

9. Shri Derek O'Brien
10. Dr. V. Maitreyan
11. Prof. Ram Gopal Yadav
12. Shri P. Rajeeve
13. Shri Kalpataru Das
14. Shri Naresh Gujral
15. Shri Rajeev Chandrasekhar

with instructions to report to the Rajya Sabha by the last day of the first week of the next Session”.

The question was put and the motion was adopted.

The Constitution (One Hundred and Twenty-first Amendment) Bill, 2014

श्री शरद यादव (बिहार) : उपसभापति महोदय, मैं एक ही निवेदन करना चाहता हूँ कि आज़ादी के बाद की जो हालत है और जो लोग बिल के हक में बोले हैं, उसके बारे में मुझे कुछ नहीं कहना है, वह ठीक है। जो तरुवर है, जो वृक्ष है, उसके ऊपर की बातें काफी हो चुकी हैं और मैं उससे सहमत हूँ, मैं उससे असहमत नहीं हूँ, लेकिन मैं रवि शंकर प्रसाद जी से कहना चाहता हूँ कि वह देश जो... आप जो National Judicial Appointments Commission Bill लाना चाहते हैं, उसके संबंध में मैं आपसे इतना ही कहना चाहता हूँ कि 1993 के पहले जो सिस्टम था और जो अब आप ला रहे हैं, उससे मैं असहमत नहीं हूँ, लेकिन मैं एक ही बात आपको बताना चाहता हूँ कि इस देश की 80 फीसदी, 85 फीसदी लोगों की इस पर पूरे सिस्टम में, जुडिशियल सिस्टम में भागीदारी कितनी है। अरुण जी, पंचायत तो बहुत दूर है...(व्यवधान)... मैं यह निवेदन करना चाहता हूँ कि 68 वर्ष में देश के जितने चीफ जस्टिस हुए हैं, वे 52 हैं। मैं बाकी लोगों का नाम नहीं लूंगा, लेकिन उनमें बैकवर्ड क्लास के जो जज हुए, वे एक को छोड़ कर जीरो हैं। बैकवर्ड क्लास का मतलब है, किसानों का मतलब है दो-तिहाई लोग। एस.सी. के सिर्फ दो हैं, एस.टी. के एक हैं और मुस्लिम पांच हैं। यह लगभग 80-85 फीसदी... अरुण जी, आपका दृष्टिकोण अब खुल गया है। यह हालत है। रवि शंकर जी तो हमारे बीच में पैदा हुए हैं। ये जानते हैं, लेकिन इनका हृदय आज तक प्रेम और मोहब्बत से.... मैं उस आबादी का आदमी नहीं हूँ। मेरी त्रासदी यह है कि उसके हक में मुझे खड़ा होना पड़ता है। यानी भारत सरकार के 52 चीफ जस्टिस हुए, उनमें इनकी हाजिरी 80 फीसदी है, लेकिन चीफ जस्टिस के मामले में एक जगह भी इनको मुहैया नहीं हो पायी। यदि एक-आध को हो गई है, तो वह 32 दांतों के बीच में है। उसकी कोई हैसियत नहीं है। मान लीजिए, यदि कोई यूरोप चला जाएगा तो उनके जैसे ही उसे जीना पड़ेगा। अब मैं देश के सुप्रीम कोर्ट के फॉर्मर जजेज के किस्से बताता हूँ। ये टोटल 145 हैं। मेरे लिहाज से इनमें बी.सी. जीरो हैं। यदि आपको कोई आंकड़ा मिल गया हो, कोई aberration में आ गया हो तो उसे आप मुझे बता देना। इसी तरह से, शेड्यूल्ड कॉस्ट भी जीरों, एस.टी. भी शून्य और मुस्लिम 10 हैं। बाकी सब.. बताइए, बताइए।

वित्त मंत्री; कॉरपोरेट कार्य मंत्री तथा रक्षा मंत्री और सभा के नेता (श्री अरुण जेटली) : आप चेक कर लीजिए, यह गलत है। कम हैं, लेकिन हुए हैं। ...**(व्यवधान)**...

श्री शरद यादव : कोई aberration होगा तो होगा, लेकिन उसका कोई मतलब नहीं है। मैं तो यह इसलिए कह रहा हूँ कि मैंने रात भर में इसको देखा है और यह हो सकता है कि कम्प्यूटर पर मैंने जो देखा है, वह गलत हो। इसीलिए मैंने रवि शंकर जी से कहा कि जो गलत हो गया हो, उसे करैक्ट कर देना। मैं इस सारे सिस्टम को गहराई से देखने की बात कह रहा हूँ, क्योंकि यह एक जंजाल है और कहां-कहां कितनी जातियां हैं, यह ढूंढना मुश्किल है। जो हाई कोर्ट जज़ेज हैं, वे 146 हैं। बाकी जो बन गए हैं, वे तो हजारों सालों से राज कर रहे हैं, उनकी संख्या अगर मैं गिनाऊं तो कोई फायदा नहीं होगा। अगर मैं इसे गिनता हूँ तो इससे फासला बढ़ता है और मन को चोट पहुंचती है। जो चला रहे हैं, उनके मन पर भी और जो बाहर हो गए हैं, उनके मन पर भी चोट पहुंचती है। हाई कोर्ट के जो फॉर्मर जज़ेज हैं, वे 146 हैं। उसमें भी हालत कमोबेश एक, जीरो, यानी बैकवर्ड क्लास के जीरो, एक या दो हैं, उन्हें मैं खुद जानता था, लेकिन बाकी एस.सी.जी/एस.टी.जी और मुस्लिम, मुझे लगता है कि उसमें नौ से ज्यादा हैं। टोटल 343 हैं। वीकर सेक्शन के जो टोटल लोग हैं, उनमें शेड्यूल्ड कास्ट के दो, बी.सी. जीरो, मुस्लिम 24 और क्रिश्चियन चार हैं। ...**(समय की घंटी)**... सर, क्या समय खत्म हो गया?

MR. DEPUTY CHAIRMAN: Take two more minutes.

श्री शरद यादव : इस सदन में आकर मैं बहुत तंग हो गया हूँ। इस वक्त की पाबंदी के चलते और चार-पांच लोग डंडा लेकर खड़े हो जाते हैं। मैं एक बात पूछना चाहता हूँ कि देश के जो ये लोग हैं, अगर इनकी मजबूती नहीं हुई तो यह देश कैसे मजबूत हो जाएगा? कैसे, यह आप मुझे बता दीजिए। जब यह आज़ादी आई, तो इसका यह मकसद था, जिस तरह से इंसान का संपूर्ण शरीर जब पूरा मजबूत होगा, तभी तो वह सड़क पर चलेगा। कोई कहे कि आंख गड़बड़ है तो चल जाएगा, पैर गड़बड़ है तो चल जाएगा, लेकिन वह नहीं चल सकता। यह विकलांग है, रवि शंकर जी। इसलिए मेरे कहने के बाद आपने कहा है कि इसमें जो एमिनेंट पर्सन्स लेंगे, उनमें एक महिला लेंगे और इन 80 फीसदी एस.सी.जी, एस.टी.जी और ओ.बी.सी. लोगों में से लगे। यानी, आप दो लोगों को लेंगे। उनमें से एक को तो आप माइनस कर ही दीजिए, क्योंकि आप एक महिला लेंगे। आपकी दृष्टि से, इस व्यवस्था में हम सब लोग ऐसे जकड़े हुए हैं कि इसमें हम भी इतने दिनों से हैं, लेकिन इसको सुधार नहीं पाते हैं। जब महिलाओं का मामला आएगा, तो जो महिलाएं ऊंचे तबके की हैं, वे आगे रहेंगी। अगर आप सोचते हैं कि आदिवासी महिला उनके बराबर हो जाएगी, दलित महिला उनके बराबर हो जाएगी, बैकवर्ड क्लास की महिला उनके बराबर हो जाएगी, तो वह ठीक नहीं है। राम गोपाल जी की पत्नी से आप कहेंगे कि राम गोपाल जी जैसा बोल लो, तो कठिन हो जाएगा। ...**(व्यवधान)**... दिक्कत है हमारी, ...**(व्यवधान)**... यानी इन लोगों की दिक्कत है। ...**(व्यवधान)**...

एक माननीय सदस्य : इनसे अच्छा बोलती हैं। ...**(व्यवधान)**...

श्री शरद यादव : आप जानते नहीं है इसलिए बोल रहे हैं, हम जानते हैं, वे कोई कम अक्ल की नहीं हैं।

श्री उपसभापति : शरद जी, आपका टाइम खत्म हो गया है।

श्री शरद यादव : क्यों हमें तंग कर रहे हैं? हम जो बात कह रहे हैं, वह नई बात कह रहे हैं। आप यह सिस्टम ला रहे हैं। 1993 के पहले एक सिस्टम था, फिर 1993 के बाद दूसरा सिस्टम आया। जस्टिस वर्मा और मैं, हम दोनों एक साथ जबलपुर गए थे। वे अपना माथा ठोकते थे कि मैंने क्या कर दिया, यह जो मेरा कॉलेजियम सिस्टम वाला है, वह तो और बेकार हो गया, पहले से भी बेकार हो गया। मैं आपके इस बिल के हक में हूँ। कांस्टीट्यूशनल अमेंडमेंट के हक में भी हूँ और यह जो आप नेशनल ज्युडिशियल एपाइंटमेंट्स कमीशन बनाना चाहते हो, उसके भी हक में हूँ। लेकिन इस हक के बाद अंधेरा है, यह आबादी इंसानों की है या नहीं है, यह जनता आपकी है या नहीं है, इससे वोट लेते हैं या नहीं लेते, यह लोकतंत्र जो है और इस सदन में मेरी बात सुनने वाले जो लोग हैं, जो पिछड़े हैं, दलित हैं, उनके हक वे खुद नहीं ले पाते। मुसलमान तो बोल लेते हैं, लेकिन उनकी आवाज जो है..., मैं इस सैक्शन से नहीं हूँ, मैं इंजीनियरिंग कॉलेज में किसी रिजर्वेशन से नहीं, मेरे बाप-दादा भी नहीं, मेरे भाई भी नहीं, मैं तो आपकी जैसी जमात का आदमी हूँ। मधु लिमये चले गए, डा. लोहिया चले गए, अब अरुण जेटली भी समझते हैं लेकिन बोलते नहीं हैं।...(समय की घंटी)...

संचार और सूचना प्रौद्योगिकी और विधि और न्याय मंत्री (श्री रवि शंकर प्रसाद) : मैं बोलता हूँ।

श्री शरद यादव : आप बोलते हैं मेरे पास अलग से, यहां आप भी नहीं बोलते, क्योंकि आप जकड़े हुए हो। डिप्टी चेयरमैन सर, ...(व्यवधान)...

श्री उपसभापति : समाप्त कीजिए।

श्री शरद यादव : आप जो नेशनल ज्युडिशियल एपाइंटमेंट्स कमीशन बना रहे हो, इससे उनको कोई फर्क नहीं पड़ेगा, जिन लोगों के बारे में आपने चर्चा की है। उनके हक में आप इसमें छः सदस्य रख रहे हो, उसको आठ कर दो, क्या बिगड़ रहा है आपका? इतना बड़ा 120 करोड़ का देश है, इन लोगों को कब तक मारोगे और कब तक कहोगे? अभी आप कहेंगे कि नहीं, हम उनका ख्याल रखेंगे। उनका ख्याल तो 68 वर्ष में सब लोग, हम लोग रख रहे हैं। उनका कहां ख्याल हुआ? मैंने जो आपके सामने आंकड़े दिए, इसलिए मेरा आपसे निवेदन है कि इस देश में ये हजारों साल से सह रहे हैं, लेकिन इन्होंने आपके साथ कभी तक रार नहीं किया।...(व्यवधान)...

श्री उपसभापति : बस, हो गया।

श्री शरद यादव : अरे, क्यों इनको, इस तरह से...अब इनमें होशबंद लोग हो गए हैं, काबिल लोग भी हो गए हैं। ये सारे छः सदस्य होंगे, एक सिस्टम से होंगे। मेरी विनती यह है कि आप इस मामले का कोई रास्ता निकालिए, तो फिर देश में ये दोनों सिस्टम फेल हुए हैं, कोई ऐसा सिस्टम आए कि सामाजिक विषमता दोनों में कोई फर्क नहीं है। ये दोनों चीजें आप यदि साथ लेकर नहीं चलेंगे तो मुल्क नहीं बनता, यही मेरी आपसे विनती है और आप तो इस बात को समझने वाले मंत्री हैं। यदि आपके मन में यह बात आ गई, यह संकल्प हो गया तो बात दुरुस्त हो जाएगी। बहुत-बहुत शुक्रिया, बहुत-बहुत धन्यवाद।

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Thank you, Mr. Deputy Chairman, Sir. I deem it a great privilege to stand in this august House to speak on the Constitution (One Hundred and Twenty-first Amendment) Bill, 2014, Bill No. 97 of 2014. I thank the hon. Law Minister for referring to the letter written by hon. Chief Minister Amma regarding this Bill. No more collegium system, thanks to the Central Government. The collegium system for appointment of judges is against the concept of the rule of law. Hon. Chief Minister Amma recommended that Judicial Appointments Commission should function at two levels—at the national-level and at the State-level—which is contained in the letter written to the hon. Law Minister. The National Judicial Appointments Commission is for the Supreme Court judges and the State Judicial Appointments Commission is for the High Court judges.

Article 214 as well as Article 217 are amended by this Constitutional Amendment. Article 214 deals with the appointment of Supreme Court judges and Article 217 deals with the appointment of High Court judges. As per this Constitutional Amendment, the Central Government's role is protected because it was taken away by the collegium system. Now, my grievance is that the State Government role must be again restored by including an amendment to create the State level Judicial Appointments Commission. Sir, that is humble submission because that has been very vehemently recommended by our leader Amma in her letter to the hon. Law Minister. It is because the State Government is in a position to locate or find out the right candidates from the depressed classes, namely, minorities, women, backward classes, Scheduled Castes and Scheduled Tribes.

Sir, in our State, the hon. Chief Minister Amma is implementing the 69 per cent Reservation Policy in the judicial appointments also. It is done through the State Public Service Commission, and also the District Judges are selected by the High Court. So, in all judicial appointments, 69 per cent reservation is being followed. Because of this reservation, Scheduled Caste, Scheduled Tribe, backward class and most backward class candidates are able to occupy judicial posts at the State Judiciary level. It is a well known fact that the High Court Judges' posts and Supreme Court judges' posts are not available to the rural or moffussil practitioners of law and also not available to the common man. Because of the effective implementation of the 69 per cent Reservation Policy by the hon. Chief Minister Amma, now the 69 per cent reserved community people are occupying the judicial posts in the State of Tamil Nadu. In the 24 High Courts, the total strength of posts of judges is 906. Out of these 906 posts, 1/3rd of the total strength of the posts is filled up by judicial officers, the officers who are in the subordinate judiciary. So, 1/3rd strength must be filled up by the subordinate judiciary. That guarantee must be given by the hon. Law Minister by way of amending the Constitution itself. If it is done, then, the already judicially trained people can occupy the posts of High Court judges and also from the High Court, they can go to the Supreme Court.

Sir, the hon. Chief Minister Amma is very strictly following the Reservation Policy in order to uplift the downtrodden. That is why I am stressing it again and again at the risk of repetition. Sir, as per Article 217 of the Constitution, the consultation is only with the Chief Justice of India and the Governor. In this context, I would like to say that the hon. Law Minister knows it better than me that the Governor means the Council of Ministers. The advice offered by The Council of Ministers is to be forwarded by the Governor to the President. So, the role of the State Government must be protected. This is my humble request to the hon. Law Minister. I am doing it at the risk of repetition.

Sir, I had the privilege of assisting our hon. Chief Minister in one of the cases. Hence, I am taking the privilege, and again I am requesting him that the role of the State Government must be restored and preserved in the process of selection of High Court judges. Sir, at the State level Judicial Appointments Commission, the hon. Chief Minister must be included as one of the members of this Commission, and the views of the Chief Minister must bind the Commission. So, it must be given due weightage. I am saying this because the State Government is accountable and answerable to the people. The State Government is in a better position to identify the right candidates. This is my humble request to the hon. Law Minister. If it is done, then, the downtrodden people can come to occupy the higher posts of the High Court Judges and Supreme Court Judges. This is my humble submission. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Only one more minute.

