

**THE CONSTITUTION (NINETY-SEVENTH AMENDMENT)  
BILL, 2003.**

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Mr. Chairman, Sir, I beg to move:

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

MR. CHAIRMAN: Hon. Members, the Constitution (Ninety-seventh Amendment) Bill, 2003, as passed by Lok Sabha, is being taken up in the House today for consideration and passing. The Bill has to be passed by the special majority as required under Article 368 of the Constitution. To enable Members to present at the time of division on various stages of the Bill, the first division on the Bill will be called around 2.00 p.m. If the House so agrees, we may dispense with the lunch hour.

HON. MEMBERS: It is agreed.

SHRI ARUN JAITLEY: Sir, on 1.3.1985, the Fifty-second Amendment to the Constitution came into force. On the basis of the political wisdom that prevailed in these Houses when the Fifty-second Amendment had come into force, two different thoughts were harmonised into the legislation. The first being that defection from one political party to the other, was considered a Constitutional impropriety and, therefore, it attracted penal consequences in terms of disqualification. The second was that some space be left in case there is a political controversy and a need for a voice of conscience and, therefore, a provision with regard to split was introduced in the Constitution. In fact, there is a provision with regard to split of a political party and merger of two political parties, as far as the 52nd Amendment is concerned. Sir, now we are wiser with the experience of having worked with that legislation out for the last 18 years. As far as the provision of merger is concerned, there seems to be a broad consensus in the political parties and the body polity that the provisions regarding merger have not created any serious problem, as far as the functioning of the 52nd Amendment is concerned.

(THE DEPUTY CHAIRMAN in the Chair)

As far as provisions with regard to split are concerned, the general experience-of course, there have been exceptions also-has been that it is smaller parties which have normally split. Splits have not taken place for the purpose for which splits were originally intended, but splits have

generally taken place in order to split some political parties and get some individuals into the governance. Now, this experience has enabled the Government to consult various political parties as to whether time had come to delete paragraph 3 altogether with regard to the splits itself. The Government had introduced this legislation, therefore, deleting the provisions with regard to split contained in paragraph 3 on the 5th of May, this year. The issue was referred to the Standing Committee and I am really grateful to the Chairman of the Standing Committee, Shri Pranab Mukherjee, and Members, who, in a record time, on the 5th of December itself, returned the Report. They not only approved some of the suggestions that the Government had placed before this House but have also reached a consensus and improved upon some of those suggestions. Each one of their suggestions has been fully accepted by the Government. And, therefore, the Bill, as approved by the Lok Sabha today, seeks to delete paragraph 3 with regard to splits altogether. Therefore, if any person defects from a political party, the consequence would be that the Speaker or the Chairman would have no option but to disqualify his membership. There are also certain other suggestions which have been made with regard to non-holding of any Ministerial office and this has been necessitated because even if you are not a Member, you can, for six months, be a Minister without being a Member. Even that situation has been obviated by putting a specific provision itself that you cannot be a Minister. There is a new concept of a remunerative political post which has been introduced. So, a disqualified Member could be accommodated by some indirect route and given a remunerative political post. Even that has been debarred under the provisions of this particular Amendment which has been made. Madam, previously, we had expert bodies which have gone into this question. We had, in 1990, the Dinesh Goswami Committee. Then, we had the 170th Report of the Law Commission in 1999. And, in the year 2002, we had the Commission formed to Review the Functioning of the Constitution. All of them had suggested a re-look, as far as this provision is concerned. The second limb of this Amendment, which is indirectly related to the first limb itself, seeks to restrict the size of a Council of Ministers. Earlier, the Administrative Reforms Commission had suggested that normally the size of Council of Ministers should be 10 per cent of the legislative strength of the Lower House itself. Now, this was put into effect because it was considered to be a healthy convention, but, at times, political parties those in governance, particularly coalition

