टी का गठन हुआ। यह जो हमने रीजनल पार्टियों को मान्यता दी इसका हमको सबसे बड़ा नुकसान यह रहा कि एक खूबसूरत विरोधी दल हमारे मुकाबले में आ नहीं पाया और जब वह आ नहीं पाया, तो 3 तरीके हो सकते हैं। सबसे बढ़िया तरीका तो हमारे कास्टिट्यूशन फ्रेम में यह रखा था कि पांच साल में चुनाव हों और उसमें जो पार्टी जीत जाए वह ट्रेजरी बेंच पर बैठ जाए, जो पार्टी हार जाए वह बाच करे 5 साल तक हमारे काम को और हमारी कमियाँ जो जनता के सामने रखे और जनता को 5 साल तक विन ओवर करने की कोशिश करे। लेकिन ऐसा हमारे देश में नहीं हुआ, चुनाव लड़े उन लोगों ने पर चुनाव में आ नहीं सके। फिर एक नया तरीका निकाला। उन्हीं लोगों ने नया तरीका क्या निकाला कि गांवों में गरीब आदमी को वोट मत डालने दो। पोलिंग स्टेशनो के ऊपर लाठियाँ लेकर खड़े हो गए जिससे गरीब आदमी वोटिंग न कर सके। लेकिन गरीब आदमी ने हिम्मत बांधी, लाठी-डंडे का मुकाबला किया और पोलिंग बूथ तक पहुँच गए और फिर इन्दिरा गांधी को कामयाब किया। तो लाठी डंडा भी जब विरोधी दल का कामयाब नहीं हुआ तो विरोधी दल ने दूसरा हथियार निकाला, और दूसरा हथियार कौन सा?—कि अदालतों में स्ट्रिक्चर दिलाओ। अगर एक अफसर का ट्रामफर कर दो तो हाईकोर्ट के अदर रिट, कि प्राइम मिनिस्टर ने माला फाइंडे इन्टेशन से ऐसा किया है; और एक मंत्री कहीं मड़क निकाले तो हाईकोर्ट के अदर रिट कि मिनिस्टर ने माला फाइंडे इन्टेशन से ऐसा किया है। तो विरोधियों ने कोशिश की कि जुडीशियरी से स्ट्रिक्चर दिलाओ ताकि ये लोग कुमिया छोड़े।

हमारे कास्टिट्यूशनल फ्रेम में जो कभी वह इल्म नहीं था कि इस देश में इनका घटिया विरोधी दल आयेगा कि वह पार्टी तक नहीं बना सकेगा और पार्टी-लेस डेमोक्रेसी की बात करेगा। उनको यह कमी ख्याल नहीं था कि जुडिशियरी इतनी चीप आ जायेगी कि जो विदेशी एजेंटों के साथ मिलकर काम करेगी। मैं इलाहाबाद के जज की बात करता हूँ कि एक पढा-लिखा इमान जिसमें थोड़ासा भी कामतमैन्स होगा—

में तो लैमैन हूँ, अंग्रेजी भी नहीं पढ़ा हूँ, लेकिन मामूली से मामूली इमान जो खेत में डगर चलाता है, हल चलाता है, उसमें कोई जाकर पूछे कि हिन्दुस्तान में यशपाल कपूर की पर्सनलिटी बड़ी है या इन्दिरा गांधी की बड़ी है ? सारा भारत इन्दिरा गांधी का नाम लेगा। इन्दिरा गांधी, जिसके दादा ने उत्तर प्रदेश में काम किया, जिस की दादी ने उत्तर प्रदेश में काम किया, जिसके पिता ने उत्तर प्रदेश को नर्स किया, जिस की माता ने उत्तर प्रदेश को नर्स किया, जिस के पति देव ने राय-बरेली को नर्स किया, उस कांस्टीट्यूण्सी के अन्दर इन्दिरा गांधी यशपाल कपूर की मदद से जीतती हैं, यह कोई क्या कामनामें की बात है ? क्या कांस्टीट्यूशनल फ़ेर्मस को यह पता था कि ऐसे घटिया और कमीने जज भी इस देश में हो सकते हैं ? कांस्टीट्यूशन फ़ेर्मस को यह इल्म नहीं था। वे समझते थे कि जज बड़े ऊंचे दर्जे के जज होंगे। वे समझते थे कि विरोधी दल बड़ा ट्रैल्डी क्रिटिसिज्म करेगा। कांस्टीट्यूशनल फ़ेर्मस समझते थे कि हम देश में एक एक व्यक्ति की बुद्धि का विकास कर देंगे नाकि हर आदमी स्वतंत्रता के साथ अपनी आवाज उठा सके।