SHRI A. NAVANEETHAKRISHNAN: Okay, Sir. Our hon. Chief Minister is more judicious in her action and thought. She is more judicious than any other judicial institution of our nation. Because of her, many lawyers from the rural areas are now practising in the High Court of Madras. She has given them appointment very liberally. That is why I request the hon. Law Minister to include it in the Constitution (Amendment) Bill for creation of State-level Judicial Appointments Commission. Thank you very much, Sir.

SHRI ARUN JAITLEY: Mr. Deputy Chairman, Sir, since yesterday we have been debating the Constitution Amendment to deal with the procedure for appointment of Judges to the highest courts of the land, the Supreme Court and the High Courts. Intervening on behalf of the Government, let me at the very outset clarify that neither the Government, and I am sure, nor this House also, almost in one voice does not see this as a turf battle. It is not an issue as to who really has the power to appoint Judges. We are concerned with the mechanism under which there are adequate checks and balances, and, therefore, we are able to resultantly appoint the best possible talent which is available as Judges. I may clarify that there is no effort either on behalf of this House or the Government that we are going back to a system of Executive primacy. We have seen the Executive

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primacy in this matter and, therefore, whether it was supersession of Judges in 1973, the transfer of Judges during the Emergency in 1975, the supersession again in 1977 in the matter of the appointment of Chief Justice, we have seen that system. Therefore, there is no question of anybody supporting the idea of any form of Executive primacy in the matter of appointments. It is normally being argued and there is some substance in the argument that in the interest of independence of Judiciary, which is a part of the basic structure of the Constitution, there should be an element of primacy of the judicial institutions. If it was only linked to primacy, and an effective consultation with the Executive, probably, this amendment would not have been necessary. Why is that when this amendment was debated yesterday in the other House, in one voice the entire House spoke in favour of the amendment? Effectively what is today happening is that the procedure of judicial appointments is not through a procedure of judicial primacy with effective consultation with the Executive, It has virtually boiled down to a system of judicial exclusivity in the matter of appointments. The role of other institutions, which the Constitution envisages, is also negligible. Sir, let us just go back to Article 124 which deals with the appointment of Judges to the Supreme Court and Article 217 which deals with the appointment of the Judges of High Courts. Article 124 (2) — I may be pardoned for reading it — says that ‘every Judge of the Supreme Court shall be appointed by the President by warrant.’, so, it emphasises the words ‘appointed by the President’, which means appointed by the Government, ‘under his hand and seal after consultation with Judges of the Supreme Court’, so, the President, that is, the Government will consult the Judges of the Supreme Court, ‘and of the High Courts of the States as the President may deem necessary for the purpose and shall hold office until he attains the age of 65 years, provided that in the case of appointment of a Judge other than a Chief Justice, the Chief Justice shall always be consulted.’ Translated into simple English language, the provision was, the President, that is, the Government will appoint the Judges. The Government will consult such Judges of the Supreme Court as also of the High Court and after that consultation appoints the Judges of the Supreme Court. Effectively when the Government sought, from 1950 onwards or as the Constitution came into force, the advice of the Supreme Court in the matter of the appointment of the Judges of the Supreme Court, invariably the Government accepted that advice. It was only in the 1970s that some difficulties arose. The judicial institution was the institution to be consulted. Due weightage was always given to that consultation. And, inevitably that consultation prevailed. The Government never replaced it by names of its own choice. Through the 1950s and 1960s, this system continued. Similarly, in the context of the High Court appointments, Article 217 says, "Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of

the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court". So., in the case of a High Court appointment, the President will consult the Chief Justice of India. He will consult the Chief Justice of the High Court. He will also consult the Governor, which means on the aid and advice of the Council of Ministers; so, the Chief Minister of the State. And, after consulting all these people, he will appoint the Judges. Here, again, whatever the judicial institution said was normally given primacy and that was accepted. Effectively, post 1993, how has this worked? The 1993 judgement changed the Constitution by re-writing it. The argument was that the larger interest is the independence of the Judiciary. So, in the context of independence of Judiciary, because that is the object, we read the two Articles — the President, that is, the Government will appoint such Judges as the Supreme Court will suggest. In case they have a contrary opinion, they can send their contrary opinion once. If the Supreme Court reiterates, they have no choice but to appoint them. This is the judgement of 1993. We have had the Congress Government, the UPA Government, the United Front Government and the NDA Government in the past. I am sure, the experience of all the Governments has been the same that in effect the way the judgement is working is not what Article 124 and Article 217 say. The basic structure of the Constitution is the original Constitution that the President will appoint, in consultation. Today, we re-wrote the Constitution by virtue of the judgements to say that the Judges will appoint Judges. They will, probably, take the views of the Executive, in the process. And, the way it has worked out, the Indian system is clear: Judges appoint Judges. There is a marginal role of 'consultation' with the Executive. There is hardly a role which a Governor or a Chief Minister has. A letter is written and their views are taken. But their views are very rarely put into any effective consideration. And, if the Executive has a contrarian view and there is a strong reason for that contrarian view and it conveys it to the judicial institution, it is supposed to be considered, under the Judgement. But, effectively, the due regard, which should have been given to it, has normally not been given. I can quote-umpteen examples. But, it is not fair. In this forum, I wish to observe inter-institutional courtesies. Therefore, I will not go into those examples. So, effectively, today Judges appoint Judges and there is a marginal role that the Executive has. The effort now is that we restore back what the spirit of the original Constitution was. And, in restoring back the spirit of the original Constitution, are we going to create Executive primacy? The answer is 'no'. Are we going to maintain, through this Amendment, the Judicial primacy, the answer is 'yes'. So, the amendment has the following: Out of the six members of the collegium — that was also the collegium which the earlier Law Minister, Mr. Sibal, had moved in this House. The composition of the collegium is identical. You have three senior most judges of the

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Supreme Court. The Chief Justice of India will chair the collegium. There is no other group which is represented in this collegium which can match that strength. So, the predominant strength is of the judicial institution. The Executive is represented by only one person and that is the Law Minister. You have two eminent citizens. You have the Prime Minister, the Leader of the largest party in Opposition in the House of the People and the Chief Justice of India nominating these men of eminence. How these people will nominate and the manner in which such collegiums function has already been specified now in the CVC case by the Supreme Court. So, whatever are the guidelines laid down, there will be a procedure. So, in the nomination of these two eminent citizens also, the judicial institution has a vital role. So, the primacy is continuously maintained. But rather than merely an opinion being expressed and the opinion inevitably being overruled, you have some people who represent public interest, who will provide the necessary checks and balances and you have the Law Minister who can represent the Government's or the President's viewpoint that this is why some person should be appointed and such and such person should not be appointed. Let us, Sir, be clear that no power by anyone is absolute power. It has to be exercised for good reason. The appointment of judges, so far, is a power which is exercised in a non-transparent manner. There are no reasons given. So, even if the President were to refer a case back, he may not know the reasons also, why his objections have been overruled. Now, a system in which the Executive, two eminent citizens and three judges are present, the judicial primacy is maintained; if the Executive wants, it can never appoint a person. It can only provide its valuable inputs about a person. That is how this power is going to be exercised.

Sir, this is the last point that I have to make. It is being said that the power exclusively belongs to the institution and they exercise it because it is in the larger interest of the independence of Judiciary. Independence of Judiciary is a part of the basic structure of the Constitution. It is true it is a part of the basic structure, it must be maintained. But Article 124 is also a part of the basic structure. Article 217 is also a part of the basic structure. An elected Government is also a part of the basic structure. So, an elected Government at the Centre or in the State being completely kept outside the process, is that not an aberration of the basic structure. After all, democracy is the most basic of the basic structures of the Constitution. The Constitutional document is paramount. Therefore, the balancing act is that let this power be now exercised collectively, but in that collectivity, the primacy of the judicial institution be maintained so that we can have the best possible people who are appointed judges. This is the rationale behind this amendment. I think with the overwhelming support it has, it conveys a very powerful message that we are restoring back the spirit of Articles 124 and 217 while maintaining the primacy of the judicial institutions in the matter of appointments.

SHRI P. RAJEEVE (Kerala): Sir, we are enlightened by the views expressed by our eminent lawyer and the Finance Minister, Shri Arun Jaitley.

MR. DEPUTY CHAIRMAN: Nobody has any doubt about it.

SHRI P. RAJEEVE: I rise to support the Bill, Sir. This is the need of the day. My Party CPI (M) has a consistent stand on the issue of judicial reforms. We stand for a comprehensive judicial reform. The reform should not be confined to appointments only. We want a Judicial Commission which deals not only with the appointments but also ensures the standard and accountability of the Judiciary. Instead of the proposed Judicial Appointment's Commission, we want a Judicial Commission.

Sir, I was attentively hearing the remarks of Jaitleyji who was an eminent lawyer and who became one of the youngest Additional Solicitors General of the country at the age of 37. I am keenly eager to know what Jaitley's stand on accountability issue is. When we were discussing the Bill mooted by UPA-II, Jaitleyji spoke on that Bill. I would like to quote here a few things from his speech which he made at that time. I quote, "I would personally like to see a National Judicial Commission which has not merely the appointment powers but to which there is some element of accountability of the Judges itself." I again quote from Jaitley's speech. I quote, "Now should the National Judicial Commission only be an appointment body or should it also have some element of powers in relation to accountability or not? In my respectful submission, it must have powers of accountability." Sir, I want to know what your view on this issue is. This is your speech on the Bill mooted by the earlier Government. What is your view? This Commission has the powers only for appointments. I want to know why the learned Law Minister did not accept the respectful submission of an eminent lawyer of Jaitleyji's standing and what the reasons behind this change of position are. It is true that you are now in the Government. Earlier, you were in the Opposition. At that time, you had one stand but now you have changed your stand or diluted your position on the accountability of the Judiciary. I think, Jaitleyji, at that time, had appreciated the consistent stand of CPI (M) and the Left. At that time, Jaitleyji mentioned that 'we should have a comprehensive judicial appointments mechanism.' The country should know the reasons for the change of position of BJP that the accountability should be incorporated in the legislation which deals with the National Judicial Appointments Commission. Sir, I could not find any reason for that. There is no change in the situation. The situation remains the same as it was when the Bill was mooted by the UPA-II.

Sir, Jaitleyji correctly mentioned that before the 1970 era, we had a very good mechanism. Then, after 70s, the pendulum moved to one extreme in favour of the Executive. But after 1993, the pendulum went to the other extreme in favour of the Judiciary. We could not find a single word 'Collegium' in the Constitution. But that is

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the rule of the day, Sir. That is the failure of the Legislature. Actually, we have failed to address that issue. Ravi Shankar Prasadji correctly stated that it is the culmination of the exercise of 20, years. But we failed to make it a fruitful exercise. However, this is a good move. I support this move.

Now, as per one report — I don't know whether it is true or not - 70 per cent Judges of the Supreme Court is coming from 132 families only. A former Supreme Court Judge is regularly writing the blogs. He mentioned that this is 'uncle syndrome', which means uncles nominated their nephews. There is sometime 'father, syndrome' but we could not see a 'mother syndrome' because the representation of women in the upper judiciary is very minimal. Therefore, we could not find 'mother syndrome'. But 'uncle syndrome' is there, *i.e.*, 70 per cent of the Judges in the apex court is coming only from 132 families. It means that collegium A supports the proposal mooted by collegium B - earlier, you had mentioned this in the House — and there is an exercise, and this is the result.

Sir, we had waited several years to get a woman Judge in the apex court. Now, after the retirement of one CJI of our country, there is no judge in the apex court who belongs to SC/ST community. I raised this issue several times by putting questions on it. But the answer from the Ministry always is that 'we don't have that statistics of SC & ST representation in the apex court.' We could not find a single Judge belonging to SC/ST in the apex court of our country. How can we get natural justice if they have no representation in the society? If it does not reflect the objective realities of the society, how can we get natural justice from the Apex Court? This issue needs to be addressed.

Sir, I now move on to the amendments. Out of the six members here, one should be a woman. There is a rotation mechanism in place, but out of these six members, there is no chance with the Chief Justice, but out of the judges, yes! But, otherwise, of these eminent personalities or even the Law Minister, one should be a woman.

MR. DEPUTY CHAIRMAN: You want the Law Minister to be a woman!

SHRI P. RAJEEVE: They can change it, if needed! ...*(Interruptions)*... So, one of them should be a woman.

Sir, I represent the State of Kerala. I live in the city of Kochi, where one of the great Judges of the country, Justice V. R. Krishna Iyer, lives. He would cross 100 years in November, 2015; he would be crossing, a century in November, 2015! At this age, he is

still arguing for reforms in the Judiciary. I quote: “There is no structure to hear the public in the process of selection, no principle is laid down, no investigation is made and a sort of anarchy has prevailed.”

MR. DEPUTY CHAIRMAN: That is what we are doing now! We are saying that!

SHRI P. RAJEEVE: Then, my question would be, is that sufficient to address these issues? We have a very good example, that of Britain. The UK system is considered as a model of participatory and transparent appointments. The Constitutional Reform Act (CRA) 2005, was recently amended by the Judicial Appointments Regulations, 2013. There are 15 members in the JAC and the Chairman is always a lay member, not a judicial member and not the Chief Justice. It is always a lay member. *(Time-bell rings)* Sir, I would take two minutes.

The appointment of Judges is not a concern of the Judiciary, the Legislature or the Executive; it is the concern of the public. Then, this Commission should be more participatory and should have representatives of professionals, jurists and other sections. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Now conclude.

SHRI P. RAJEEVE: Sir, there is a distinction between a new Judge and a senior Judge. The Supreme Court Judge should be elected by the collegium of all Judges and there should be a representation of High Court Chief Justice, elected by the collegium, including all High Courts’ Chief Justices. *(Time-bell rings)* Just one more minute, Sir.

There should be one representative from among them and one representative from the Bar Council. Then, Sir, we need to see whether it goes along with Article 14 of the Constitution. Article 14 of the Constitution is on equality before law. If it is there, there should be a notification, that is, notification for the vacancies. And, qualified lawyers must have the right to submit their application. Only then can you ensure transparency in the system.

Sir, my last point is, this should not be confined to the appointment of Judges in the Supreme Court and the High Court. It should be applicable to the tribunals as well, State as well as national tribunals.

With these words, I support this Bill, Sir. Thank you.

MR. DEPUTY CHAIRMAN: Now, Shri Kalpataru Das. You have four minutes. *...(Interruptions)...* Your time is four minutes. What can I do?

SHRI KALPATARU DAS (Odisha): Mr. Deputy Chairman, Sir, you have given me only four minutes.

At the outset, I support the Bill moved by the hon. Law Minister, on my behalf and on behalf of the Biju Janata Dal. Sir, this is not the first time that this Bill has been brought to the Parliament. Even earlier, the UPA Government had brought in such a Bill, which was debated and referred to the Select Committee. And, it is on the basis of recommendations made by the Select Committee that these Bills have been prepared.

Sir, the hon. Law Minister, while introducing the Bill, it is amply clear, before preparing the Bill and its introduction, consulted eminent jurists of the country, almost all political parties and only then brought this Constitution (Amendment) Bill to the House.

Sir, yesterday, it was unanimously passed in the Lok Sabha. It means that all the political parties want such an amendment to the Constitution and the appointment of a National Judicial Commission. Everybody wants it. The problem is, as raised yesterday, it may be *ultra vires* of the Constitution. There are apprehensions that if both the Bills are passed simultaneously, it may be declared *ultra vires* of the Constitution. Hon. Minister has clarified this yesterday. Today hon. Minister of Finance has clarified that in a more vivid manner. It is now the need of the hour; it is not the question, of Judicial supremacy or Executive supremacy. There should be a balance between them. Till 1993, there was no need of amendment of the Constitution. But for the last twenty years, there have been effort for the amendment of the Constitution to replace this Collegium system by a well-defined system by which Judges can be appointed. Yes, accountability should also be there. Here also, the supremacy of the Judiciary is there because the Chief Justice of India will be the Chairman of the Commission, with two senior-most Judges as members. The Chief Justice of India will also be a member in the selection of two eminent jurists who will also be members in that Commission. This Commission will be constituted and for that there is a necessity of amending Article 124 by way of some insertion. With this, I support the Bill. I also request all the Members of the House to support it to bring a check and balance between the Judiciary and the Executive. The independence of the Judiciary will continue but there will be accountability. As Mr. P. Rajeev was telling, all these Judges of the Supreme Court are from 132 families. This will not be repeated in future.