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Governments, found it difficult to adhere to that size. The Government had introduced this law suggesting 10 per cent and making a demarcation, distinction in the cases where there is a unicameral House, or a bi-cameral House. But, the Standing Committee went into this question and thought that this distinction itself is not required and, therefore, it suggested that a uniform criteria that the strength of Council of Ministers should be 15 per cent of the Lower House. Now, it was also realised by the Members of the Standing Committee that this could create some kind of an anomaly, particularly in smaller States where the Assembly itself may comprise of 40 or 60 or 90 Members and, therefore, there could be a problem created in some of those States. So, they have permitted for all those States, which would have less than a particular number of Members, that the minimum size that they have permitted to those States is 12. And, that recommendation has also been accepted by the Government and is a part of this amended Bill itself. There was, however, one area where the original Bill and the suggestion of the Standing Committee, had not been covered. Since this was made applicable to all what happens to such Government where the existing size is in excess of 15 per cent at present? Do we give them some time in order to bring down their size in consonance with the Constitutional requirements? Therefore, the Amendment now provides for those Government, where the size at present on the day of coming into force of this Constitutional Amendment is more than 15 per cent, would, over the period of next six months, be required to bring the size of their Council of Ministers within the 15 per cent criteria itself. With these few words, Madam, I commend to this House that this Bill be taken up for consideration and approved by this House.

The question was proposed.

THE DEPUTY CHAIRMAN: Shri Pranab Mukherjee.

SHRI PRANAB MUKHERJEE (West Bengal): Thank you, Madam, Deputy Chairperson, for giving me this opportunity to say a few words on the Constitution (Ninety-Seventh) Amendment Bill, 2003. At the very outset, I would like to express my gratitude to the Government for accepting most of the recommendations of the Standing Committee, of which I have the privilege of chairing. Some of the suggestions, which

we have made in the Report have also been accepted, and, acted upon by the Government.

Madam, while welcoming this Bill, I would also like to point out that this speaks to some extent the degeneration in our political culture which has compelled the Government to bring forward this Bill, and, which has compelled the Standing Committee to respond to that. I am not going into the Government of India Act, 1935, which limited the number of the Council of Ministers in those days. Of course, it was not called the Council of Ministers but Viceroy's or, the Governor General's Council. The designation was 'Governor General' in Council, and the number was limited to ten. And this issue was debated in the Constituent Assembly, and some hon. Members suggested that the number of the Union Cabinet should be limited to 15.

While responding to the debate, the maker of the Indian Constitution, Dr. Baba Saheb Ambedkar, pointed out, "I would not like to put the Prime Minister in a straight-jacket. If any Prime Minister considers that he can conduct the business of the State with lesser number, why should I ask him to have a number like 15, or, if a Prime Minister considers that conducting the business of the State requires a larger number, the Prime Minister should have the opportunity", and, same is the case with the Chief Minister because what is Article 75 in respect of the Union Government, its corresponding provision is Article 164 in respect of the State Government, and we have illustrations.

I would rather give an illustrious example. One of the most well administered State in post-Independent India was Madras, now, Tamil Nadu, and it was run with 7 Ministers, with Shri K. Kamaraj as the Chief Minister, and it was considered as one of the best administered State. I remember of my own State, West Bengal where Dr. B.C. Roy was the Chief Minister, and he managed the State with 11 to 15 members with the strength of the House was 240 to 280. Even, we have built up a culture in West Bengal in those days. When the first United Front Government came into existence with 13 parties, the number of Ministers was limited to only 15 in a House having total strength of 280. Just at that point of time, West Bengal had bi-cameral legislation. There was West Bengal Legislative Assembly and there was the West Bengal Legislative Council, and Legislative Council was abolished after two years.

But there was no problem of managing the coalition of 13 parties with 15 Ministers. But, unfortunately, today what has happened. When we were examining this Bill in the Standing Committee, we found that out of 30 States, at present in India, only three States are having the number of Ministers less than, or around 10 per cent of the total strength of the popular House. Therefore, it was considered necessary that there should be a limit. Fortunately, I must place on record the appreciation of the Members of the Standing Committee, which represents all the political parties. And, all of them, one hon. Member is just sitting in front of me, Mr. Singhal, who made very valuable contribution, like my colleagues, Mr. Bhardwaj and Mr. Kapil Sibal, in formulating and arriving at a consensus at the Committee stage, that let us not go to both the Houses, let us examine what would be the exact number, if we limited to the percentage of the Lower House. And we calculated that if we take 10 per cent of Lok Sabha and Rajya Sabha taken together, the total permissible limit would be 79. And, if we take just 15 per cent of the Lower House, that is 545, then the permissible number would be 82. Similarly, we took into account of U.P., Karnataka, Bihar and Maharashtra where the Legislative Council is also there, and we found that 15 per cent of the Lower House would be adequate and it meets the purpose and that should be the maximum number available. Of course, we did not consider the amendment which the hon. Minister has blocked. What would happen, because to be very frank, I can share this with the hon. Minister and the House, we wanted that they should be put into operation immediately and we knew that it is a Constitutional amendment. The moment you put into operation in the Constitution, if you do not provide a fixed date, to be announced later on, it will have to be operationalised and all the State Governments which are having more than the prescribed number, they will have to readjust their Council of Ministers. But, you wanted to convey this message. But, there is no problem if you make it operational after six months from the date of commencement of this Constitution or the date of notification which the President will announce subsequently.