नभापति जी, मुझे बड़े दुःख के साथ कहना पड़ रहा है और मैं आप से प्रार्थना करता हूँ और आपकी मार्फ़त श्री गोखले साहब से प्रार्थना करना हूँ कि अगर देश में डेमोक्रेसी का ईमानदारी के साथ आप चाहते हैं कि वह जिन्दा रहे, तो आप रीजनल पार्टियों पर बैन लगा दें। रीजनल पार्टियों का राष्ट्रीय रूप होना चाहिये ताकि कोई विरोधी पार्टी हमारे मुकाबले में आ सके। इंग्लैंड में डेमोक्रेसी के अन्दर जब लेबर पार्टी जाती है तो कंज़रवेटिव पार्टी आ जाती है और जब कंज़रवेटिव पार्टी जाती है तो लेबर पार्टी आ जाती है। लेकिन हमारी डेमोक्रेसी तो खतरे में है। आज अगर हम चले जायें, कांग्रेस पार्टी चली जाये, इन्दिरा गांधी चली जायें, तो इस देश का नक्शा वह बने जो ईस्ट इंडिया कम्पनी के जमाने में था। किसी प्रान्त में किसी पार्टी का राज हो जायेगा, किसी प्रान्त में किसी पार्टी का राज हो जायेगा और यहां पर, इन टूँजरी बैचेंज पर 25 पार्टियां मिलकर बैठेंगी और लाबी में जूता बजेगा। तो मैं यह कहना हूँ कि यह जो रीजनल पार्टियां हैं, उनको बैन कर दीजिये। राष्ट्रीय पार्टी केवल वही हो, कन्या कुमारी से लेकर काश्मीर तक जिस की तनजोम रहे।

किसी जज को इस तरह का जज नहीं बनाना चाहिये और मैं तो कहता हूँ कि ऐसे जजों को सजा दी जानी चाहिये कि जिस की अब इतनी काम नहीं करती है कि इन्दिरा गांधी जी बड़ी है या यशपाल कपूर बड़ा है ? मैं तो समझता हूँ कि जो जज है वह सी० आई० ए० का एजेंट हो सकता है या फिर पागल हो सकता है। उसकी जगह या तो अमेरिका में हो सकती है या फिर आगरे के पागल खाने में हो सकती है।

श्री रणबीर सिंह (हरियाणा) : बरेली में भी पागलखाना है।

श्री सुलतान सिंह : बरेली में पागलखाना है तो वहां भी ठीक जगह है। नभापति जी, मैं एक माध्याह्न आदमी हूँ, एक लैमैन हूँ और आपकी मार्फ़त फिर यह निवेदन करना चाहता हूँ कि यह जो माननीय मंत्री जी विधेयक लाये हैं, उसका मैं पूरा समर्थन करता हूँ और पूरी ताईद करता हूँ। मैं आप से आशा करता हूँ कि इस देश में लोकतंत्र को बचाने के लिये रीजनल पार्टियों पर बैन लगा दिया जाना चाहिये और राष्ट्रीय पार्टियों को मान्यता दें ताकि इस देश का नक्शा बन सके। इतनी ही प्रार्थना मुझे करनी है।

श्री नगेश्वर प्रसाद शाही (उत्तर प्रदेश)
श्रीमान, संविधान की धारा 361 में राष्ट्रपति और राज्यपाल के लिये जो व्यवस्था है वह 1950 में जिस तरह की स्थिति देश में थी उसके अनुसार की गयी थी। उस समय सम्मान के पदों की सुरक्षा की आवश्यकता थी, इसीलिये राष्ट्रपति और राज्यपाल के पदों की सुरक्षा के लिये धारा 361 में यह व्यवस्था की गयी। आज काम के पदों के लिये सुरक्षा की आवश्यकता है। राष्ट्रपति और राज्यपाल का पद सम्मान का पद है और प्रधान मंत्री का पद काम का पद है। आज की परिस्थिति में काम और जिम्मेदारी के पद के लिये सुरक्षा की विशेष आवश्यकता है।

श्रीमान, संविधान का संशोधन किसी कौम की जिन्दादिली की निशानी होती है। जो कौम जिन्दा होती है और जो प्रगति के पथ पर होती है उसके लिये आवश्यक होता है कि बदली हुई राजनीतिक सामाजिक और आर्थिक परिस्थितियों के अनुसार

[श्री नागेश्वर प्रसाद शाही]

अपने संविधान का संशोधन करती रहे। श्रीमन्, जो पानी बहता रहता है, जिसमें खानी होती है, जो धारा होती है वह शुद्ध होती है और जो पानी स्टेशनन्ट होता है, स्थिर रहता है वह अशुद्ध हो जाता है, उसमें शुद्धता नहीं रहती। जिस समय 1950 में यह संविधान बना उस समय गांधी जी की हत्या होने के कारण राष्ट्रीय स्वयं सेवक संघ मर चुका था, समाप्त हो चुका था और किसी को इस बान की कल्पना नहीं थी कि यह जहर की गांठ 25 साल के अन्दर फिर उभर आयेगी। उस समय देश के बंटवारे के कारण—और एक तरह से इस देश की हत्या के कारण—साम्प्रदायिकता मर चुकी थी, इस देश में मुस्लिम लीग का कोई नाम-लेवा नहीं था, लेकिन आज देश में साम्प्रदायिक शक्तियाँ बहुत बलवान होकर उभर आयी हैं और वे देश की अखंडता के लिये और देश की सार्व-भौमिकता के लिये बहुत बड़ा खतरा बन कर सामने आ गयी हैं।