MR. DEPUTY CHAIRMAN: Now, Shri D. Raja. ...*(Interruptions)*...

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, my name is first actually. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You are for the Bill and the Bill is coming up. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: I gave it earlier. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You gave it for the Bill.

SHRI TIRUCHI SIVA: Sir, the Amendment and the Bill are being discussed. I want to speak. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, that is coming after this. This will be over before 2 o'clock. The Bill is coming. You gave the name for that. ...*(Interruptions)*... Mr. Siva, you gave the name late. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, I want to speak on both. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You gave the name late. Let me first dispose of the names given earlier, then I will call you. I have got the list of names which came late. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: I told them ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I saw your letter; it is for the Bill. ...*(Interruptions)*... I cannot give chance to those who gave their names late leaving those who gave their names in time. That is my point. ...*(Interruptions)*... I have got the list of names which came in time. First, I will dispose of it, after that, according to time, I will accommodate everybody. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Everybody is discussing the same thing. I also want ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I cannot go back. ...*(Interruptions)*... The Bill is coming. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, I agree with you. But the problem is not with me. They just came and asked me if I wanted to speak on Judicial Bill. I said, 'Yes'. I have been waiting for long.

MR. DEPUTY CHAIRMAN: You are in the panel of Vice-Chairmen. I saw what you have written. You have written for the Bill. But if you want to speak on the Amendment, I will include you, but after disposing of the names in the list. I will go by the procedure. Now, Shri D. Raja, please speak.

SHRI D. RAJA (Tamil Nadu): Sir, I rise to support this Bill. My Party has been consistently demanding the constitution of a National Judicial Commission. Way back in 2002, when late Mr. Jana Krishnamurthy was Law Minister, my Party wrote to the Government favouring the constitution of a National Judicial Commission. Now also, we support it when our good friend, Shri Ravi Shankar Prasad, is the Law Minister.

[Shri D. Raja]

Sir, the Constitution is the fundamental law of the nation. Dr. Ambedkar, while framing the Constitution, raised the question that in concurrence with the Chief Justice of India, appointments ought to be made. There, Dr. Ambedkar discussed it in detail. Finally, Dr. Ambedkar concluded that a veto could not be given to the Chief Justice of India howsoever great integrity he might have. That is how he settled that issue.

Sir, I would like to address one serious question which my colleagues have raised, that is, how far the Judiciary represents the social diversity in the country. India is a country of tremendous diversities. We have caste diversity, social diversity, religious diversity, linguistic diversity and cultural diversity. So, the Judiciary cannot live in an abstract world, not taking into consideration the diversities of Indian society, Indian nation. Sir, even in countries like the U.K., we have this experience. Section 64 of the Constitutional Reforms Act, 2005, of the United Kingdom specifies the need for encouragement of diversity in Judiciary. That is an Act of the United Kingdom. Even the South African Constitution requires that persons appointed as Judges must reflect the racial and gender composition of the country. This is the South African Constitution. We had a President, Shri Narayanan, who was one of the outstanding Presidents of India. Shri Narayanan pleaded for ensuring that Judiciary represented social diversity. Even the retired Judge, Justice Sadasiva also spoke about Judiciary representing social diversity because in a country like ours, if Judiciary does not have that social diversity properly represented, we cannot hope to get justice for ordinary people. I can go on quoting examples. What happened to the Tsundur case where *dalits* were massacred, but the guilty were all acquitted. And, *dalits* were massacred in Bihar by Ranveer Sena. Everybody knew, but all those accused were acquitted. Where is the justice for the people? It is a fact that *dalits* were massacred. They died. But all the accused, who killed them, were acquitted. No justice was done. That is where I find that Judiciary should have the representation of all deprived classes and sections in our society. Otherwise, people will not get the real justice. So, I think, this National Judicial Appointments Commission could have been the 'National Judicial Commission'. This Commission gives some kind of a very limited sense that it is concerned only with the appointment of some Judges in the Supreme Court and the High Courts. But, it should be a Judicial Commission so that it gives a comprehensive sense to the people and people should have great faith in our judicial system. There, I think, people are asking as to why there is not even a single Judge from SC/ST communities in the Supreme Court. Do you think that there is no efficient senior advocate or anybody to climb up to that position? It is not so. There is some kind of * mechanism in all these matters.

*Expunged as ordered by the Chair

SHRI RAVI SHANKAR PRASAD: Sir, Mr. Raja is a great speaker, but I request if * can be avoided.

MR. DEPUTY CHAIRMAN: I think, * is expunged.

SHRI D. RAJA: Sir, I am not a lawyer like my friend, Shri Ravi Shankar Prasad. I am a political activist. I speak straight from my heart. This Judiciary does not represent the social diversity in the country. It should be ensured and people belonging to deprived sections should feel that this Judiciary is also theirs. When they think that democracy is theirs and Parliament is theirs, they should think that Judiciary is also theirs. This Judicial Commission will have to function accordingly.

MR. DEPUTY CHAIRMAN: Now, Shri H.K. Dua. Please take only four minutes because time allotted for Nominated Members is already over.

SHRI H.K. DUA (Nominated): Sir, in our Constitutional scheme of things, there is a clear demarcation between various institutions, namely, Parliament, Judiciary and the Executive. Whenever any organ of the State, any one of these three, exceeds its limits, the people sense danger. In the 1970s, there was a talk of committed judiciary. But, later, of the supersession of Judges, an eminent Judge, Justice H.R. Khanna, resigned on a matter of principle and conscience. So, there was turmoil and the people were concerned because the Executive, at that time, was crossing the limits prescribed for it. In 1993 Judgement, the judiciary had crossed the limits. The brother Judges went on to appoint the brother Judges. And, you know, when brother Judges appoint other brother judges, nepotism creeps in, favoritism comes in, and, in a Collegium, there have been instances where bargaining takes place between one Judge and another Judge, and the Chief Justice takes a better share.

Justice J.S. Verma was on the 1993 Bench, which set up the Collegium, a novel institution, which is not mentioned in the Constitution. He was for setting it up. Later on, he regretted this decision of the Supreme Court in public. I think, he appeared before the Parliamentary Committee and expressed this view, and in public statements, and in private conversations, he went on saying that a wrong decision was taken by the Bench in 1993, of which he was a Member. His regret was that the Supreme Court approved of a Collegium.

Sir, nowhere in the world the judges appoint themselves. Always, it is an Executive decision but there are checks on misuse of the Executive power. That aspect, I think, is taken care of by the Judicial Appointments Commission, which is being provided for. Sir, I won't take much time. But, I would say that there has been considerable lobbying with

* Expunged as ordered by the Chair.

[Shri H.K. Dua]

the Collegium members all over the States and the High Court Judges, who were aspiring to be a Supreme Court Judge, don't leave any stone unturned to get to the Supreme Court. In the High Court, they retire early and since they want to be in the Supreme Court, they visit the houses of the Collegium members, try to bring influences of all kinds. That kind of culture which prevails in the judiciary leads to malpractices, should be corrected. The quality of justice has declined in the country. I would like to cite two, three cases. For example, take in Jessica Lai case, or, Priyadarshini Mattoo case. Now, there was miscarriage of justice. Only after public concern and the media concern, ultimately, the courts had to intervene, the highest court had to intervene to provide justice. Also, I can't understand as to how in the trial courts, and, at even High Court level, a BMW car became a truck along the way, and, the man, who killed 6 people on Lodhi Road in the capital of India got away very lightly. This is because the right kind of people are not being appointed in the judiciary.

Sir, the Collegium has never laid down the criteria for appointment of judges to say, as to what kind of judges you need in the High Courts or in the Supreme Court. The Delhi High Court has come out with judgements which spelt out criteria for admission to nursery schools. But the people do not know as to what criteria are there for getting admission into the High Court or the Supreme Court. (*Time-bell rings*) Just half-a-minute more. Sir, That's all. Sir, I am a little worried when a recognized organ of the state exceeds its limit and when a recognized organ of the state thinks that whatever it says, is always right. I get worried about the individuals who think they are always right, worried about the institution when they think they are always right. Now, this aberration, and which was wrong on the part of the Supreme Court to arrogate to itself the power to appoint judges is being set right in the Constitution, and that is why I support this Bill. Thank you very much, Mr. Deputy Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much, Duaji. Now, Shri Tiruchi Siva. You have only five minutes.

SHRI TIRUCHI SIVA: Sir, on behalf of the DMK party, I rise to support the Constitution (One Hundred and Twenty-first Amendment) Bill, 2014. Sir, unlike what is interpreted outside, it is an innocuous Bill. Some people say that it is transgressing into the powers of the Judiciary and some are of the opinion that it will impinge upon the future of the Judiciary of this country. We are neither encroaching upon the territory of the Judiciary nor are we transgressing into the powers of the Judiciary, It is actually only the Constitution Amendment in Article 124, which inserts Article 124 (a), (b) and (c). It only

enables the Parliament to legislate and to constitute a National Judicial Appointments Commission. The imperative need for that has been felt in the past. We have to realize that this is not the first ever attempt. In the year 1990, the 67th Amendment was introduced in the Parliament, but it was not passed. In the year 2013, the Constitution Amendment 120th, which sought to bring in a National Judicial Appointments Commission, was brought, and now this 121st Amendment seeks the same thing, Sir. It is only to broad base the appointments of the Judges of the Supreme Court and the High Courts. It enables the participation of the Judiciary, the Executive and eminent persons in the society, and it ensures greater accountability, greater transparency and greater objectivity in appointments of the Judges. So, Sir, we realize this. What is the system adopted in other countries regarding the collegium which has been so far in charge of appointing of Judges? Sir, I recall the Impeachment Motion which was moved in this House to impeach a Calcutta High Court Judge, which was very, very sensational and the deposition of the Judge made us all feel that what he had, done was right. Later, the then Leader of Opposition, now the hon. Finance Minister, the legal luminary, Mr. Arun Jaitley, spoke and refuted word by word and proved the need for the Judicial Accountability Bill, the Judicial Appointments Commission and we realized everything. So, I think this is a right move at the right time and the country needs this. Sir, in USA the Judges are appointed by the President and their appointment is approved by the Senate. At the same time, the Judges' professional lives and their political views are subjected to public scrutiny. Here, in our country, the selection of the collegium, the appointment of the Judges or their transfer, are not subjected to public scrutiny. Now, the Executive has got a role. Moreover, even in the constitution of the Commission, the Chief Justice becomes the Chairperson, two senior-most Judges of the Supreme Court, the Law Minister, two eminent persons,, when these constitute, representatives from Court are more in number. Sir, I want a clarification from the hon. Law Minister with respect to the definition of 'eminent persons'. It should not just be some degree-holders or some people who are affluent in the society, who are well-known. In The United Kingdom, I would like to make a point of it, the Judicial Appointments Commission is a fifteen-member Commission and the Chairman is always a lay member. Of the fourteen other Commissioners, it is mandatory that five are judicial members, two are professional members and five are lay members. So, I would suggest to the hon. Law Minister to look into the definition of 'eminent persons'. (*Time-bell rings*) Sir, our Constitution has insulated the independence of the Judiciary. In our Constitution, the executive, the judiciary and the legislature are independent. At the same time, they are interdependent. It is a system of check and balance. If the Parliament enacts a law, which is unconstitutional, the judiciary is entitled to strike it down. If the judiciary gives a judgement granting punishment, the President has the power to give pardon. So, in all respects, we are interlinked. The participation of the executive and the eminent persons

[Shri Tiruchi Siva]

in the appointment of judges will enable the judicial system in our country very much.
(Time-bell rings)

Sir, I would like to quote Justice Krishna Iyer here. He said this about the judiciary. He said, "The great reputation, high impartiality, luminous competence and unbending independence of the judiciary is of national import." We realise that and this Constitution (Amendment) Bill and subsequent constitution of the National Judicial Appointments Commission are the need of the hour. I congratulate the hon. Law Minister on bringing these Bills. I request him to kindly try to implement Article 312 which insists on Indian Judicial Service which brings in judges. I again congratulate the hon. Law Minister on bringing these Bills. Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Hon. Members, I have a number of requests asking that voting should be held before 2.00 p.m. But I have before me four names. Two of them are from the category of 'Others.' They should take four minutes each. The Congress Party has got 24 minutes and it has two speakers. I request them to sacrifice a few minutes. If they take seven minutes each, I will be very grateful to them. Shri Rajeev Shukla.

SHRI RAJEEV SHUKLA (Maharashtra): Sir, we have already sacrificed enough. उपसभापति जी, मैं कानून मंत्री जी द्वारा लाए गए विधेयक के समर्थन में खड़ा हुआ हूँ।
...(व्यवधान)...

श्री नरेश अग्रवाल (उत्तर प्रदेश): सर, ये फिल्मी सितारे के बारे में बोलेंगे, तो ठीक रहेगा, ये कानून के बारे में क्या बोलेंगे? ...(व्यवधान)...

श्री राजीव शुक्ल : रेखा जी के बारे में रोज आप बोल रहे हैं। जया जी, इस पर आप आपत्ति उठाइए, ये फिल्मी सितारों का मजाक बना रहे हैं। ...(व्यवधान)...

श्री रवि शंकर प्रसाद : नरेश जी ने जो बात कही है, वह बहुत गंभीर है, विचार करने योग्य है।
...(व्यवधान).... ज्यूडिशियरी पर बोल रहे हैं ...(व्यवधान)...

श्री राजीव शुक्ल : जया जी, आप इस पर आपत्ति कीजिए न, आपकी पार्टी के सदस्य फिल्मी सितारों का मजाक बना रहे हैं। ...(व्यवधान)...

श्रीमती जया बच्चन (उत्तर प्रदेश) : मजाक आप लोग बनाएं और आपत्ति मैं करूं।
...(व्यवधान)...

श्री राजीव शुक्ल : इन्होंने मजाक बनाया है। ...(व्यवधान).... सर, यह समय जोड़ा नहीं जाना चाहिए।

उपसभापति जी, मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ, लेकिन एक बात की मुझे तकलीफ है। अगर यही काम करना था, तो छः महीने पहले यही काम करने के लिए आपके सामने एक बिल रखा था। 99 परसेंट यही बिल था और उस समय अगर माननीय

रविशंकर प्रसाद जी उसका समर्थन कर देते, तो आज वे ज्युडिशियल अप्वाइंटमेंट कमीशन की बैठक में बैठ कर जज अप्वाइंट कर रहे होते। उन्होंने इसको छः महीने डिले कराया और उस समय मैंने कहा था कि बेवजह इसको मत टलवाइए, इतिहास इसको याद करेगा, लेकिन उस समय ये हमारी बात नहीं माने। आज वही बात उन्हें करनी पड़ रही है। अगर तब हमारी बात को मान लेते, तो आज वे मीटिंग में बैठ कर जज तय कर रहे होते। कोई बात नहीं, देर आए, दुरुस्त आए, हमें इस पर कोई एतराज नहीं है।

उपसभापति महोदय, सबसे बड़ी बात यह है कि इसकी जरूरत क्यों पड़ी? 2003 में, उस समय अरुण जेटली जी ने इसका प्रस्ताव किया था कि इस तरह का कमीशन बनाना चाहिए और इसमें कुछ न कुछ तब्दीली आनी चाहिए। सबने कहा और यह बात जगजाहिर है कि जस्टिस जे.एस.वर्मा ने स्वयं कहा कि मुझसे बहुत बड़ी गलती हो गई, कोलेजियम सिस्टम बिल्कुल काम नहीं कर रहा है और जजों की नियुक्ति तथा उनके तबादलों के लिए यह सिस्टम सही नहीं है। इसके बाद वेंकटचेलैया साहब, जो बहुत रेस्पेक्टेड हैं, उन्होंने भी यह बात कही। लगातार तमाम चीफ जस्टिस ने यह बात कही, लेकिन दुख इस बात का है कि सब रिटायर होने के बाद यह बात कहते थे। जब वे स्वयं चीफ जस्टिस रहते थे तब किसी ने इस बात के लिए कोई कोशिश नहीं की। आज 22 साल के बाद यह चीज रिव्यू होकर सामने आ रही है और आज बड़ा ऐतिहासिक दिन है कि आज हम उसको पारित करने जा रहे हैं।