**SHRI ARUN JAITLEY:** The difference between making it operational by an Executive notification and by making it operational on a given date by a Constitutional provision itself is, in the case of the Constitutional provision, the Government will have no choice but to make it operational. In case of an Executive notification, we will have pulls and pressures coming for deferring the date.

SHRI PRANAB MUKHERJEE: Okay, but the objective is the same that we would like to keep the number. But most important part of this is the defection, and I do entirely agree with the hon. Minister that in the name of expressing dissent or dissenting voice from the political parties or the leadership of the political parties, this provision was used to subserve the self-interest. It was not in the question of the dissent. Nobody prevents dissent; nobody can throttle dissent. What is being prohibited is that you cannot take advantage of your elected strata being a Member of a Legislature, either in the Assembly or in the Council or in Lok Sabha or in Rajya Sabha, and thereafter, express your dissent. If you genuinely feel that you do not agree with the views of the political party, the most respectable course left to you would be you resign from the party, you resign from the membership and you seek the mandate on that limited issue, if a limited mandate could be obtained. Umpteen number of cases could be cited. When the Congress Party was split immediately after Independence, many of the stalwarts left the Congress Party. Some of them formed socialist party; some of them formed Krishk Mazdoor Praja Party under the leadership of Shri J.B. Kriplani. But, without any variation, Madam Deputy Chairperson, without any variation, all of them, whether in the Provinces or in the Union, resigned from the membership of the Central Legislative Assembly, at that point of time, or resigned from the membership of the State Legislative Assembly. One instance comes to my mind immediately when Mr. Siddharth Shanker Ray was the Law Minister of Dr. B.C. Roy Government of West Bengal, he had differences with the Congress Party and he resigned immediately from the party. He resigned from the membership of the Assembly and sought by-election. And, that is the normal democratic practice which we should have. Unfortunately, we are not doing so. Therefore, this is an attempt to prevent taking that advantage, and our anxiety to eat the cake and, at the same time, have it. we have also suggested that it may happen that a Minister without being a member of either House for six months is being prohibited, but the remunerative political office should also be. We suggested to the Department, and thereafter, the definition has come which we have incorporated in the Report. The Government has also accepted that. But only once — of course, it was a very odd case, which comes to my mind immediately from the past precedent — it happened in Bengal. In Bengal Assembly, there is a provision — as there was concentration of anglo-Indian Community — that two members of the Anglo-Indian Community

could be nominated to Bengal Legislative Assembly by the Government. Once it happened that a Member was elected. He was Member, I think, in 1956, and election was due in 1957. He had some differences with his party. He wanted to join the Congress Party. There was one vacancy because one nominated Anglo-Indian Member expired. And this Member wanted to be nominated in that slot by the Government. He resigned from the membership of his party in his elected capacity. Then he was nominated and after that a lot of problems arose. Now, I would like to know whether this type of scenario could be prevented under Article 361B, which you are providing. Our intention is quite clear. The remunerative political post in Government, Government owned corporation, partly Government owned Corporation, or offices like Planning Commission and others. The Planning Commission as also the office of the Deputy Chairman and Membership is not now considered as office of profit. Earlier when I was the first Deputy Chairman of the Planning Commission, at the time it was considered an office of profit, but later on it was changed. The Planning Commission or Deputy Chairman could not become Member of the Legislature. Subsequently it was changed. Whether that type of scenario could be avoided by the amending provisions, which you have made under article 361B is one query which I would like to ask the hon. Minister. I do feel, Madam Deputy Chairperson, that this is an important step towards cleansing the political system which have accumulated a lot of dirt over the years. It has come at an appropriate time, but it is unfortunate, because it could have been done outside the legislative forum, in our behaviour, in our norms and in the conduct of all of us. I am not blaming any particular party or any individual or any side of the House, but political establishment as a whole. We have failed to maintain a high standard as a consequence of which these types of legislations are called for. And I do hope, henceforth we will draw the lesson and behave properly so that these types of legislations to prevent our misconduct are not called for in future. Thank you, Madam Deputy Chairperson for giving me this opportunity.