श्रीमन्, देश की आजादी के साथ-साथ देश के रजवाड़े भी समाप्त हो चुके थे, उनसे कोई खतरा नजर नहीं आता था। आज वे रजवाड़े राजा के रूप में नहीं बल्कि थैलीशाहों के रूप में, करोड़-पति के रूप में, उनको जो प्रिवी पर्स का रुपया मिला उसको इस्तेमाल करके और उनके पास जो असीमित हीरे और जवाहरात हैं उनको इस्तेमाल करके समाज के लिये खतरा उत्पन्न कर रहे हैं। उस समय के पूँजीवादों का भी दूसरा स्वरूप था। गांधी जी ने कहा था कि अपने धन को वे ट्रस्टी के रूप में इस्तेमाल करें और उनसे यह आशा की थी कि देश के पूँजीपति अपने धन का उपयोग समाज की सेवा में करेंगे। मगर आज वे क्या कर रहे हैं? आज देश के पूँजीपति, मिलमालिक अपने धन का इस्तेमाल समाज के शोषण के लिये कर रहे हैं। बिड़ला, टाटा आदि कितने ही लोग हैं, जिनकी हैसियत 50 करोड़ की थी, अब 200 करोड़ की हो गयी है। जिनकी हैसियत 100 करोड़ की थी 1000 करोड़ की हो गयी है। इस 25 साल में ऐसा हुआ। तो सारी परिस्थितियाँ ही बदल गयी। सारे देश का स्वरूप ही बदल गया है और उस समय हमारी आबादी देश के

बंटवारे के बाद 35 करोड़ रह गयी थी, आज हम 65 करोड़ हो गये हैं। तो आज की परिस्थिति में आवश्यक हो गया है कि हम आज की परिस्थिति के अनुसार अपना संविधान बनायें और इस परिस्थिति में यह और भी आवश्यक हो गया है कि हम संविधान में सारे मूलभूत परिवर्तन करें। श्रीमन्, आज भारत की प्रधान मंत्री केवल प्रधान मंत्री ही नहीं हैं परन्तु वह भारतीयता, भारतीय एकता, भारतीय उत्थान और भारतीय प्रगति की प्रतीक बन चुकी हैं। ऐसी हालत में यदि किसी क्रिमिनल कोर्ट में कोई मुकदमा उन पर चले, कोई आदमी उन को किसी क्रिमिनल केस में डूँग करे तो राष्ट्र का सम्मान समाप्त हो जायेगा। यह संशोधन बहुत पहले आना चाहिए था और जिस किसी ने इस संशोधन का सुझाव दिया उस ने बहुत ही हितकर काम किया है। श्रीमन्, मैं विधि मंत्री जी से आप के द्वारा यह भी निवेदन करूँगा कि आज देश के पूँजीपति और करोड़पति अपनी थैली के बल पर इस संसद को भी अपवित्र करने की कोशिश करते हैं। किमे नहीं मालूम कि देश के बहुत से करोड़पति, बिड़ला आदि बोट खरीद कर इस संसद में आते हैं और अपने रुपये के बल पर इस संसद में बैठते हैं। मैं श्रीमन्, विधि मंत्री जी से यह भी निवेदन करूँगा कि वह संविधान में इस तरह का संशोधन अवश्य लाये जिस के द्वारा जो थैलीशाह हैं, जिन के पास 5 या 10 लाख की जो भी सीमा निर्धारित कर दी जाये, उससे अधिक की संपत्ति हो उन का राइट ऑफ फ्रेंचाइज छिन जाना चाहिए। इस गरीब देश में उन लोगों को राइट ऑफ फ्रेंचाइज नहीं होना चाहिए जो करोड़पति हो और अपने रुपये के बल पर समाज को दूषित कर रहे हों। मैं विधि मंत्री जी के विचारों से अवगत हूँ। उनकी पुरानी भावनाओं से भी अवगत हूँ और नयी भावनाओं से भी अवगत हूँ। मुझे पूरा विश्वास है कि वह संविधान में इस प्रकार का संशोधन अवश्य लायेंगे ताकि पैसे के बल पर, धन के बल पर इस संसद की मर्यादा और गरिमा पर आंच न लायी जा सके।

श्रीमन्, आखिरी बात कह कर मैं समाप्त करूँगा कि इस तरह का संशोधन इस लिये और भी आवश्यक है कि आज की कांग्रेस 1950 की

कांग्रेस नहीं है। आज की कांग्रेस ने प्रजातांत्रिक समाजवाद को अपना ध्येय बना रखा है जो कि 1950 में नहीं था। आज की कांग्रेस वह काम कर रही है जो 1950 की कांग्रेस ने सोचे भी नहीं थे। बैंको का राष्ट्रीयकरण, 1948 में हम लोगों ने कांग्रेस छोड़ी महज इसलिए कि हम लोगों की मांग थी कि बैंको का राष्ट्रीयकरण करो। हम लोगों की मांग थी कि प्रिवी पसंज को अबालिश करो, हम लोगों की मांग थी कि आयात निर्यात व्यापार का राष्ट्रीयकरण करो। आज की कांग्रेस ने ये नारी मार्ग मान ली है और सबको कर दिखाया है। आयात निर्यात व्यापार का राष्ट्रीयकरण हो गया, बैंको का राष्ट्रीयकरण हो गया और प्रिवी पसं समाप्त हो गया। इसलिए समाजवादी जो 1948 में कांग्रेस छोड़े थे और जिन मूल्यों पर छोड़े थे वे मारी मांगे कांग्रेस ने मान ली है और आज की कांग्रेस मही माने में समाजवादी कांग्रेस है, 1950 की कांग्रेस नहीं है। 1975 में यह आवश्यक संशोधन लाये हैं जिसमें प्रधानमंत्री जी के लिए जो काम का पद है उसके लिए सुरक्षा प्रदान की जाए। धन्यवाद।