सरकार ने अब जो बिल पेश किया है, उसमें बिल्कुल साफ-साफ है और मैं तो अरुण जेटली जी की बात को और आगे बढ़ाता हूँ कि संविधान में जो बेसिक प्रोविजन्स हैं, अभी सरकार ने इस बिल में उनको पूरी तरह से नहीं रखा है। उसमें तो सीधी-सीधी बात थी कि एक्जिक्युटिव तय करे कि सिर्फ जजेज को कंसल्ट करेंगे। इसमें फिर भी बहुत Large-heartedness है। जो कपिल सिब्बल ने बिल तैयार किया था और जो बिल रवि शंकर प्रसाद जी भी लाए हैं, इसमें उसके बावजूद भी उनके लिए पूरे तीन स्थान हैं, चीफ जस्टिस हैं और सुप्रीम कोर्ट के दो जजेज हैं। इनके अलावा उसमें सिर्फ लॉ मिनिस्टर हैं। अगर आप पॉलिटिकल लीडरशिप से किसी को लीजिए, तो उसमें सिर्फ एक लॉ मिनिस्टर है। जो दूसरे लोग आएंगे, ऐसा नहीं है कि वे पॉलिटिशियंस आएंगे, वे people of eminence होंगे, मतलब वे बड़े-बड़े वकील हो सकते हैं या कुछ सामाजिक कार्यकर्ता हो सकते हैं। जब उसमें सिर्फ एक पॉलिटिकल आदमी है तो फिर इतना हो-हल्ला क्यों है? मतलब, पॉलिटिकल आदमी कहीं नहीं होना चाहिए। आज जो बिल लाए जाते हैं, उनमें यह चीज रखी जाती है कि no ex-MLA, no ex-Member of Parliament and no political person will be qualified to be the member of this Commission. उसमें यह पहले ही लिख दिया जाता है। आज यह चल रहा है कि राजनीतिक व्यक्ति खराब है, इसको हमेशा दूर रखो। हम लोगों को इस चीज को लेकर देश में एक लम्बी लड़ाई लड़नी पड़ेगी। इसमें तो केवल एक लॉ मिनिस्टर मेम्बर है, इसके बावजूद इस पर आपत्ति पर आपत्ति आ रही है, चीफ जस्टिस बयान पर बयान दिए चले जा रहे हैं कि कोलेजियम सिस्टम चला जाएगा तो पता नहीं क्या हो जाएगा। उसमें तीन जजेज रहेंगे, सिर्फ एक लॉ मिनिस्टर रहेगा, दो People of eminence होंगे और उनको सेलेक्ट करने के लिए भी लीडर ऑफ अपोज़िशन, प्राइम मिनिस्टर और चीफ जस्टिस होंगे। इस प्रकार, इसमें भी चीफ जस्टिस को इन्वॉल्व किया गया है, यानी जो लोग तय होंगे, उसमें भी ज्युडिशियरी की सलाह ली जाएगी। इस तरह, इसमें दोनों बार ज्युडिशियरी का कौन सा dominance कम हो रहा है? इसमें उसके dominance का बराबर ख्याल रखा गया है,

[श्री राजीव शुक्ल]

बल्कि एक middle path निकाला गया है और इस मिक्स से निकलकर जो जज़ेज आएंगे, वे बहुत अच्छे होंगे। मैं यह दावे के साथ कहता हूँ कि पॉलिटिकल सिस्टम से जो जज़ेज निकलकर आए, उन जज़ेज पर आज तक कोई उंगली नहीं उठा पाया। मोहम्मद करीम छागला से लेकर ऐसे कितने ही एक से बढ़कर एक लोग आए, लेकिन उन पर कोई भी उंगली नहीं उठा पाया और उनकी हमेशा तारीफ़ हुई। इनके बाद collegium system से जो जज़ेज निकलकर आए, उनके बारे में रोज़ उंगली उठती है। यह उंगली कौन उठाता है? यह उंगली हम नहीं उठाते, बल्कि फॉर्मर चीफ़ जस्टिस उठा रहे हैं। ऐसा जस्टिस वी.एन. खरे ने कहा। ऐसा किसने नहीं कहा? इसके बाद मार्कण्डेय काट्यू जी अपने ब्लॉग पर जज़ेज के बारे में रोज़ एक कॉलम लिख रहे हैं। वे कौन हैं? ये सब लोग collegium system से आए हुए जज़ेज के बारे में बात कर रहे हैं। रिटायर होने के बाद सारे जज़ेज यह बात उठा रहे हैं कि अंदर क्या हुआ। वे चिढ़ी खोल रहे हैं। आज collegium system को लेकर जितने सवाल ज्युडिशियरी के लोग उठा रहे हैं, उससे लगता है कि कहीं न कहीं इस सिस्टम में कोई खराबी है। अगर इस खराबी को दुरुस्त करने के लिए कोई काम हो रहा है तो इस पर एतराज़ क्यों है? मैं यह समझता हूँ कि यह बहुत अच्छा काम हो रहा है। पिछली सरकार ने इसको शुरू किया, इस सरकार ने इसको एडॉप्ट किया और मुझे लगता है कि सब लोगों को इस पर अपनी सहमति देनी चाहिए।

ऐसे दो-तीन मुद्दे हैं, जिनको हमें ध्यान में रखना चाहिए। उनमें से एक pendency of cases है। आज जितने केसेज़ पेंडिंग हैं, अगर उनका निपटारा हो तो उसमें 323 साल लगेंगे। New York Times ने लिखा है, “It appears that the wheel of judiciary has come to a standstill in India. उसने ऐसा क्यों लिखा? क्योंकि इतनी छुट्टियां होती हैं, इतनी डेट्स पर डेट्स पड़ती चली जाती हैं कि केसों का निपटारा नहीं हो पाता। इसलिए ज्युडिशियरी की accountability भी फिक्स होनी चाहिए। उनको कितने देर में कौन सा केस निपटाना है, इसके लिए भी आगे प्रोविजंस करने चाहिए, वरना लोगों को न्याय नहीं मिल पाएगा। इसलिए पेंडेंसी को देखना भी जरूरी है और छुट्टियों पर भी कंट्रोल लगाना चाहिए। अतुल्य घोष का केस 32 सालों में खत्म हुआ। दादा केस शुरू करता है और ग्रैंडसन के आने तक उसका निपटारा होता है, तो ज्युडिशियरी यह कौन से टाइम पर डिलीवरी कर रही है? इनका डिलीवरी सिस्टम भी गड़बड़ है, वह भी ठीक होना चाहिए।

अब इसमें करप्शन की बात आती है करप्शन की बात हम पॉलिटिकल लोग नहीं उठा रहे हैं, बल्कि जितने जज़ेज हैं वही करप्शन की बात कह रहे हैं। कहीं किसी के घर के बाहर नोटों के बंडल मिलते हैं, कभी यह सुनने को मिलता है कि किसी ने एसी ले लिया, किसी ने कोई कार ले ली, कभी किसी के बारे में यह कहा जाता है कि यह land grabber है, किसी ने जमीन खरीद ली, किसी ने प्लॉट खरीद लिया, ये सारी बातें जज़ उठा रहे हैं, हम लोग नहीं बोल रहे हैं। मुझे लगता है कि अब खुद ज्युडिशियरी के introspection का वक्त आ गया है। मैं यह नहीं कहता कि ज्युडिशियरी में सारे लोग करप्ट हैं, उनमें 70-80 प्रतिशत लोग ऑनेस्ट हैं। हायर ज्युडिशियरी में यह संख्या बहुत ज्यादा है, लेकिन लोअर ज्युडिशियरी सबसे ज्यादा खतरे की चीज़ है। लोअर ज्युडिशियरी को ठीक करने की जिम्मेदारी हायर ज्युडिशियरी पर है और वे काम को नहीं करते हैं। आप किसी भी लोअर ज्युडिशियरी में जाइए, जिले की अदालत में तारीख बढ़ाने के पैसे

पेशकार सबके सामने लेता है, लेकिन उसका कोई स्टिंग आपरेशन भी नहीं करता वहां सबके सामने धड़ाधड़ पैसे लिए जा रहे हैं। जिसे visible corruption कहते हैं, वह लोअर ज्युडिशियरी में है। वह जिम्मेदारी हाई कोर्ट के चीफ जस्टिस, हाई कोर्ट के इन-चार्ज जज की होती है, लेकिन वे कुछ नहीं करते। वहां जाकर मजिस्ट्रेट से आप कोई भी हलफनामा साइन करा लीजिए। ऐसे कई हलफनामे हैं, जिनमें महात्मा गांधी को मुलजिम बना दिया गया, भारत के राष्ट्रपति, प्रधानमंत्री को मुलजिम बना दिया गया। उन्होंने देखा तक नहीं, केवल पैसे लगाए और मुहर लगाकर दस्तखत कर दिए। यह हाल लोअर ज्युडिशियरी का है और इस लोअर ज्युडिशियरी से आम आदमी प्रभावित होता है। माननीय मंत्री जी, लोअर ज्युडिशियरी के बारे में आप क्या कर रहे हैं और इस कमीशन में इस बारे में आप क्या प्रोविजन कर रहे हैं? यह स्टेट लेवल पर बहुत जरूरी है, क्योंकि लोअर ज्युडिशियरी में इतना करप्शन है कि आप सोच भी नहीं सकते। तीसरी बात है महंगा न्याय। महंगे न्याय का भी कुछ करना पड़ेगा। महंगा न्याय मैं इस सेंस में कह रहा हूं कि सुप्रीम कोर्ट का रिटायर्ड जज भी सुप्रीम कोर्ट में मुकदमा नहीं लड़ सकता। वकीलों की जो फीस है, कोई भी वकीलों की उतनी फीस नहीं दे सकता। जो हालत है उसमें यह सस्ता न्याय कहां से मिलेगा, कैसे आम आदमी हायर ज्युडिशियरी में लड़ सकता है? एक-एक एपिरिंस के 25-25 लाख लगते हैं। यह सब ज्युडिशियरी की जिम्मेदारी है। क्योंकि वे क्या करते हैं कि जब कोई नामी-गिरामी वकील खड़ा हुआ है, लोगों के दिलों में यह परसेप्शन रहता है कि नामी-गिरामी वकील को खड़ा करोगे तभी फेवर में जजमेंट होगा। उस चक्कर में जो नामी-गिरामी वकील देश भर में हैं, उनको लोग पैसा देकर लाते हैं और यह होता है कि अगर कोई साधारण वकील अच्छा लीगल आरग्यूमेंट भी दे रहा है, तो शायद उसकी सुनी नहीं जाएगी। इस परसेप्शन की वजह से लोग लुटे जा रहे हैं। तो यह तो ज्युडिशियरी को ख्याल रखना होगा कि चाहे वह केवल महीने पुराना वकील हो, लेकिन अगर वह आरग्यूमेंट अच्छा दे रहा है तो उसको तरजीह देनी चाहिए, बड़े-बड़े वकीलों के ऊपर, और तभी जाकर सस्ता न्याय मिल सकेगा। ...**(समय की घंटी)**... अभी तो मेरे 24 मिनट नहीं हुए। ...**(व्यवधान)**...

श्री उपसभापति : इसमें देखो, कितने मिनट हो गए।

श्री राजीव शुक्ल : सर, मैं कह रहा हूं कि घंटी बजाने की आदत थोड़ा कम कर दीजिए। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: You have to conclude. ...**(Interruptions)**...

श्री राजीव शुक्ल : तो यह जो लोगों को महंगा न्याय मिल रहा है, यह ठीक नहीं है। चौथी चीज, यह कि एकजीक्यूटिव हमेशा गलत नहीं हैं। यह जो परसेप्शन देश में बना दिया गया है कि जो कोई भी चीज एकजीक्यूटिव करेगी वह गलत है। इसलिए प्याज के दाम कितने हो वह भी हम तय करेंगे, ट्रेन कैसे चले यह भी हम तय करेंगे, नगरपालिका कैसे चले यह भी हम तय करेंगे, क्योंकि जो एकजीक्यूटिव है वह सब बेकार है। फिर डेमोक्रेसी किसलिए है? फिर यह चुन-चुनकर इतने चुनाव क्यों होते हैं, क्यों लोग आते हैं? जब आप उनके साथ में कोई पॉवर ही नहीं देना चाहते, एकजीक्यूटिव खराब है तो फिर एकजीक्यूटिव को इलेक्ट ही क्यों करते हो, फिर तो डेमोक्रेसी खत्म करिए। इसलिए यह बहुत जरूरी है कि इन चारों चीजों पर मंत्री जी जवाब दें कि आगे क्या प्रावधान कर रहे हैं। सदस्यों तक का तो यह कहना है कि इसको और कम्प्रहेंसिव बनाना चाहिए था और इस ज्युडिशियल कमीशन में यह चीज डालनी चाहिए थी कि करप्शन से

[श्री राजीव शुक्ल]

कैसे डील करेंगे। इसमें वह प्रोविजन नहीं है। उनका कहना है कि पहले एक स्टेप चलो, फिर दूसरे स्टेप पर आएं। इसलिए उसका भी ध्यान रखें। बहुत-बहुत धन्यवाद।

MR. DEPTUTY CHAIRMAN : Dr. Keshava Rao, only five minutes.

DR. K. KESHAVA RAO (Andhra Pradesh): Mr. Deputy Chairman, Sir, thank you. Today, I will not object to your time-limit because I really want the House to pass the Bill. I was looking forward to the Bill being passed. As the Minister said, it is a culmination of 24 years of our thinking, our protests, our sufferings, sufferings in silence, although we wanted it. But it is not the reason. We had caved in to the judiciary for various reasons. We went for the committed Executive. We went for the Executive supremacy, or, whatever it is. But, Sir, whatever it is, the Bill is so well drafted. Yesterday, I was looking into it. So, tighter draft. Yet I have my own doubts, because whatever it is, after having enjoyed it for 24 years, the judiciary might not leave us that free. Although all of us are asking for this Bill, I have my own doubt. It is for the Law Minister who is really firm. He is one of the strong Ministers, let him also take this into view. The very fact that the entire House, and the other House, have expressed a unanimous voice, the emphatic voice for a judicial reform. We have always been talking of reforms in terms of social reforms and economic reforms. But nobody has talked about judicial reforms which really uphold the very Constitutional democracy for us, and the lives of the people.

Hon. Member, Mr. Jethmalani is sitting here. He wrote an article. He has dealt very deeply with how they all become wards of the Supreme Court, or, any court. How the Judges become our guardians. Now that particular thing is crumbling. What do we do? Today, why did the Minister come with this Bill? Yesterday, the Minister's clarification in the other House, or, Mr. Jaitley's clarification has cleared it. Since all of us are on the same page, I do not think, I need to take much time of the House. But I would like to say why are we becoming diffident? Mr. Jaitley said that they are going to stand by the independence of the judiciary, everybody wants it. Independence, or what is called, he used the word, impartiality. We would see to it that impartiality remains and so on. What I am saying is independence and impartiality are now judicial priorities. They are not private property of those people. It is the right of all the people, all of us want it. But what we want is, along with independence, there has to be accountability; otherwise, without accountability, independence is nothing. It would become a scam. So, that is what we are trying to do. Earlier, the system that we had for all these years, perhaps, went bad in a few cases where the Executive got its own supremacy. What I am saying is, today the Minister tried, to balance the thing. What is the balance? He has factored in the Judiciary, about which we have been talking so much; he has motored in the Executive add he has

factored in the civil society. He has factored in these three with a balance. As Shri Jaitley said, the Judiciary still keeps its supremacy. It is not there in this Bill. It is in the next Bill. The other Bill says that if two people differ you will not have your way. That means, it will certainly be the Judiciary which will have its last say, to which I might have my own reservations. But, nonetheless, it will be there because the people are asking for it. Sir, why we are asking for this is not because they did not have any criterion or this or that. But certainly, as time is short, I will jump to other points. The point is, what Shri D. Raja has brought in, what Shri Yadav has brought in and what others tried to bring in, is the sociology of law. We are saying this today because you are going to head the judicial system or jurisprudence as such. You are going to become a guide and a philosopher, as far as the very judicial reforms are concerned. We are not only worried about whom we are bringing as the Chief Justice and as a judge of the high court. What is there is also important, though we are not discussing it. That is not the agenda before us. But nonetheless, it is the true agenda, as far as our hearts are concerned. What Shri Yadav says is, when you see the entire country, in more than 800 judges, we are not having any OBC or any SC. They are hardly having anything. It hurts the people. Let the Minister...

MR. DEPUTY CHAIRMAN: Please conclude.

DR. K. KESHA RAO: Let the Minister, as the Chief Executive, look at this fact also, because there are issues like pending cases, infrastructure, fee, etc. All these are issues which have to be factored into these things. Shri Misra talked about fee. It is absolutely prohibitive, in a sense, it discourages. (Time Bell rings) Actually, the Minister wrote a letter to our State. We did not reply to it, I understand. I feel sorry for it. But it was the same thing which I am saying. We are all with you. We are heartily with you as far as this Bill and this reform is concerned. Thank you.

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I congratulate the hon. Law Minister, Shri Ravi Shankar Prasad, for having this historical role of coming forward with such a law, which was initiated many years back by many Governments. From the 11th Lok Sabha, from 1991 onwards, till the 16th Lok Sabha, there were eight Governments and six Prime Ministers. Every time, they tried to work it out by bringing some sort of law to see that appointments are properly made instead of going by the 1993- Judgement which stated that judges could elect themselves within their own fraternity. Sir, the Constitution-framers were very clear in saying that Parliament was supreme, when you compare with the Judiciary or the Executive. The powers which were given can easily be assessed by way of the Preamble of our Constitution which gives a very clear version as to how the Constitution thinks.

[Dr. E.M. Sudarsana Natchiappan]

I am reading out the Preamble: “We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure to all its citizens justice, - social, economic and political - liberty, equality and fraternity...” Now, justice in social, economic and political aspect is to be given by all the three wings of the Government. The State is having an executive power. The Executive is elected by the people. It reflects upon the peoples feeling about what type of Government it wants for a particular period. This way the Lok Sabha is elected. Similarly, States are electing their own representatives to the Rajya Sabha to reflect the attitude of State Governments, local people, linguistic, ethnic and cultural groups. They decide what type of representation they want in the Senate, the Rajya Sabha. Therefore, this is the reflection of the people’s mind, that is, the accountability of the representatives of the people. Therefore, it has to reflect. Whether it is the action of the Judiciary, the Executive or the Legislature, the people’s will has to come out. It has to be reflected in each and every action because the accountability is to the people by representatives who are elected by the people. Therefore, the executive power is nothing but the people’s power which is given through Parliament, and Parliament is supreme according to the Constitution. If you read Article 124, it gives power in the first clause, which says, "Parliament, by law, prescribes the larger number of judges." The number of judges of the Supreme Court can be done only by Parliament. Similarly, removal of judges can also be done only by Parliament. The procedure for removal is also to be done by Parliament. Salaries of particular judges, whether of the Supreme Court or High Courts, are also vested with Parliament under Article 124. Similarly, Article 145 says: “Subject to the provisions of any law made by Parliament, the Supreme Court may, from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court.” Therefore, the entire thing, whether it pertains to salaries or appointments or procedure of working, etc., is vested with Parliament. Parliament has the supreme power to see that everything is properly done, be it the Legislature, the Judiciary or the Executive, because these are the organs which are answerable to the people; they are accountable to the people. If the Judiciary makes a particular aspect of the judgement, Parliament, that is, Members elected by the people, ask the Executive as to why this has been done. We started from the Jain dairy where some initials were put up. Many of the top-level dignitaries of the political parties had to face trial. We never saw such a thing when the diary of an accused could be used as evidence against innocent people and, finally, we know what happened. We have examples of plenty of cases, right from 1993 till date, to see how innocent political leaders were brought in for the court procedure. This is because the Executive, that is, Parliament, was depending upon many of the coalition partners, and, therefore, they were

not energetic enough to see to it that Judiciary was pinned down. But I congratulate the Government on taking this step, an early path. I say this because if they even wait for six months more, by then, they will also be facing certain cases against their own Ministers; many scams will be coming out, and they will have to look after those things rather than bringing in this type of legislation. Therefore, I feel that this is the correct time. But I request them that they have to bring a package. When Shri Jaitley was the Leader of the Opposition, he used to very often raise in the debate that we should have a comprehensive enactment on appointments, on taking action against judges, and also on how salaries and other things have to be fixed. Now the Judicial Accountability Bill is before Parliament. It ought to have come. But the same mechanism, which is now brought in by this Constitutional Amendment, need not be vested with the same powers because it is the appointing authority. Appointing authority cannot have the authority to take disciplinary action and also hold an inquiry. We have to bring about another body which is the Judicial Accountability Commission and this has to be brought in an appropriate time when the Government feels that it is proper. Similarly, Sir, I would like to rush through the two provisions. In this Constitutional amendment we find that, more or less the Constitutional acceptance for the collegium is given. Three judges who called themselves as a collegium from 1993 judgment onwards are now accepted as a Constitutional body, provided the Executive is also reflected with the Judiciary's consent. Two more eminent jurists are also appointed. Who are they? Who is appointing? Is it the Prime Minister, the Chief Justice of India and the Leader of the Opposition or the largest group of Opposition in the Parliament? Therefore, here also, the Judiciary is having a say in appointing persons who are called eminent persons. Therefore, here also, the judiciary is having a stronghold to see that proper persons are appointed. Similarly, Sir, if you take Article 222, there are two clauses. They are 124B which is now going to be inserted. Clause (b) says, 'recommend transfer of Chief Justices and other Judges of High Courts from one High Court to any other High Court'; and Clause (c) says 'ensure that the person recommended is of ability and integrity.' I am sorry, Sir, more or less, the transfer is made only for punishment. Nowadays, the Judiciary has started to usurp the power and is challenging the federal set-up of India. Sir, the person who was born and educated in a particular State, in a culture, in a linguistic manner, should be the judge of the High Court of a particular State. He should be the Chief Justice of that particular State. He has to reflect the culture and the linguistic aspect of that particular State. Now, you are removing them to some other State and putting some other person as the Chief Justice of a High Court. And secondly, the senior most judge is also from some other State. They are becoming a collegium to select the members. It is more or less, I feel violation of federal set up.

MR. DEPUTY CHAIRMAN: Please conclude.

DR. E. M. SUDARSANA NATCHIAPPAN: I am concluding. You have given me time. I will conclude within that time.

MR. DEPUTY CHAIRMAN: I know your party has got six more minutes but sacrifice five minutes!

DR. E.M. SUDARSANA NATCHIAPPAN: Sir, we are always sacrificing. Congress is always sacrificing everything.

MR. DEPUTY CHAIRMAN: Sacrifice is always good.

DR. E. M. SUDARSANA NATCHIAPPAN: Sir, I would like to conclude by saying that federal powers of the State should not be taken away. We, the people of India, have already followed the system of giving more powers to the Federal system. You have given a chance in the subsequent Bill to get the consent of the Chief Minister who is responsible for the local people, and also the Governor of the State. Sir, that State should also have the power to say that these were the people from our State, who should be represented (Time-bell rings) as a judge and also the Chief Justice of the High Court. Article 222 should not be taken up as a usual course. It should be an exceptional one in certain cases alone. Thank you.

श्री उपसभापति : श्री रामदास अठावले, आप सिर्फ चार या पांच मिनट लीजिएगा।

श्री रामदास अठावले (महाराष्ट्र) : डिप्टी चेयरमैन सर, इस नई सरकार के कानून मंत्री जी बहुत की क्रांतिकारी बिल लाए हैं। आप जानते हैं कि हमारे देश का संविधान बाबा साहेब अम्बेडकर जी ने लिखा था, वे ड्राफ्टिंग कमेटी के चेयरमैन थे। इस संविधान को बनाने में डॉ. राजेन्द्र प्रसाद जी के नेतृत्व में जिन-जिन लोगों ने भाग लिया, उन सबका इसमें बहुत इम्पोर्टेंट रोल रहा है, इसलिए मुझे लगता है कि यह जो संविधान है, कई लोग कहते हैं कि इस पर अंग्रेजों का प्रभाव है, लेकिन वह प्रभाव बिल्कुल नहीं है। अंग्रेजों पर हमारा प्रभाव था। अंग्रेजों का यहां कोई संबंध नहीं है। हरेक मेम्बर ने स्टडी करके कि कैसा कानून होना चाहिए, उसकी बात कही है। ज्यूडिशियरी का जो कानून है, वह कानून जब बनाया गया था, तो पहले जो अपॉइंटमेंट होते थे, उसमें राष्ट्रपति या सुप्रीम कोर्ट के चीफ जस्टिस अपॉइंटमेंट करते थे, तो लोगों को थोड़ी गलतफहमी होती थी, लेकिन इस सरकार के कानून मंत्री श्री रवि शंकर प्रसाद जी यह जो बिल लाए हैं, यह बहुत इम्पोर्टेंट बिल है। इसमें छः लोगों की कमेटी बनेगी, जिसमें सुप्रीम कोर्ट के चीफ जस्टिस भी रहेंगे, दो जजेज रहेंगे, दो एक्सपर्ट्स रहेंगे और लॉ मिनिस्टर भी उसमें रहेंगे, तो इस तरह छः मेम्बर्स की कमेटी बनेगी, लेकिन सर, मेरा सुझाव है कि इसमें एक शेड्यूल्ड कास्ट, शेड्यूल्ड ट्राइब का व्यक्ति भी होना चाहिए और एक महिला भी होनी चाहिए। छः मेम्बर्स में से ...**(व्यवधान)**... दो मेम्बर्स लेने वाले हैं। ...**(व्यवधान)**...

डा. अनिल कुमार साहनी (बिहार) : ओ.बी.सी. का भी होना चाहिए।

श्री रामदास अठावले : ओ.बी.सी. की मांग आप करिए, मैं सब मांगें करूंगा तो वे मानेंगे नहीं। ...**(व्यवधान)**... ठीक है, ओ.बी.सी. का भी होना चाहिए। ...**(व्यवधान)**... 6 मंत्रियों में ओ.बी.सी. का भी हो क्योंकि अगर देश में एस.सी., एस.टी. और ओ.बी.सी. की पापुलेशन देखी जाए तो वह 75 परसेंट है - 52 परसेंट ओ.बी.सी. की और एस.सी., एस.टी. की पापुलेशन 24.4 परसेंट है, इसलिए मुझे लगता है कि सभी जातियों को न्याय मिलना चाहिए, इसमें कोई जातिवाद का प्रश्न नहीं है। अगर आप मैरिट की चर्चा करते हैं तो मैं कहना चाहता हूँ कि दलित समाज में भी बहुत अधिक मैरिट है। बाबा साहेब अम्बेडकर में कितना मैरिट था। अगर मैरिट की बात करते हैं तो रास्ते में, झोंपड़-पट्टी में स्टडी करने वाला भी अगर 70 परसेंट, 80 परसेंट मार्क्स लाता है तो उसका मैरिट अच्छा होता है - मेरी भी मैरिट अच्छा है। मेरा मैरिट अच्छा है कहने से मेरा मतलब है कि हम लोग उस समाज से आए हैं। जो यह 121वां संशोधन है, आप कह रहे हैं कि आपकी सरकार इसको लायी थी, लेकिन आप आखिर में इसको लेकर आए। मैं पूछना चाहता हूँ कि इतने साल आप क्या कर रहे थे? आपको इसे पहले ही लाना चाहिए था। ठीक है, आप लाए या हम लेकर आए, लेकिन जो एप्वाइंटमेंट्स होने वाली हैं, इनसे किसी पर भी किसी तरह का आरोप नहीं लगेगा, जो अच्छा आदमी है, उसका एप्वाइंटमेंट होगा। मेरा अनुरोध है कि उसमें भी शेड्यूल्ड कास्ट, शेड्यूल्ड ट्राइब्स और ओ.बी.सी. के जजेज को एप्वाइंट करना चाहिए। माननीय रवि शंकर प्रसाद जी से मेरा अनुरोध है कि हमें यह करना चाहिए। दलितों ने हमें बहुत अच्छे वोट दिए हैं। हालांकि यह वोट का विषय नहीं है, लेकिन दलितों को न्याय देने के लिए, ट्राइबल्स को न्याय देने के लिए जजेज में हमारे जज भी होने चाहिए। अगर आपको अच्छा न्याय चाहिए तो हमारे समाज में से भी कुछ लोगों को एप्वाइंट करने की आवश्यकता है। ...**(समय की घंटी)**... महोदय, मुझे लगता है कि आपकी बेल बज रही है। जब मैं खड़ा रहता हूँ तो बेल बजती है, वह बजनी भी चाहिए, अगर बेल नहीं बजेगी तो मैं तो बैठूंगा नहीं। ...**(समय की घंटी)**... इसलिए जो सुझाव मैंने दिया है, जो 121वां अमेंडमेंट हो रहा है, The National Judicial Appointments Commission Bill, 2014 को मान्यता देने का जो 121वां कंस्टीट्यूशनल अमेंडमेंट बिल है, इसका मैं समर्थन करता हूँ और इतना ही कहना चाहता हूँ कि ...**(समय की घंटी)**...

श्री उपसभापति : अठावले जी, अब समाप्त करिए।

श्री रामदास अठावले : यह संविधान इतना मजबूत है कि इसमें बदलाव करने की आवश्यकता नहीं है, जब भी चाहे हम इसमें अमेंडमेंट्स कर सकते हैं। इसीलिए मैं इस अमेंडमेंट बिल का पूरा समर्थन करता हूँ, पूरा देश इसको सपोर्ट करेगा। मेरा अनुरोध है कि आप अच्छे लोगों का एप्वाइंटमेंट कर दीजिए। धन्यवाद।

MR. DEPUTY CHAIRMAN: Shri Naresh Gujral. Please take 3-4 minutes and not more than that because we have to go for voting before 2 p.m.

SHRI NARESH GUJRAL (Punjab): Sir, after 67 years of Independence, there is an increasing cynicism against the three pillars of democracy. While the anger against the Legislature and the Executive is more intense, we now find that increasingly the Judiciary is also coming under attack. Sir, till the 70s, there was a time when the judges were considered almost as demi-gods. Their integrity and reputation was beyond question. But,

[Shri Naresh Gujral]

unfortunately, the Judiciary refused to stand up to the Emergency and Mrs. Indira Gandhi. Thereafter, we saw the concept of committed Judiciary as against independent Judiciary. We all remember the role of a particular Law Minister who was pivotal in bringing the kind of people to Judiciary, who should not have been there. Cronies were brought in. People of less than high integrity were brought in and that is when the courts decided to step in the early 90s.

Sir, today what we are witnessing is a huge backlog of cases in the country which is increasingly criminalizing our society. Yet, the backlog of judges is not filled up. So, obviously, this calls for some kind of a change and, I think, the collegium system which is not working perfectly needs some change, which the Government is proposing.

Sir, there have been allegations of promoting brother judges in the collegium and the process requires a relook. I will only narrate two cases to which I was a witness. In one case, the collegium recommended the case of a judge and the file itself said — I am saying it because my father was the Prime Minister then — that the particular person was abusive to the family. The file said that there were complaints against him from fellow judges on his behaviour. Yet, his name was being proposed. When this was brought to the attention of the then Chief Justice, the file was called back, and the name was withdrawn.

But more of horrific was a case when the Chief Justice of India had to be appointed. Normally, Mr. Law Minister would support my contention, the name comes to the Prime Minister one month before the Chief Justice has to retire. In that case, the name was withheld and it came only ten days before the Chief Justice was to retire. The Prime Minister looked at the file. There was unanimity on the recommendation, the senior-most judge was being appointed, and the file was sent to the President. Three or four days later, the Chief Justice calls the Prime Minister and says, ‘there are allegations of corruption against this gentleman’. The then Prime Minister asked him, “Why did you send this name, if there were allegations?” He said, “My hands were tied; my fellow brothers wanted the name to be sent. So, I have sent the name”. The said gentleman, against whom there were allegations of corruption, was promoted as the Chief Justice of India.

Sir, I am narrating these instances just to show that the collegium system has not worked perfectly, and it is time now that we brought a change. (Time-bell rings) I will only take half-a-minute, Sir. I welcome the Clause regarding the women being represented on JAC, because that will ensure that the existing boys’ club is broken up. And, I also hope that this will address the increasing cases of sexual harassment in the judiciary. Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Now, Km. Mayawati, two minutes.