श्री ग्यामलाल दादव (उत्तर प्रदेश) माननीय सभापति जी, इस विधेयक का महर्ष स्वागत करते हुए मैं केवल दो बातें निवेदन करना चाहता था।

जहां तक विधेयक का सम्बन्ध है, उसमें मेरी समझ में दो ही बातों में संशोधन उपस्थित हुआ है। एक तो अब तक राष्ट्रपति अथवा राज्यपाल के प्रति कार्यवाही करने के लिये जिस प्रकार की व्यवस्था थी, उसमें थोड़ा सा परिवर्तन किया गया कि वे केवल अपना पद धारण करने के दौरान ही सुरक्षित नहीं रहेंगे, उसके उपरान्त भी उनको संरक्षण प्राप्त रहेगा। दूसरा जो किया गया, पहले दो महीने का नोटिस देना आवश्यक था, उसको हटा दिया गया है। मैं समझता हूं कि बहुत उचित हुआ। एक ही परिवर्तन इसमें नया जोड़ा जा रहा है कि प्रधानमंत्री को भी उम श्रेणी में रखा जा रहा है। जैसे माननीय और साधियों ने कहा, इसमें कोई दो राय नहीं है कि जो प्रधानमंत्री हमारे सवि-

धान में धुरी है, जिसके चतुर्दिक हमारे जनतंत्र का चक्का चलना है, अगर प्रधानमंत्री सुरक्षित नहीं रहते हैं, अगर प्रधानमंत्री का पद इस प्रकार के आक्रमणों के लिये खुला रहता है, तो मैं समझता हूं कि प्रधानमंत्री अपने दायित्व का निर्वाह सफलतापूर्वक नहीं कर सकता। इसमें किसी व्यक्ति विशेष का कोई मवाल मुझे दिखाई नहीं देता, बल्कि यह मिद्धान्त का मवाल है।

मान्यवर, जब हमारा संविधान बना, 1950 में, उसमें भी आपको स्मरण होगा कि उस संविधान सभा में कांग्रेस पार्टी शरीक थी और उसमें देश के बुद्धिजीवियों को, विद्वानों को, विधि विशेषज्ञों को, समाज सेवियों को शरीक किया था और अधिकांश विरोधी दलों ने उस संविधान सभा का बहिष्कार कर रखा था। उसमें भी जो संविधान बना था उसी संविधान का वही विरोधी दल जिन्होंने उसका बहिष्कार किया था बाद में उन्होंने उसका समर्थन किया और आज वे उसे एक पवित्र ग्रन्थ की तरह मानते हैं। आज भी वही स्थिति पिछले कुछ दिनों से मान्यवर, चल रही है। इधर जब दो तीन विधेयक पेश हुए संविधान में संशोधन करने के लिये तो उसका भी विरोधी दल बहिष्कार कर रहे हैं। कुछ विरोधी दल जो इसके समर्थक हैं वह मदन में उपस्थित हैं। मैं समझता हूं कि 1950 के पश्चात् जो भी संविधान में संशोधन हो रहे हैं उसमें बहुत से दलों और लोगों का सहयोग प्राप्त है। इसलिये जो परिवर्तन अब प्रस्तुत हैं, प्रधानमंत्री को उसमें शरीक करने के लिए, मैं समझता हूं कि अगर किसी के दिल में यह शंका उठती है तो वह निर्मूल है, निराधार है। उस पद के अधिकारों का उपयोग करने का यह समुचित प्रयास किया गया है क्योंकि संविधान देश के लिए कोई पवित्र ग्रन्थ मैं नहीं समझता, बल्कि इसके विकास और समृद्धि के लिए इसकी विविध प्रकार की सेवा करने का एक माधन मात्र है और जब आवश्यकता समझी जाए उनमें निर्बाध रूप से परिवर्तन होना चाहिये। अब मैं भी इस बात से सहमत हूं कि समय आ गया है जैसा कि कानून मंत्री श्री गोखले जी ने स्वयं कल कहा और आज भी कहा कि

[श्री श्यामसुन्दर यादव]

सरकार स्वयं यह महसूस करती है, वह भी महसूस करते हैं और सदन के अधिकांश सदस्य भी महसूस करते हैं कि आज संविधान पर पूर्ण रूप से पुनर्विचार करने की आवश्यकता आ गई है विशेष करके सम्पत्ति के जो अधिकार इसमें निहित हैं, जो विशेष स्थान संघर्ष के अधिकार को दिया गया है उस पर नई चेतना की आवश्यकता है। पुरानी मान्यताये बदल चुकी है, पुराने विचार हमारे परिवर्तित हो चुके हैं। इसलिए अगर हम उसमें परिवर्तन करे तो कोई अनुचित नहीं होगा और मैं समझता हूँ कि जो विधि की व्यवस्था होगी यह तो हमारे कानून मंत्री जी बतावायेंगे लेकिन सामान्य तौर से यह बात समझ में आती है कि जब संविधान का यह संसद परिवर्तन कर सकती है तो चाहे अलग-अलग बैठकर करे या संयुक्त बैठक में बैठकर करे, पूरे संविधान को विवेचना करे, उस पर विचार-विमर्श करे और जो नये दृष्टिकोण हमारे सामने आये हैं, जो नई समस्याएँ उत्पन्न हुई हैं उनका निराकरण करने के लिए इस संविधान का आधोपान्त पठन-पाठन होना चाहिए और उसमें संशोधन होना चाहिये जिसमें हमारा जो दृष्टिकोण है, लक्ष्य है उस को हम प्राप्त कर सकें। आज विरोधी दल के कई नेताओं को सत्ता की भूख ने उनकी शक्ति को कुंठित कर दिया है। एक तरफ वे संविधान की दुहाई देते हैं और दूसरी तरफ उस संविधान की भावनाओं को तोड़ने के लिये, उस पर आक्रमण करने के लिये उसी संविधान को नष्ट करने का बराबर प्रयास कर रहे हैं। मैं समझता हूँ इस बीच हमने जो जन-प्रतिनिधित्व अधिनियम में संशोधन किये उनको जन-भावनाओं का समर्थन प्राप्त है, वे उनके अनुरूप हैं और जो हमारी आवश्यकताएँ हैं उनकी भी उनसे पूर्ति की गई है।

इन शब्दों के साथ एक बात और निवेदन करके मैं अपनी बात समाप्त करूँगा। मान्यवर, हाई कोर्ट और सुप्रीम कोर्ट के जजेज की बात आई है। मैं समझता हूँ कोई व्यक्ति जिन परिस्थितियों में उत्पन्न होता है, जिन परिस्थितियों में पलता है, पड़ता है, बढ़ता है, जीवित रहता

है उससे उसकी भावनाओं को अलग नहीं किया जा सकता। यही कारण है कि आज हाई कोर्ट और सुप्रीम कोर्ट में समाज के सम्पन्न वर्गों के व्यक्ति अधिकांशतः प्रतिष्ठित हैं। वे समाज की गरीब जनता, समाज की उत्पीड़ित जनता, समाज की भूखी जनता का प्रतिनिधित्व नहीं करते हैं। उनमें इन भावनाओं का नितान्त अभाव है। वे ऐसे वातावरण में पले हैं जिससे उनमें गरीबों की बात को समझने की क्षमता नहीं है। मैं कानून मंत्री जी से आग्रह करूँगा कि कृपा करके जजेज के अन्दर आप ऐसे लोगों को रखें जिसकी भावनाये गरीबों के साथ हों, जो उनका प्रतिनिधित्व करें और गरीबों को ध्यान में रखें। इस बारे में दो उदाहरण मान्यवर, मैं देना चाहता हूँ। हमारे प्रदेश में जमींदारी उन्मूलन विधेयक पास हुआ था। माननीय कमलापति जी त्रिपाठी उसके अग्रणी थे। उन्हें स्मरण होगा कि इस विधेयक में जो हमने उनको अधिकार दिया था उस अधिकार से वंचित करने के लिये इलाहाबाद हाई कोर्ट ने एक बार नहीं अनेकों बार फैसले दिये और बार-बार सरकार ने अध्यादेश के जरिये और कानून में परिवर्तन करके जमीन जताने वालों को अधिकार दिये। इसी प्रकार मैं जो किरायेदारों के लिये कानून बनने है, उनके खिलाफ जो मकान मालिकों के विचार वाले मुमिफ होते हैं वे हमेशा मकान-मालिकों के पक्ष में फैसला करते हैं। सरकार के कानून के रहते हुये भी बार-बार हाई कोर्ट्स ऐसे फैसले देती हैं जिनसे किरायेदारों को तकलीफ होती है और सरकार को कानून बदलना पड़ता है। ठीक वही स्थिति आज जनता के दूसरे अधिकारों के बारे में है। सरकार इस तरह के प्रगतिशील विधेयक पास कराती है सदन से भी और दूसरी विधान सभाओं से भी कि जिससे जनता का हित हो लेकिन हाई कोर्ट और सुप्रीम कोर्ट उसे रद्द कर देते हैं क्योंकि उनकी विचारधारा आम-जनता की विचारधारा से मेल नहीं खाती। आप जानते हैं कि हाई कोर्ट और सुप्रीम कोर्ट में बड़े-बड़े घरानों के जो लोग हैं और ऐसे वरिष्ठ वकील हैं जो हजारों रुपया रोज कमाते हैं उनके परिवारों के लोग जजेज होते हैं। हमारे उत्तर प्रदेश में कोई हरिजन आज तक जज नहीं बना।

कोई सरकारी वकील सुप्रीम कोर्ट का जज नहीं बन सका तो कैसे हम अपेक्षा कर कि वे देश की गरीब जनता के साथ न्याय कर सकेंगे ? उनकी न्याय की कल्पना और समाज की कल्पना एक तरफ है और अपना और परिवार का आदर्श दूसरी तरफ है। उनमें सम्पन्न लोगों, श्रीमंजरी लोगों का आदर्श जो मत्स्याचारों का आदर्श होता है वह भरा हुआ है।