सुश्री मायावती (उत्तर प्रदेश) : माननीय उपसभापति जी, अपने देश में जजेज़ की नियुक्ति के लिए लगभग पिछले 20 वर्षों से जो व्यवस्था चली आ रही थी जिसमें काफी कुछ कमियां थीं और पिछली व्यवस्था के तहत लोग किस्म-किस्म की अंगुलियां उठाने लगे थे, तो उसे दूर करने के लिए वर्तमान सेंटर की सरकार ने जजेज़ की नियुक्ति के लिए जो नई व्यवस्था की है, उसको लेकर जो विधेयक लाया गया है, इसका हमारी पार्टी समर्थन करती है। इस संबंध में मेरा यह भी कहना है, खासतौर से जुडिशियरी को लेकर कि हमारे देश का संविधान लोकतंत्र के ऊपर आधारित है। माननीय न्यायपालिका को इसका एक मजबूत स्तम्भ माना जाता है।

परम पूज्य बाबा साहेब डा. भीमराव अम्बेडकर ने इस महत्वपूर्ण स्तम्भ के बारे में काफी कुछ कहा है। मैं उसके ज्यादा डीटेल में नहीं जाना चाहती हूं। परम पूज्य बाबा साहेब डा. भीमराव अम्बेडकर ने भारतीय संविधान में जो न्यायपालिका की व्यवस्था की, वह यह सोचकर की थी कि इस देश में समाज के सभी वर्गों को और सभी धर्मों के लोगों को जुडिशियरी के जरिए न्याय मिलेगा। यदि राज्य सरकारें किसी भी मामले में उनको न्याय नहीं देती हैं या सेंट्रल गवर्नमेंट उनको न्याय नहीं देती है, चाहे वे किसी भी धर्म के लोग हों, चाहे किसी भी जाति के लोग हों, तो उनके लिए माननीय अदालत के दरवाजे खुले हैं, वे वहां जाकर अपनी बात कह सकते हैं। हमें इस बात को भी ध्यान में रखकर चलना चाहिए कि बाबा साहेब डा. अम्बेडकर ने जुडिशियरी के बारे में बहुत कुछ कहा है। बाबा साहेब डा. भीमराव अम्बेडकर ने इस बात को भी ध्यान में रखकर कहा था कि इस देश में जो अनुसूचित जाति, अनुसूचित जनजाति, ओ.बी.सी. और जो रिलिजियस माइनॉरिटीज़ के लोग हैं, खासतौर से एस.सी., एस.टी. और ओ.बी.सी. में से जो कन्वर्टेड माइनॉरिटीज़ के लोग हैं, उनकी तादाद बहुत ज्यादा है। बाबा साहेब डा. भीमराव अम्बेडकर को यह मालूम था कि समाज में जो गैर बराबरी वाली सामाजिक व्यवस्था है, उसके तहत इनको जिंदगी के हर पहलू पर आगे बढ़ने से बरसों से रोका गया है। इस बात को देखते हुए बाबा साहेब डा. भीमराव अम्बेडकर ने भारतीय संविधान में व्यवस्था करते समय यह सोचा था कि केन्द्र में और राज्यों में जिन पार्टियों की सरकारें बनेंगी, वे इन वर्गों के लोगों को जिंदगी के हर पहलू पर आगे बढ़ने के लिए इनके हितों का ध्यान रखेंगी। यदि वे इनके हितों का ध्यान नहीं रखती हैं और इनकी उपेक्षा करती हैं, तो इन वर्गों के लोगों को माननीय अदालत में जाने का पूरा अधिकार है, ताकि वे अदालत में जाकर अपनी बात कह सकें। बड़े दुख की बात है कि हमारे देश को आज़ाद हुए बरसों बीत चुके हैं, लेकिन इन वर्गों के लोगों को जिन्दगी के हर पहलू में आगे बढ़ने के लिए न्याय नहीं मिल रहा है। राज्य सरकारें इनकी उपेक्षा कर रही हैं।...(व्यवधान)... एक मिनट। राज्य सरकारें इनकी उपेक्षा कर रही हैं और केन्द्र की सरकारें भी अभी तक इनकी उपेक्षा कर रही हैं। जब ये लोग न्याय के लिए हाई कोर्ट में जाते हैं या फिर चाहे माननीय सुप्रीम कोर्ट में जाते हैं, पहली बात तो यह है कि इनकी आर्थिक स्थिति बहुत खराब होती है, जिसकी वजह से ये लोग अच्छे वकील नहीं कर पाते हैं। यदि जैसे-तैसे करके ये लोग वकील करते भी हैं, तो इनको न्याय मिलने में बरसों लग जाते हैं। न्याय पाने की आस में इनको दस-दस साल का

[सुश्री मायावती]

समय लग जाता है और ज्यादातर केसों में इनको पूरा न्याय भी नहीं मिल पाता है। ...**(समय की घंटी)**... बस दो-तीन मिनट।

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... One minute more.

सुश्री मायावती : मैं इस बिन्दु पर आना चाहती थी कि इनको न्याय नहीं मिल पाता है। जब इन दबे कुचले लोगों को बरसों के बाद हाई कोर्ट में न्याय नहीं मिलता है, सुप्रीम कोर्ट में न्याय नहीं मिलता है, तब ये वीकर सेक्शन के लोग, खासतौर से शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लोग, दुखी होकर कहते हैं कि हमारे जजेज नहीं हैं, इसलिए हमें न्याय नहीं मिल रहा है। जो इन लोगों की दुखी भावना है, उसकी ओर भी ध्यान देने की जरूरत है। जब ये लोग न्याय के लिए कोर्ट, कचहरी में जाते हैं, जब उनको न्याय नहीं मिलता है, तब वे इस किस्म की बातें सोचते हैं। मेरा सरकार से यह कहना है कि आप जजेज की नियुक्ति के लिए यह जो विधेयक लाए हैं, हम इसका वेलकम करते हैं। इसके लिए हमारी पार्टी का यह भी कहना है कि जब जजेज की नियुक्ति हो, वह चाहे हाई कोर्ट में हो या फिर सुप्रीम कोर्ट में हो, तो इन दबे कुचले लोगों के हितों का भी ध्यान रखना चाहिए। हालांकि आपने यह तो कहा है कि नियुक्ति के लिए एक पैनल बनेगा और इनके हितों का भी ध्यान रखा जाएगा, लेकिन इससे काम नहीं चलेगा। मेरा सरकार से यह कहना है कि जब तक आप जुडिशियरी में ...**(समय की घंटी)**... एस.सी., एस.टी., ओ.बी.सी. के लिए और रिलिजियस माइनोंरिटीज के लोग हैं, इनके लिए अलग से रिजर्वेशन की व्यवस्था नहीं करेंगे, आबादी के हिसाब से इनके लिए अलग से कानून नहीं बनाएंगे तब तक एस.सी., एस.टी. और माइनोंरिटीज के लोग जुडिशियरी में जज नहीं बन सकते।

श्री उपसभापति : ठीक है, अभी आप बैठिए।

सुश्री मायावती : हम केवल इनके हितों का ध्यान रखेंगे, यह कह देने से काम नहीं चलेगा, क्योंकि जुडिशियरी में इनका रिजर्वेशन नहीं है। हमारी पार्टी इसके लिए लम्बे समय से संघर्ष करती आ रही है। इसके लिए केन्द्र सरकार से मेरा यह कहना है कि केवल आश्वासन देने से काम नहीं चलेगा कि हम इनके हितों का ध्यान दखेंगे, आपको सख्त कदम उठाना होगा, ठोस कदम उठाना होगा। आपको इसके लिए न्यायपालिका के अंदर एस.सी., एस.टी., ओ.बी.सी. और जो कन्वर्टेड माइनोंरिटीज के लोग हैं, उनके लिए रिजर्वेशन की व्यवस्था करनी होगी और कानून बनाना होगा।

श्री उपसभापति : मायावती जी, आप बैठिए।

सुश्री मायावती : यदि आप इस सत्र में कानून नहीं बना पाते हैं, तो अगले सत्र में आप जल्दी कानून बनाएं और इन वर्गों के लोगों को आबादी के हिसाब से प्रतिनिधित्व मिलना चाहिए, तभी इनको न्याय मिल पाएगा, ऐसी मेरी सरकार से पुरजोर अपील है।

MR. DEPUTY CHAIRMAN: Now, hon. Members, we decided even yesterday that before 2.00 p.m. it has to be put to vote. That was the decision. The Minister has not replied. I have requests from two legal luminaries, Mr. Ram Jethmalani and Shri K.T.S.

2.00 P.M.

Tulsi. But, I got the names very late. I do not know what to do. But I have got the names very late. I don't know what to do. ...*(Interruptions)*...

SOME HON. MEMBERS: Allow them. ...*(Interruptions)*...

SHRI RAM JETHMALANI (Rajasthan): Sir, even the representative of the party has written to you that they have also given their time to me. ...*(Interruptions)*...

SHRI K.T.S. TULSI (Nominated): I gave my name in the morning. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Both the names have come late. That is the problem. ...*(Interruptions)*... गुप्ता जी का लेटर क्यों आया? ...*(Interruptions)*... If the House agrees, you can be given three minutes each. ...*(Interruptions)*... Okay. Please stick to three, three minutes. ...*(Interruptions)*... I am allowing you on that condition because everybody is sitting here without taking lunch. So, please stick to your time.

SHRI RAM JETHMALANI: Sir, it is impossible to comply with the three minutes ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Then, please don't ...*(Interruptions)*...

SHRI RAM JETHMALANI: When the leader of a party has written to you that they have given their time to me. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You are right. But that letter came late. ...*(Interruptions)*...

SHRI RAM JETHMALANI: All right, Sir. I will try to be as brief as I can. ...*(Interruptions)*... I must tell this House that I have been a supporter of the creation of a National Judicial Commission for the last nearly twenty years. I have written fortnight after fortnight about the creation of the National Judicial Commission. In fact, in the last week also I had written two articles about it. But, the National Judicial Commission of my dreams is widely different from the pale shadow of the National Judicial Commission, which has been created by this amendment of the Constitution and the Bill that follows.

I wish the hon. Law Minister had taken care to study the Constitution of the National Judicial Commissions, which are operating in South Africa for the last twenty years; which have been operating in New Zealand and Australia for so many years. He would have realized that this pale shadow of the Judicial Commission that he has created is a slur on the whole institution of National Judicial Commission. It is a great betrayal of all the intellectuals in this country who has supported the creation of a National Judicial Commission.

[Shri Ram Jethmalani]

Sir, when I support the National Judicial Commission, I must record that I have the highest respect for the Judiciary of this country. Though there are bad fish in that basket, yet, compared to other departments of our life, the Judges are still angels. But that does not mean that they do not need reform. I don't think the hon. Law Minister has studied the constitution of any Judicial Commission, working in any part of the world, particularly in the South Africa, which is the oldest. Sir, that Law Minister is the most disqualified person to be a Member of a Judicial Commission of this kind. First of all, by the exigencies of democratic life, the Law Minister may have to go back any time to earn his livelihood by practicing before a court. He cannot be trusted to have that kind of moral and professional courage that a Minister must have before he propounds a proposal that the Judiciary should be modified. That is my point number one. But that does not mean that the Government should not be represented. The Government must be represented by the Prime Minister, by the Home Minister, but not by any person who, today or tomorrow, has to go back to the court and practice before the Judiciary.

My point number two is this. All civilized countries have contemplated a National Judicial Commission in which, on the one side, the Government is represented by the Prime Minister or by any other Minister, other than a Minister who might have to practice in a court, but also the academic world, the Bar. The Bar is an institution which knows about the qualifications of Judges. As aspiring Judges, they know who is honest, who is corrupt and who could possibly bring grace and glory to this office. (Time-bell rings) So, if the Members of the Bar are completely excluded from this, what is the objection? ...*(Interruptions)*... Then, Sir, there is a unanimity that the civil society must be represented in the National Judicial Commission. The civil society means, particularly, the labour force of the country, the workers who are the fulcrum and who are the foundation of our industrial society. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Okay. All right. *(Time-bell rings)* Now, it is over.

SHRI RAM JETHMALANI: Sir, all. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please wind up. Your time is over. ...*(Interruptions)*...

SHRI RAM JETHMALANI: It is supposed to make recommendations. Recommendations are never binding ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. Shri K.T.S. Tulsi....*(Interruptions)*...

SHRI RAM JETHMALANI: You must have a Judicial Commission which should have the power to appoint... *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Now, Shri K.T.S. Tulsi. Your time is over.

SHRI RAM JETHMALANI: Sir, this is not fair to me. This is not fair to the Party which has. *(Time-bell rings)*

MR. DEPUTY CHAIRMAN: Okay. Shri K.T.S. Tulsi.

SHRI RAM JETHMALANI: However, I am not going to take even a minute on the Bill itself, which comes. *(Time-bell rings)* Give me the time. Let me finish.

MR. DEPUTY CHAIRMAN: No, no. Your time is over. Now, Shri K.T. S. Tulsi. *(Time-bell rings)* No more time. You have taken four minutes. I am sorry. Your name came very late; yet I allowed you. I am sorry. I have to put it to vote. Shri K.T.S. Tulsi, please.

SHRI RAM JETHMALANI: There has been a serious error and, perhaps, a deliberate error in ignoring my name.

MR. DEPUTY CHAIRMAN: Now, Shri K.T.S. Tulsi. You can take only three minutes.

SHRI K.T.S. TULSI: Sir, I hope it will not be considered disrespectful to my esteemed friend, entertaining, as I do, views quite different from his. In fact, I rise here in support of the Bill and I want to compliment the Law Minister for having taken upon the responsibility on his shoulders to undo the disturbance of balance in the Constitutional framework by the 1993 judgement. It has taken us 21 years to restore the balance. The system of judges appointing judges is just not contemplated in the Constitution. On the other hand, I would like to refresh the memory of this august House with the words of Dr. B.R. Ambedkar. This is what he said and I quote: "To allow the Chief Justice practically a veto upon the appointment of judges is really to transfer the authority to the Chief Justice which we are not prepared to vest in the President or the Government of the day." In spite of the fact that in the Constituent Assembly, this matter was debated, the question of the Chief Justice or the judges being able to appoint judges was squarely and roundly rejected. Yet, the judges took over the power from the Executive. I would like to say that it should not degenerate into a turf war. It is not a question as to who appoints and which person has the last word. The matter of utmost importance with regard to appointment of judges is the transparency in the manner in which they are appointed. Transparency will come if one day we are able to adopt the system, like the way the Parliamentary Committee would hear the objections against the nominees of the Commission and then

[Shri K.T.S. Tulsi]

a decision would be taken. There needs to be a Joint Committee of Parliament, which will entertain the objections, hear them publicly, give an opportunity and take a decision. Ultimately, the power of appointment of judges must vest in the Parliament and in the representatives of the people. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much. Now, hon. Minister please.

श्री रवि शंकर प्रसाद : उपसभापति जी, मैं सदन का बहुत ही कृतज्ञ हूँ कि उसने इस गम्भीर विषय पर एक सर्वानुमति दी है। हम न्यायपालिका की गरिमा का पूरा सम्मान करते हैं और न्यायपालिका की गरिमा के सम्मान का स्वर भी संसद की गरिमा के साथ गया है, इसके लिए मैं सबका अभिनन्दन करना चाहता हूँ। मैं किसी का नाम नहीं लूँगा, मैं समय की सीमा समझता हूँ, लेकिन मैं एक बात कहना चाहता हूँ कि जब मैंने कानून मंत्री बनने के बाद इस प्रयास की शुरुआत की थी, तो प्रधानमंत्री, नरेन्द्र मोदी जी का निर्देश लिया था। उन्होंने कहा था कि यह विषय बहुत दिनों से लम्बित है, इस पर सोचना चाहिए, आप कार्रवाई करें। उसके बाद मैंने ज्यूरिस्ट्स की मीटिंग बुलाई और 26 पॉलिटिकल पार्टिज़ को पत्र लिखे। आज जब मैं सर्वानुमति देख रहा हूँ, तो मैं सोनिया जी का धन्यवाद करना चाहता हूँ, मैं मायावती जी का धन्यवाद करना चाहता हूँ, मैं शरद पवार जी, राम गोपाल यादव जी का धन्यवाद करना चाहता हूँ, मैं जयललिता जी, ममता बनर्जी जी, श्रीमान अरविन्द केजरीवाल जी, प्रकाश कारत जी, सुधाकर रेड्डी जी, शरद पवार जी का धन्यवाद करना चाहता हूँ। इन सब ने पत्र लिखकर...(व्यवधान)...