मेरा आपसे निवेदन है कि यही नहीं सविधान बदला जाये, बल्कि मौलिक तरीके से हाई कोर्ट और सुप्रीम कोर्ट में ऐसे वर्ग के लोगों को ऐसे व्यक्तियों को रखा जाये जो जनता की कठिनाइयों का, उनकी भावनाओं को समझते हों। साथ ही मैं यह भी कहना चाहता हूँ कि अमेरिका जैसे देश में जिसकी बहुत से लोग दुहाई देते हैं कि बड़ा जनताधिक देश है वहाँ पर भी हाई कोर्ट और सुप्रीम कोर्ट के जज ऐसे लोग नियुक्त किये जाते हैं जो सत्तारूढ़ दल की विचारधारा के होते हैं, उसकी नीतियों के होते हैं। इसी कारण वहाँ पर सत्तारूढ़ दल की नीतियों को कार्यान्वित किया जा सकता है। मेरा निवेदन है कि हमारे देश में भी इस परम्परा की शुरुआत की जाये। मैं समझता हूँ यह अच्छा अवसर है जिस समय इस प्रकार की परम्पराएँ डाली जा सकती हैं। इन कोर्ट्स में ऐसे लोग नियुक्त किये जाएंगे तो आप देखेंगे कि अच्छी प्रकार से हमारी नीतियों को कार्यान्वित किया जा सकेगा और वे सही रूप से फैसला कर सकेंगे। वे ऐसा फैसला कर सकेंगे जो हमारी भावनाओं के अनुरूप होगा। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI H. R. GOKHALE : Mr. Chairman, Sir, all the Members have fully supported this Bill. There were many observations of a general nature and many of them were important, but I do not think that it is necessary for me, at this stage, to go beyond the scope of the Bill and deal with all of them. There is a general consensus in respect of each one of those things which were stated during the course of the speeches made by the hon. Members. One refrain throughout was, why not have a

second look, an overall look, at the Constitution. About this I have said it over and over again and I do not think it needs any repetition and I should say the same thing again in this House. So far as this Bill is concerned, it is a brief Bill and a very simple Bill. In fact, it has only one clause, if we do not take into account clause 1, which is short title. Now, article 361 as it has stood is known to everybody. It is given as an annexure to the Bill and I shall analyse very briefly what are the changes sought to be made and what is the purpose for which the changes are sought to be made. Now, Sir, as you can see under article 361 (1) as it is, only the President, or the Governor or Rajpramukh of a State was made not answerable to any court for the exercise and performance of the powers and duties of his office, etc. Now, it is somewhat anomalous that the high and pivotal office of Prime Minister was not included in this clause. Therefore, the only change which has been made in clause (1) is the office of Prime Minister has been added to the other three high offices which have already been mentioned. Apart from this, there is no change. The two provisos were relevant only for the purpose of the President. One of them is relevant for the purpose of the President and the other proviso in respect of there being no bar to suits against the Government of the Union or a State still remains after the amendment. The material changes are in the other parts of the existing article 361, namely, clauses (2) and (3). I would request hon. Members to read them together because they have now been combined in one clause. Clauses (2) and (3) which were in the original article were, as hon. Members must have noticed, of a restrictive nature. The criminal proceedings or processes which were debarred were only during the term of office of the President or Governor or Rajpramukh as the case may be. It is open to anybody to revive the matter after the office was demitted and the high dignitaries the again exposed in most cases to harassment even after the demission of their office. I think it is absolutely desirable that it should be changed and that is what

[Shri H.R. Gokhale.]

is sought to be done by new clause (2) which is added in the Bill. The other major change which widens the scope of clauses (2) and (3) is that the original article refers to 'no criminal proceedings whatsoever'. The processes which were referred to were only for arrest and imprisonment. As everyone knows, the processes of criminal courts are not only in respect of arrest or imprisonment. They can be in the form of summons or in any other form. Therefore, the clause in the proposed Bill is not confined only to arrest and imprisonment. Specifically we want to include any kind of process whatsoever.

The third major change which is being made is that the persons holding these offices will be immune from prosecution even after they demit their office. This has been taken care of by the expression 'who is or who has been' the President or Prime Minister or Governor of a State. So, one who has been the Prime Minister in the past or one who has been the President before is also protected by new clause (2) from criminal prosecution or processes issued by a court. The other major change, and which is the only major change, is with regard to civil proceedings. We had in the Government of India Act also almost a similar provision in section 305. That was very restrictive and that was slightly changed when article 361 was introduced. Even in article 361 civil proceedings were not totally barred during the tenure of their office.

All that the present article 361 required was a notice of two months, more or less similar to the notice under Section 80 of the Civil Procedure Code. But after giving this notice, civil proceedings of any nature could be instituted against the three or four persons holding high office during the term of their office. Now, the change which is made is that such civil proceedings cannot be instituted during the term of their office. This is done only during the term of the office for the reason that there might be a genuine personal claim against, say, the President or the Vice-President in respect of something

which has nothing to do with his office. For that matter, there might be a partition suit between family members; for that matter, there might be divorce proceedings; for that matter, there might be anything which is something so personal that an ordinary citizen should not be deprived of his remedy altogether. Therefore, that remedy is not taken away altogether, and the fact that it is not taken away is clearly implicit from the proviso to the new clause (3), which is added, which takes care of a situation where a person is disabled from instituting proceedings during the tenure of office of these persons. He might as well run out the period of limitation, and after the office is vacated, the courts will say, your claim is barred because of period of limitation. It is to take care of such an eventuality where the genuine right of a citizen in respect of any person in regard to civil claims—may be for debts or other purposes—cannot be acted upon. And after the tenure of office, he should not be told, well, it was open to you to do this. But you cannot do it now because the law of limitation comes in the way. So, the proviso here clearly by necessary implication keeps the right of civil proceedings open after the term of office expires.