श्री शरद यादव : आपने दोबारा शरद पवार बोल दिया।

श्री रवि शंकर प्रसाद : मैंने शरद यादव पहले ही बोल दिया, आपने सुना नहीं।...(व्यवधान)...

एक माननीय सदस्य : आपने दूसरी बार भी शरद पवार बोल दिया।

श्री रवि शंकर प्रसाद : अच्छा, शरद यादव जी। मैं सबका बहुत ही हृदय से धन्यवाद करता हूँ। माननीय उपसभापति जी, मैं सदन के माध्यम से देश को दो बातें बताना चाहता हूँ। पहली बात यह है कि हम कोई भी काम हड़बड़ी में नहीं कर रहे हैं। मैं चाहता हूँ कि आज यह विषय रिकॉर्ड पर आना चाहिए कि 1990 में 67th Constitutional Amendment Bill आया, वह lapse किया, 1997 में 82nd Constitutional Amendment Bill आया, 2003 में 98th Constitutional Amendment Bill आया और फिर 2013 में 120th Constitutional Amendment Bill आया।

अब मैं आपको बताना चाहूँगा कि किस-किस कमिशन ने कहा कि तुमको Collegium System खत्म करना चाहिए। 2002 में Venketachaliah Commission, 2007 में Administrative Reforms Commission, 2008 में 214th Report of Law Commission of India, और उसके बाद 21st Report, 28th Report and 44th Report of the Parliamentary Standing Committee में यही बात कही गई। पिछले 22-24 वर्षों में इसके लिए विभिन्न समितियों की इतनी अधिक अनुशंसा हुई है, इसलिए किसी हड़बड़ी में हम कार्यवाही कर रहे हों, ऐसी बात बिल्कुल नहीं है।

दूसरी बात मुझे यह कहनी है कि संविधान के अंतर्गत संसद को अपनी शक्तियों पर संशय क्यों होता है? हमें कानून बनाने की पावर दी गई है, किसी को भी कोर्ट में जाने का अधिकार है, यह होना भी चाहिए। जब संसद देश की अपेक्षाओं, आशाओं और आकांक्षाओं का प्रतिनिधित्व करती है, तो संसद को संविधान के अंतर्गत विधेयक बनाने की अपनी शक्ति का एहसास भी तो होता है। अगर वह चैलेंज है, तो देखा जाएगा, हम उसका जवाब देंगे। लेकिन चैलेंज होगा, इसलिए हम विधेयक को पास करने से हिचकें, इसके लिए मैं सभी माननीय सदस्यों से बहुत नम्रता से कहना चाहूंगा, The Parliament must have full trust in the ability of the Parliament to pass the law. ...*(Interruptions)*...

सर, राजीव शुक्ल जी इस सदन के सम्मानित सदस्य हैं ...*(व्यवधान)*... उन्होंने एक बात यह कही कि आप छः महीने पहले ही मान गए होते। वह लिखते-पढ़ते तो अच्छा हैं, लेकिन होमवर्क नहीं करते। अब मैं उनको क्या बताऊं? यह बिल आया था और राज्य सभा से हमने इसे पास किया था, फिर स्टैंडिंग कमेटी के पास ...*(व्यवधान)*...

श्री राजीव शुक्ल : आपने उस समय वॉकआउट किया था।

श्री रवि शंकर प्रसाद : आप जरा शांत होकर बैठिए। ...*(व्यवधान)*... कुछ दिन पहले आप केन्द्रीय मंत्री रह चुके हैं, इसलिए जब कोई केन्द्रीय मंत्री बोलते हैं, तो शांति से सुना जाता है। आप शांति से बैठिए। ...*(व्यवधान)*...

श्री नरेश अग्रवाल : आपको यह बात कैसे मालूम है कि ये होमवर्क नहीं कर पाते हैं। ...*(व्यवधान)*...

MR. DPEUTY CHAIRMAN: He can instruct him at home. ...*(Interruptions)*...

श्री रवि शंकर प्रसाद : सर, मैं बता रहा था कि वह बिल फिर स्टैंडिंग कमेटी के पास गया। स्टैंडिंग कमेटी ने कहा कि इसे कॉस्टीट्यूशन में लाइए और आपने वहां Induce किया, लेकिन वह lapse कर गया। इसलिए ऐसा कहना कि यह हमारी गलती से पास नहीं हुआ है, यह ठीक नहीं है। इसके लिए आप अपना होमवर्क ठीक करिए। ...*(व्यवधान)*... अब आप शांत हो जाइए और शांति से सुनिए, मैंने अब आपको करेक्ट कर दिया है।

अब यहां पर जो इश्यू उठाए गए हैं, I would like to take them one-by-one. Sir, I am a very small political activist, and I am also a very small lawyer with limited experience. I am not a very eminent lawyer in spite of all the friends who have facts to say that.

MR. DEPUTY CHAIRMAN: You are the Law Minister of a great country like India.

SHRI RAVI SHANKAR PRASAD: Yes, I know that. But, Sir, to say that I have not studied the functioning of various Judicial Commissions is a great disrespect. I have studied the structure given by so many Commissions for the last more than 24 years. I had the widest consultation possible with so many eminent jurists, including Mr. Tulsi and Mr. Parasaran sitting here, and after that, we have come with a mechanism which has got

[Shri Ravi Shankar Prasad]

the widest support here in this entire House. So, to say that I have not done my homework is a great disrespect, Sir. I have not to comment beyond anything that.

Now, Sir, quickly I will take the points. Many Members said, 'why only this Commission, what about accountability?' Mr. Rajeeve, Arun Jaitley's speech, I know. In principle, he supported the doctrine of accountability. But that should be a part of the same mechanism is a larger question. Let me tell you that Judicial Standards and Accountability Bill, you know, is already pending. What is the mechanism there? It is, for enquiry into complaint, declaration of assets and liabilities, judicial statement of values; everything is there. Therefore, if we load everything in the Appointments Commission, it will become too cumbersome, and, I think, my Government very rightly feels that as far as the issue of enquiry into complaint against Judges is concerned, that must be dealt with by the Judiciary alone. Impeachment should not be the avenue for all the complaints. Therefore, all these things are there. The Government will move it appropriately, after consideration, and surely, you will have enough time to speak on that.

Sir, the second issue raised was that there must be State Commissions. The AIADMK Member, Mr. Navaneethakrishnan, rightly raised that issue. Now, under the Constitution, the power of appointment of the Judge of a High Court, or a Judge of the Supreme Court, vests with the President of India. And, in the accompanying Bill, which we shall debate subsequently, we have clearly given that the Chief Minister's role needs to be recognized as far as consultation is concerned. Therefore, if we go in for a State Commission, it may be constitutionally vulnerable. But we have duly factored in the concerns of the States in the subsequent Bill, which we are going to move thereafter.

Now, Sir, I come to the issue of eminent persons.

SHRI P. RAJEEVE: Sir, I demand that one High Court Chief Justice be there among them.

SHRI RAVI SHANKAR PRASAD: I would explain that in the Bill very elaborately. Your concerns would be addressed.

Sir, who would be appointing the eminent persons? They would be the Prime Minister of India, the Chief Justice of India, the Leader of the Opposition and the Leader of the largest Party in the Lok Sabha. They all are eminent people! They are governing the country! One is the head of Government, one is the head of the Judiciary and one is the Leader of the Opposition. Should we not trust their collective wisdom to select really eminent people? If they can govern the country well, I am sure, they can select eminent people well too. That's how I see it.

SHRI TIRUCHI SIVA: What is the definition of eminent people?
...(Interruptions)...

SHRI T.K. RANGARAJAN (Tamil Nadu): What happens if there is a difference of opinion between the three? ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Please allow me to complete.
...(Interruptions)...

MR. DEPUTY CHAIRMAN: Let him complete. ...(Interruptions)... Let him complete.

SHRI RAVI SHANKAR PRASAD: Sir, therefore, let us leave it to their collective wisdom. But the standards are available. Hon. Mr. Jaitley pointed out some of them. Others can come in the regulation. But, at least, for once, let me agree with Mr. Rajeev Shukla on one issue — why should we who are in politics not always trust our abilities to have the best selection possible? Trust us! Differences can be there; why not? But there is a mechanism to overcome those differences and, surely, that could be done.

Then, Sir, a question was raised as to why we have left the rotation part. Our issue is very simple. Suppose there is a woman Law Minister; maybe, the eminent people selection process can have a different one. Suppose there is an eminent Minority woman, she can represent both the sections. Suppose there is an eminent Scheduled Caste woman selected, both the issues can be considered. Therefore, that flexibility ought to be there when we talk of eminent persons.

सर, एक विषय के बारे में शरद जी ने भी कहा और माननीय मायावती जी ने भी कहा। यह विषय बहुत गम्भीर है। मैं स्वयं जे.पी. मूवमेंट का एक प्रॉडक्ट रहा हूँ। न्यायमूर्तियों की नियुक्ति में देश की विविधता का सम्मान होना चाहिए, आपकी यह बात बहुत सही है। आपने जो कहा कि अपने दलित वर्ग के, शैड्यूल्ड ट्राइब वर्ग के और पिछड़े वर्ग के न्यायाधीश कम आते हैं, यह चिन्ता की बात है। मैं देश में घूमता हूँ और जानता हूँ कि बहुत से अच्छे लोग हैं, योग्य लोग हैं। हम जो नया आर्किटेक्चर बना रहे हैं, मैं इस सदन को आश्वस्त करना चाहूँगा कि दोनों सदनों की यह जो कलेक्टिव विल है, इसको नेशनल ज्युडिशियल अप्वायंटमेंट कमिशन नोट करेगा और ऐसे लोगों को आना चाहिए, उसमें इसकी चिन्ता होगी।

उपसभापति जी, मेरे मन में एक कल्पना है, जिसे मैं हाउस के सामने शेयर करना चाहता हूँ कि यह जो ज्युडिशियल कमिशन बने, उसका डेटा बनना चाहिए।

श्री शरद यादव : मुझे मालूम है कि आपको समय का कंस्ट्रेंट है। मैं इतना ही निवेदन करूँगा कि 68 वर्ष में यह कहीं किसी जगह, जो नीयत हम बोलते हैं, वह जमीन पर नहीं आयी है। इसमें आपका दोष नहीं है, पूरे सिस्टम का दोष है। इसके बारे में आप किस रास्ते से इसमें मजबूती लाएँगे, यही मेरा प्रश्न है?

श्री रवि शंकर प्रसाद : मैं आपको बता रहा हूँ। जब दूसरा बिल आएगा, तो मैं इसकी और विस्तार से चर्चा करूँगा। लेकिन चूंकि आपने कहा, तो मेरे मन में क्या कल्पना है, जब मैं सोचता हूँ कि नेशनल ज्युडिशियल अप्वायंटमेंट कमिशन बन रहा है, इसका जो दफ्तर हो, उसमें एक डेटा बैंक होना चाहिए। इसकी चर्चा माननीय मायावती जी ने भी की। विभिन्न हाई कोर्ट्स में जो दलित वर्ग के पिछड़े वर्ग के अच्छे वकील हैं, वे केस पर कैसा बहस कर रहे हैं? जजमेंट ...**(व्यवधान)**... रिपोर्टेड कितने हैं और क्या चीजें, हैं, हम इसकी पूरी कोशिश करेंगे। जब मैं दूसरा बिल लाऊँगा, तो बताऊँगा कि हाई कोर्ट से तो नाम शुरू होगा, लेकिन नेशनल ज्युडिशियल अप्वायंटमेंट कमिशन को भी अधिकार होगा कि हाई कोर्ट के बारे में वह नॉमिनेशन दे सके। उसमें हम इन चीजों की चिंता कर सकते हैं। मुझे लगता है कि अगर संकल्प हो तो रास्ता निकल सकता है और आज जब हम इस पूरी नियुक्ति की प्रक्रिया में इतना बड़ा बदलाव कर रहे हैं, तो वह इस देश की सामूहिक चिंता और बदलने के संकल्प का द्योतक है। मुझे लगता है कि इसी कार्यवाही में हम उसको पूरा कर पाएँगे।

अब मैं आपको एक बात बताना चाहूँगा कि मैं अम्बेडकर जी का बहुत सम्मान करता हूँ, मैंने उनको बहुत पढ़ा है और अभी मैं अम्बेडकर जी का एक उद्धरण क्वोट करना चाहता था, जो तुलसी जी ने कर दिया। Sir, I always say, all the young Members of Parliament, please study Ambedkarji more. He really has done a great contribution in keeping that fine balance in the Indian Constitution. Let me elaborate what Shri Tulsi stated. What he said, "We don't want to give veto to the President of India for appointment of a judge; we don't want to give a veto to the Legislature in the appointment of a Judge so that political consideration may not come about, and we don't want to give a veto power to the Chief Justice of India because, as a human being, he will also have the same failing and failures." What a fine balance he created! Therefore, this whole issue of empowerment, the whole issue of respecting the diversity of India which needs to be reflected in the judiciary of India, is certainly an issue on which the entire polity is one today. हम उसकी पूरी कोशिश करेंगे। सर, मुझे अंत में एक बात कहनी है कि ज्युडिशियरी की वर्किंग के बारे में बहुत सारे सवाल उठाए गए। उसमें एक लंबी बहस होगी, पेंडेंसी है, करप्शन है, कमजोरियाँ हैं। Mr. Rajeev, I would like to ask you a question. Why the Collegium system could not produce a Judge like V.R. Krishna Iyer? This country is entitled to ask this question today. And, sir, do you know, he was seventh in the Seniority list, yet he was brought to the Supreme Court because of his eminence and because of his calibre. I will reflect upon more when I speak on the Bill. But, today, the country wants the people of eminence to be there in the selection panel and people also want people of talent and promise to become Judges. That is what this Commission envisages. Therefore, I will cut short my speech. It is time to vote and the time to give one clear message that this House respects the independence of Judiciary, the dignity of Judiciary and this House also respects the supremacy of Parliament. That is what I have to say.

MR. DEPUTY CHAIRMAN: The question is:

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

(MR. CHAIRMAN *in the Chair.*)

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES – 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash

Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.

Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.

Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharmana Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.

Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhair N.
Vijila Sathyanath, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES - 1

Jethmalani, Shri Ram

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. In clause 2, there is one Amendment (No. 1) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

Clause 2 - Amendment of Article 124

SHRI P. RAJEEVE: Sir, I press the amendment because it prevents the expansions of the Commission. So, for deleting the word 'appointments', I press the amendment. Sir, I move:

1. That at page 1, line 10, the word "Appointments" be *deleted*.

Amendment (No. 1) was negatived.

MR. CHAIRMAN: I shall now put clause 2 to vote.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y. S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H. K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez

Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jatiley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan

Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethkrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbhai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra

Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu

Seema, Dr. T.N.

Seetharama Lakshmi, Shrimati Thota

Selvaraj, Shri A.K.

Sen, Shri Tapan Kumar

Shafi, Shri Mohammad

Sharma, Shri Satish

Shukla, Shri Rajeev

Singh, Shri Arvind Kumar

Singh, Shri Bhupinder

Singh, Shrimati Kanak Lata

Singh, Dr. Kanwar Deep

Singh, Dr. Manmohan

Singh, Shri Veer

Singh Badnore, Shri V.P.

Singhvi, Dr. Abhishek Manu

Siva, Shri Tiruchi

Soni, Shrimati Ambika

Soz, Prof. Saif-ud-Din

Sudharani, Shrimati Gundu

Swamy, Shri A.V.

Syiem, Shrimati Wansuk

Tarun Vijay, Shri

Thakur, Dr. C.P.

Thakur, Shri Ram Nath

Thakur, Shrimati Viplove

Thangavelu, Shri S.

Tiwari, Shri Alok

Tiwari, Shri Pramod

Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES - 1

Jethmalani, Shri Ram

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 3 - Insertion of New Articles 124A, 124B and 124C

MR. CHAIRMAN: Now, we shall take up Clause 3. There are nine amendments (Nos. 2 to 7 & 15 to 17) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, the Amendment nos. 2, 5 and 6 are the same, which have been rejected by the House. So, I am not pressing them. But I am pressing the Amendment No. 3, that is, there is no distinction between a senior Judge and a fresh Judge as per the Constitution. So, I press the Amendment No. 3. I also press the Amendment No. 4 because in order to protect the federal structure of the Constitution, there should be a representation from the High Court, selected by a collegium of Chief Justice of all High Courts. I also press the Amendment No. 7 because this should be expanded to scrutinise, enquire the complaints against the Judges of the Supreme Court and recommend a disciplinary action, if required. I press my Amendments (Nos. 3, 4 and 7).

Sir, I move:

(3) That at page 2, *for* lines 9 and 10, the following be *substituted*, namely:-

“(b) one Judge of the Supreme Court, nominated by the collegium of all Judges of the Supreme Court”.

(4) That at page 2, *after* line 20, the following be *inserted*, namely:-

“(e) Chief Justice of one of the High courts, nominated by the collegium of Chief Justices of all High Courts; and (f) a nominee of the Bar Association of India”.

(7) That at page 2, *after* line 31, the following be *inserted*, namely:-

“(d) scrutinize, enquire, the complaints against the Judges of Supreme Court and to recommend disciplinary action, if required”.

Amendments (Nos. 3, 4 and 7) were negatived.

MR. CHAIRMAN: There are Amendments (Nos.15-17) by Shri P. Rajeeve.

SHRI P. RAJEEVE: Sir, I am not moving Amendment No.15. I am moving Amendment Nos.16 and 17. Amendment No.16 says that one member among the six members should be a woman. Amendment No.17 says that the Judicial Members of the State Tribunals and the National Tribunal should come under the purview of the Judicial Commission.

Sir, I move:

16. That at page 2, *after* line 18, the following proviso be *inserted*, namely: -

“Provided further that out of the six members of the Commission one shall be a woman”.

17. That at page 2, line 28, *after* the word “Courts”, the words, “and Judicial Members of all National Tribunals and State Tribunals” be *inserted*.

Amendments (Nos. 16 and 17) were negatived.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chakraborty, Shri Mithun

Chandrasekhar, Shri Rajeev

Chavan, Shrimati Vandana

Chowdary, Shri Y.S.

Dalwai, Shri Husain

Das, Shri Kalpataru

Dave, Shri Anil Madhav

Deo, Shri Anang Uday Singh

Deora, Shri Murli

Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.

Karimpuri, Shri Avtar Singh

Kashyap, Shri Narendra Kumar

Katiyar, Shri Vinay

Khabri, Shri Brijlal

Khan, Shri Mohd. Ali

Khanna, Shri Avinash Rai

Kidwai, Shrimati Mohsina

Kujur, Shri Santiuse

Lakshmanan, Dr. R.

Mahra, Shri Mahendra Singh

Maitreyan, Dr. V.

Mandaviya, Shri Mansukh L.

Manjunatha, Shri Aayanur

Mayawati, Km.

Memon, Shri Majeed

Misra, Shri Satish Chandra

Mistry, Shri Madhusudan

Mitra, Dr. Chandan

Mohanty, Shri Anubhav

Mohapatra, Shri Pyarimohan

Mungekar, Dr. Bhalchandra

Muthukaruppan, Shri S.

Nadda, Shri Jagat Prakash

Naidu, Shri M. Venkaiah

Naik, Shri Shantaram

Nanda, Shri Kiranmay

Naqvi, Shri Mukhtar Abbas

Narayanan, Shri C.P.

Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kakhkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri

Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan

Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhair N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad

Yechury, Shri Sitaram

Zhimomi, Shri Khekiho

NOES - 1

Jethmalani, Shri Ram

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.

Clause 4 - Amendment of Article 127

MR. CHAIRMAN: Now, we shall take up Clause 4. There is one Amendment (No.8) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, since this has already been rejected by the Government, I am not moving it.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

Ayes - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Balyawi, Shri Gulam Rasool
Bandyopadhyay, Shri D.
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bernard, Shri A. W. Rabi
Bhattacharya, Shri P.
Bora, Shri Pankaj
Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.

Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.

Mahra, Shri Mahendra Singh

Maitreyan, Dr. V.

Mandaviya, Shri Mansukh L.

Manjunatha, Shri Aayanur

Mayawati, Km.

Memon, Shri Majeed

Misra, Shri Satish Chandra

Mistry, Shri Madhusudan

Mitra, Dr. Chandan

Mohanty, Shri Anubhav

Mohapatra, Shri Pyarimohan

Mungekar, Dr. Bhalchandra

Muthukaruppan, Shri S.

Nadda, Shri Jagat Prakash

Naidu, Shri M. Venkaiah

Naik, Shri Shantaram

Nanda, Shri Kiranmay

Naqvi, Shri Mukhtar Abbas

Narayanan, Shri C.P.

Natchiappan, Dr. E.M. Sudarsana

Navaneethakrishnan, Shri A.

Nirmala Sitharaman, Shrimati

Nishad, Shri Vishambhar Prasad

O'Brien, Shri Derek

Panchariya, Shri Narayan Lal

Pande, Shri Avinash

Pandian, Shri Paul Manoj

Parasaran, Shri K.

Parida, Shri Baishnab

Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri

Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES - 1

Jethmalani, Shri Ram

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.

Clause 5 - Amendment of Article 128

MR. CHAIRMAN: Now, we shall take up Clause 5. There is one Amendment (No.9) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, since the same amendment has been rejected by the Government, I am not moving my amendment.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini

Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Kurien, Prof. P.J.
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreya, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav

Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum

Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.

Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji

Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES - 1

Jethmalani, Shri Ram

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.

Clause 6 - Amendment of Article 217

MR. CHAIRMAN: Now, we shall take up Clause 6 of the Bill. There is one Amendment (No.10) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, I am not moving.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy
Achuthan, Shri M.P.
Adeeb, Shri Mohammed
Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chavan, Shrimati Vandana

Chowdary, Shri Y.S.

Dalwai, Shri Husain

Das, Shri Kalpataru

Dave, Shri Anil Madhav

Deo, Shri Anang Uday Singh

Deora, Shri Murli

Desai, Shri Anil

Dhindsa, Sardar Sukhdev Singh

Dhoot, Shri Rajkumar

Dua, Shri H.K.

Dudi, Shri Ram Narain

Dwivedi, Shri Janardan

Faruque, Shrimati Naznin

Gehlot, Shri Thaawar Chand

Gill, Dr. M.S.

Goel, Shri Vijay

Gohel, Shri Chunibhai Kanjibhai

Goyal, Shri Piyush

Gujral, Shri Naresh

Gupta, Shri Prem Chand

Gupta, Shri Vivek

Haque, Shri Md. Nadimul

Hariprasad, Shri B.K.

Hashmi, Shri Parvez

Hembram, Shrimati Sarojini

Heptulla, Dr. Najma A.

Irani, Shrimati Smriti Zubin

Jaitley, Shri Arun

Jatiya, Dr. Satyanarayan

Javadekar, Shri Prakash

Jha, Shri Prabhat

Jugul Kishore, Shri

Kalita, Shri Bhubaneswar

Kanimozhi, Shrimati

Karan Singh, Dr.

Karimpuri, Shri Avtar Singh

Kashyap, Shri Narendra Kumar

Katiyar, Shri Vinay

Khabri, Shri Brijlal

Khan, Shri Mohd. Ali

Khanna, Shri Avinash Rai

Kidwai, Shrimati Mohsina

Kujur, Shri Santiuse

Kurien, Prof. P.J.

Lakshmanan, Dr. R.

Mahra, Shri Mahendra Singh

Maitreyan, Dr. V.

Mandaviya, Shri Mansukh L.

Manjunatha, Shri Aayanur

Mayawati, Km.

Memon, Shri Majeed

Misra, Shri Satish Chandra

Mistry, Shri Madhusudan

Mitra, Dr. Chandan

Mohanty, Shri Anubhav

Mohapatra, Shri Pyarimohan

Mungekar, Dr. Bhalchandra

Muthukaruppan, Shri S.

Nadda, Shri Jagat Prakash

Naidu, Shri M. Venkaiah

Naik, Shri Shantaram

Nanda, Shri Kiranmay

Naqvi, Shri Mukhtar Abbas

Narayanan, Shri C.P.

Natchiappan, Dr. E.M. Sudarsana

Navaneethakrishnan, Shri A.

Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava

Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.

Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 6 was added to the Bill.

Clause 7 - Amendment of Article 222

MR. CHAIRMAN: Now, we shall take up Clause 7 of the Bill. There is one Amendment (No.11) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, I am not moving.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bernard, Shri A. W. Rabi
Bhattacharya, Shri P.
Bora, Shri Pankaj
Budania, Shri Narendra
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand

Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Kurien, Prof. P. J.
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.

Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj

Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay

Sasikala Pushpa, Shrimati

Seelam, Shri Jesudasu

Seema, Dr. T.N.

Seetharama Lakshmi, Shrimati Thota

Selvaraj, Shri A.K.

Sen, Shri Tapan Kumar

Shafi, Shri Mohammad

Sharma, Shri Satish

Shukla, Shri Rajeev

Singh, Shri Arvind Kumar

Singh, Shri Bhupinder

Singh, Shrimati Kanak Lata

Singh, Dr. Kanwar Deep

Singh, Dr. Manmohan

Singh, Shri Veer

Singh Badnore, Shri V.P.

Singhvi, Dr. Abhishek Manu

Siva, Shri Tiruchi

Soni, Shrimati Ambika

Soz, Prof. Saif-ud-Din

Sudharani, Shrimati Gundu

Swamy, Shri A.V.

Syiem, Shrimati Wansuk

Tarun Vijay, Shri

Thakur, Dr. C.P.

Thakur, Shri Ram Nath

Thakur, Shrimati Viplove

Thangavelu, Shri S.

Tiwari, Shri Alok

Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbai N.
Vijila Sathyanantha, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 7 was added to the Bill.

Clause 8 - Amendment of Article 224

MR. CHAIRMAN: Now, we shall take up Clause 8 of the Bill. There are two Amendments (Nos.12 and 13) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, I am not moving.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed
Agrawal, Shri Naresh
Akhtar, Shri Javed
Ali, Shri Munquad
Ansari, Shri Salim
Antony, Shri A.K.
Arjunan, Shri K.R.
Ashk Ali Tak, Shri
Ashwani Kumar, Shri
Athawale, Shri Ramdas
Azad, Shri Ghulam Nabi
Bachchan, Shrimati Jaya
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Balyawi, Shri Gulam Rasool
Bandyopadhyay, Shri D.
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bernard, Shri A. W. Rabi
Bhattacharya, Shri P.
Bora, Shri Pankaj
Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav

Deo, Shri Anang Uday Singh
Deora, Shri Murlī
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar

Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreya, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas

Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbhair
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.

Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep

Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh

Yadav, Prof. Ram Gopal

Yadav, Shri Sharad

Yechury, Shri Sitaram

Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 8 was added to the Bill.

Clause 9 - Amendment of Article 224A

MR. CHAIRMAN: Now, we shall take up Clause 9 of the Bill. There is one Amendment (No.14) by Shri P. Rajeeve, Shri D. Raja and Shri K.N. Balagopal.

SHRI P. RAJEEVE: Sir, I am not moving.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Balyawi, Shri Gulam Rasool
Bandyopadhyay, Shri D.
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bernard, Shri A. W. Rabi
Bhattacharya, Shri P.
Bora, Shri Pankaj
Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.

Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.

Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab

Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri

Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 9 was added to the Bill.

Clause 10- Amendment of Article 231

MR. CHAIRMAN: Now, we shall take up Clause 10.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chandrasekhar, Shri Rajeev

Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun

Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Kurien, Prof. P. J.
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.

Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbhai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kakhkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri

Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish

Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar

Vegad, Shri Shankarbhai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 10 was added to the Bill.

MR. CHAIRMAN : Now, we shall take up Clause 1, the Enacting Formula and the Title.

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy
Achuthan, Shri M.P.
Adeeb, Shri Mohammed
Agrawal, Shri Naresh
Akhtar, Shri Javed
Ali, Shri Munquad
Ansari, Shri Salim
Antony, Shri A.K.
Arjunan, Shri K.R.
Ashk Ali Tak, Shri

Ashwani Kumar, Shri
Athawale, Shri Ramdas
Azad, Shri Ghulam Nabi
Bachchan, Shrimati Jaya
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Balyawi, Shri Gulam Rasool
Bandyopadhyay, Shri D.
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bernard, Shri A. W. Rabi
Bhattacharya, Shri P.
Bora, Shri Pankaj
Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan

Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai

Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreya, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash

Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbhaj
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum
Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra

Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota
Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu

Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.
Tulsi, Shri K.T.S.
Tundiya, Mahant Shambhuprasadji
Tyagi, Shri K.C.
Vadodia, Shri Lal Sinh
Varma, Shri Pavan Kumar
Vegad, Shri Shankarbai N.
Vijila Sathyananth, Shrimati
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh
Yadav, Prof. Ram Gopal
Yadav, Shri Sharad
Yechury, Shri Sitaram
Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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.

MR. CHAIRMAN: The question is:

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

The House divided.

MR. CHAIRMAN: Ayes : 180

Noes : 1

AYES - 180

Abraham, Shri Joy

Achuthan, Shri M.P.

Adeeb, Shri Mohammed

Agrawal, Shri Naresh

Akhtar, Shri Javed

Ali, Shri Munquad

Ansari, Shri Salim

Antony, Shri A.K.

Arjunan, Shri K.R.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Athawale, Shri Ramdas

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balyawi, Shri Gulam Rasool

Bandyopadhyay, Shri D.

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bernard, Shri A. W. Rabi

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra
Chakraborty, Shri Mithun
Chandrasekhar, Shri Rajeev
Chavan, Shrimati Vandana
Chowdary, Shri Y.S.
Dalwai, Shri Husain
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Deo, Shri Anang Uday Singh
Deora, Shri Murli
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dua, Shri H.K.
Dudi, Shri Ram Narain
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Prem Chand
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Hembram, Shrimati Sarojini

Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jaitley, Shri Arun
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Lakshmanan, Dr. R.
Mahra, Shri Mahendra Singh
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Mayawati, Km.
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mistry, Shri Madhusudan
Mitra, Dr. Chandan
Mohanty, Shri Anubhav

Mohapatra, Shri Pyarimohan
Mungekar, Dr. Bhalchandra
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pande, Shri Avinash
Pandian, Shri Paul Manoj
Parasaran, Shri K.
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh
Patel, Shri Ahmed
Patel, Shri Praful Manoharbai
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Shrimati Rajani
Perween, Shrimati Kahkashan
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rai, Shrimati Kusum

Raja, Shri D.
Rajan, Shri Ambeth
Rajaram, Shri
Rajeeve, Shri P.
Ramalingam, Dr. K.P.
Ramesh, Shri C.M.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rangasayee Ramakrishna, Shri
Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Rathinavel, Shri T.
Ravi, Shri Vayalar
Reddy, Shri D. Kupendra
Reddy, Shri Palvai Govardhan
Roy, Shri Sukhendu Sekhar
Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Seetharama Lakshmi, Shrimati Thota

Selvaraj, Shri A.K.
Sen, Shri Tapan Kumar
Shafi, Shri Mohammad
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shrimati Kanak Lata
Singh, Dr. Kanwar Deep
Singh, Dr. Manmohan
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Syiem, Shrimati Wansuk
Tarun Vijay, Shri
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Alok
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tripathi, Shri D.P.

Tulsi, Shri K.T.S.

Tundiya, Mahant Shambhuprasadji

Tyagi, Shri K.C.

Vadodia, Shri Lal Sinh

Varma, Shri Pavan Kumar

Vegad, Shri Shankarbhai N.

Vijila Sathyananth, Shrimati

Vora, Shri Motilal

Yadav, Shri Bhupender

Yadav, Shri Darshan Singh

Yadav, Prof. Ram Gopal

Yadav, Shri Sharad

Yechury, Shri Sitaram

Zhimomi, Shri Khekiho

NOES-1

Jethmalani, Shri Ram

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 National Judicial Appointments Commission Bill, 2014

MR. CHAIRMAN: Now, we take up the National Judicial Appointments Commission Bill 2014. ...*(Interruptions)*...

श्री नरेश अग्रवाल (उत्तर प्रदेश) : सर, इसके लिए कितना समय है? ...*(Interruptions)*...

(MR. DEPUTY CHAIRMAN *in the Chair*.)

SHRI P. RAJEEVE (Kerala): Sir, I want to say one thing. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will allow you. How much time should be allotted to this Bill? Thirty minutes or one hour? ...*(Interruptions)*...