This is the limited purpose and scope of the present Bill. Everyone agreed here in the course of his speech—and even those who have not spoken, I am sure, do agree—that this is something which ought to have been done long ago. But it is better late than never.

I would therefore strongly commend that this Bill be taken into consideration.

MR. CHAIRMAN: The question is:

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

The House divided.

MR. CHAIRMAN: Ayes—154; Noes—Nil.

AYES—154

Abid, Shri Kasim Ali.
Abu Abraham, Shri.
Adivarekar, Shrimati Sushila Shankar.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret.
Amla, Shri Tirath Ram.
Amjad Ali Shri Sardar.
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.
Borooh, 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 Barman, 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.
Hashmi, Shri Syed Ahmad.
Himmat Sinh, 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 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 Lal.
Mehta, Shri Om.
Menon, Shrimati Leela Damodara.
Mirdha, Shri Ram Niwas.
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.
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, Shri R. K.
Pradhan, Shrimati Saraswati.
Prasad, Shri Bhola.
Prasad, Shri K. L. N.
Punnaiah, Shri Kota.
Puri, Shri D. D.
Rachaiiah, Shri B.
Raha, Shri Sanat Kumar.
Rajnarain, Shri.
Raju, Shri V. B.
Ranganathan, Shri S.
Rao, Shrimati Rathnabai Sreenivasa.
Rao, Shri V. C. Kesava.
Ray, Shri Rabi.
Reddi, Shri K. Brahmananda.
Reddy, Shri Gaddam Narayana.
Reddy, Shri Janardhana.
Reddy, Shri K. V. Raghunatha.
Reddy, Shri Mulka Govinda.
Reddy, Shri R. Narasimha.
Refaye, Shri A. K.
Roshan Lal, Shri.
Roy, Shri Kalyan.
Sangma, Shri Emonsing M.

Savita Behen, Shrimati.
Seyid Muhammad, Dr. V. A.
Shahi, Shri Nageshwar Prasad.
Sharma, Shri Kishan Lal.
Shastri, Shri Bhola Paswan.
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, Shri Kameshwar.
Singh, Shri Mahendra Bahadur.
Singh, Shri Mohan.
Singh Shri Parbhu.
Singh, Shrimati Pratibha.
Singh, Shri Ranbir.
Singh, Shri Sultan.
Singh, Shri Trilokl.
Singh, Dr. V. B.
Sinha, Shri Awadheshwar Prasad.
Sisodia, Shri Sawaisingh.
Sukhdev Prasad, Shri.
Swu, Shri Scato.
Talib, Shri Niranjana Singh.
Tanvir, Shri Habib.
Thakur, Shri Gunanand.
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.
Venigala Satyanarayana, Shri.
Vyas, Dr. M. R.
Wajd, Shri Sikander Ali.
Yadav, Shri Shyam Lal.

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-third of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause by clause consideration of the Bill. The question is:

"That clause 2 stand part of the Bill."

The House divided

MR. CHAIRMAN: Ayes—154; Noes—Nil.

AYES—154

Abid, Shri Kasim Ali.
Abu Abraham, Shri.
Adivarekar, Shrimati Sushila Shankar.
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret.
Amla, Shri Tirath Ram.
Amjad Ali, Shri Sardar.
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 Barman, 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.
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 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 Lal.
Mehta, Shri Om.
Menon, Shrimati Leela Damodara.
Mirdha, Shri Ram Niwas.
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.
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, Shri R. K.
Pradhan, Shrimati Saraswati.
Prasad, Shri Bhola.
Prasad, Shri K. L. N.
Punnaiah, Shri Kota.
Puri, Shri D. D.
Rachaiiah, Shri B.
Raha, Shri Sanat Kumar.
Raju, Shri V. B.
Rao, Shrimati Rathnabai 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.
Roshan Lal, Shri.
Sangma, Shri Emonsing M.
Savita Behen, Shrimati.
Seyid Muhammad, Dr. V. A.
Shahi, Shri Nageshwar Prasad.
Sharma, Shri Kishan Lal.
Shastri, Shri Bhola Paswan.
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, 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.
Swu, Shri Scato.
Talib, Shri Niranjana Singh.
Tanvir, Shri Habib.
Thakur, Shri Gunanand.
Tilak, Shri J. S.
Tiwari, Shri Shankarlal.
Tiwary, Pt. Bhawaniprasad.
Totu, Shri Gian Chand.
Tripathi, Shri Kamlapati.
Trivedi, Shri H. M.
Venigalla Satyanarayana, Shri.

Venigalla Satyanarayana, Shri.
 Vyas, Dr. M. R.
 Wajd, Shri Sikander Ali.
 Yadav, Shri Shyam Lal.

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.

CLAUSE 1—Short title

MR. CHAIRMAN : There is one amendment.

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

"That at page 1, lines 3-4, for the words and brackets 'The Constitution (Forty-first Amendment) Act' the words and brackets 'the Constitution (Fortieth Amendment) Act' be substituted."

The question was put and the motion was adopted.

MR. CHAIRMAN : The question is :

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

The House divided.

MR. CHAIRMAN : Ayes—154 ; Noes—Nil.

AYES—154.

Abid, Shri Kasim Ali.
 Abu Abraham, Shri.
 Adivarekar, Shrimati Sushila Shankar.
 Ahmad, Dr. Z. A.
 Alva, Shrimati Margaret.
 Amla, Shri Tirath Ram.
 Amjad Ali, Shri Sardar.
 Anandam, Shri M.
 Arif, Shri Mohammed.
 Avernoankar, Shri R. D. Jagtap.
 Banerjee, Shri Jaharlal.
 Berwa, Shri Jamnalal.

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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.
 Hashmi, Shri Syed Ahmad.
 Himmat Sinh, 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.
 Kumaran, Shri S.
 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.
 Malviya, Shri Harsh Deo.
 Mali, Shri Ganesh Lal.
 Mehta, Shri Om.
 Menon, Shrimati Leela Damodara.
 Mirdha, Shri Ram Niwas.
 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.
 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, Shri R. K.
 Pradhan, Shrimati Saraswati.
 Prasad, Shri Bhola.
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota.
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar.
 Raju, Shri V. B.
 Rao, Shrimati Rathnabai 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.
 Roshan Lal, Shri.
 Sangma, Shri Emonsing M.
 Savita Behen, Shrimati.
 Seyid Muhammad, Dr. V. A.
 Shahi, Shri Nageshwar Prasad.
 Sharma, Shri Kishan Lal.
 Shastri, Shri Bhola Paswan.
 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, Shri Kameshwar.
 Singh, Shri Mahendra Bahadur.
 Singh, Shri Mohan.
 Singh, Shri Parbhu.
 Singh, Shrimati Pratibha.
 Singh, Shri Ranbit.
 Singh, Shri Sultan.

Singh Shri Triloki.
 Singh, Dr. V. B.
 Sinha, Shri Awadeshwar Prasad.
 Sisodia, Shri Sawaisingh.
 Sukhdev Prasad, Shri.
 Swu, Shri Scato.
 Talib, Shri Niranjana Singh.
 Tanvir, Shri Habib.
 Thakur, Shri Kunanand.
 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.
 Wajd, Shri Sikander Ali.
 Yadev, Shri Shyam Lal.

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, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

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

The House divided.

MR. CHAIRMAN: Ayes—154; Noes—Nil.

AYES—154

Abid, Shri Kasim Ali.
 Abu Abraham, Shri.
 Adivarekar, Shrimati Sushila Shankar.
 Ahmad, Dr. Z. A.
 Alva, Shrimati Margaret.
 Amla, Shri Tirath Ram.
 Amjad Ali, Shri Sardar.
 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.
 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.
 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 Lall *ur*f 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 Lal.
Mehta, Shri Om.
Menon, Shrimati Leela Damodara.
Mirdha, Shri Ram Niwas.
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.
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, Shri R. K.
Pradhan, Shrimati Saraswati.
Prasad, Shri Bhola.
Prasad, Shri K. L. N.
Punnaiah, Shri Kota.
Puri, Shri D. D.
Rachaiah, Shri B.
Raha, Shri Sanat Kumar.
Raju, Shri V. B.
Rao, Shrimati Rathnabai 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.
Roshan Lal, Shri.
Sangma, Shri Emonsing M.
Savita Behen, Shrimati.
Seyid Muhammad, Dr. V. A.
Shahi, Shri Nageshwar Prasad.
Sharma, Shri Kishan Lal.
Shastri, Shri Bhola Paswan.
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, 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.
 Swu, Shri Scato.
 Talib, Shri Niranjana Singh.
 Tanvir, Shri Habib.
 Thakur, Shri Gunanand.
 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 Lal.

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

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

"That the Bill, as amended, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed."

The House divided.

MR. CHAIRMAN : Ayes—154; Noes—Nil.

AYES—154

Abid, Shri Kasim Ali.
 Abu Abraham, Shri.
 Adivarekar, Shrimati Sushila Shankar.
 Ahmad, Dr. Z. A.
 Alva, Shrimati Margaret.
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar.
 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.
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.
Kasri, 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 Lal.
Mehta, Shri Om.
Menon, Shrimati Leela Damodara.
Mirdha, Shri Ram Niwas.
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.
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, Shri R. K.
Pradhan, Shrimati Saraswati.
Prasad, Shri Bhola.
Prasad, Shri K. L. N.
Punnaiah, Shri Kota.
Puri, Shri D. D.
Rachaiiah, Shri B.
Raha, Shri Sanat Kumar.
Raju, Shri V. B.
Rao, Shrimati Rathnabi 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.
Roshan Lal, Shri.
Sangma, Shri Emonsing M.
Savita Behen, Shrimati.
Seyid Muhammad, Dr. V. A.
Shahi, Shri Nageshwar Prasad.
Sharma, Shri Kishan Lal.
Shastri, Shri Bhola Paswan.

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, 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.
 Swu, Shri Scato.
 Talib, Shri Niranjana Singh
 Tanvir, Shri Habib.

Thakur, Shri Gunanand.
 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 Lal. ✓

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 the House will adjourn *sine-die*.

The House then adjourned *sine-die* at fifty minutes past twelve of the clock.