SHRI B.P. APTE (Maharashtra): Madam, I rise to support the passage of this Constitution 97th Amendment Bill which is destined to become Constitution 91st Amendment Act of this year. Madam, the Anti-defection Law, which is really the Constitution (52nd Amendment) Act, 1985 which brought the 10th Schedule into the Constitution, seeks to meet effectively

the scourge of defection, which is afflicting the polity for the last several years. Madam, we have inherited the tradition of the Westminster model, and with many other good traditions, we have inherited certain other traditions also like entering the well and floor crossing. We inherited floor crossing from the House of Commons and we made it into a fine art. The history shows that after 1967, when the monolithic Congress Party rule was over, for the first time in the country, between the period 1967 and 1972, actually up to 31st March, 1971, out of 4000 elected representatives — both in Parliament and in State Legislatures—2000 entered the game of defection and counter-defection. The words "*Aya Ram and Gaya Ram*" were added to our dictionary, with the specific meaning of people, defecting individually or wholesale, and changing Governments. It started in Haryana. (*Interruptions*).

SHRI VAYALAR RAVI (Kerala): That was in the States and not in Parliament. It started in Haryana and U.P. Don't get into that controversy.

SHRI B.P. APTE: This represents the unity of the country that we are bad everywhere, and maybe, we are good everywhere. There are instances, where one person could defect to different parties, and one instance has been mentioned in the record, where an M.L.A. changed sides five times to become a Minister only for a period of five days. Madam in fact, that is why the 10th Schedule was brought on the Statute Book by the 85th amendment. But unfortunately, it brought in its wake a totally undesirable descent, because of the inclusion of paragraph 3 by those who talked of ideology and split, of conscience and different kind of opinion to be generated after you get elected. That is how paragraph 3 came in the 10th Schedule, and what was to be a medicine, became a malady. The rule only changed; you cannot defect in retail, you have to do it in wholesale. And again, history shows that probably, in spite of the 10th Schedule, or, because of paragraph 3 in the 10th Schedule, on an average, more defections took place from year to year after the 10th Schedule than they used to be before 1985. The significant examples were the legislatures, particularly, of Manipur and Goa. They contributed greatly to the law of defections. All the cases which the Supreme Court ultimately decided, arose either out of Manipur or out of Goa, and after the last Manipur elections, we saw that even before the Assembly was convened, there were a couple of splits and combinations. Goa witnessed the same thing. Therefore, in fact, when last time elections were contested,



they were contested on the ground of governance, stability, anti-defection, and people of Goa taught a lesson to the habitual defectors and brought in a stable Government, which assured that there will not be any defections. In a way, therefore, defections contributed to political parties going to the question of governance *simpliciter*. Probably because of this wide experience of our defections, we have various recommendations which are mentioned in the Statement of Objects and Reasons, everyone saying that this has to be stopped, in spite of the 10th Schedule being already on the Statute Book. The Committee on Electoral Reforms, which is known as the Dinesh Goswami Committee, which gave its report in May, 1990; the Law Commission, in its 178th Report on Reforms on Electoral Laws, which was given in 1999 and the National Commission to review the working of the Constitution gave its Report on March 31, 2002. In that Report also, it was recommended that paragraph 3 ought to be deleted from the Tenth Schedule. Madam, these recommendations, ultimately, are brought into practice, and we have the Bill with us, which is already passed by the Lok Sabha. The need for this kind of a stringent law is really a commentary on the political class of this country and the political culture which has been developed during the last 50 years. In many democracies, there is now a talk of a kind of post ideological world. Last few elections in England saw that the difference between the Conservatives and the Labour, in terms of political ideology or in terms of economic ideology, is withering away, and both are talking in terms of same political and economic objectives. The same thing applies to the competing political parties in America, the Democrats and the Republicans. The ideological dividing lines are disappearing. But the defection in this country, the kind of political culture, which has developed in this country, has brought a different post ideological scene where such persons, such unscrupulous politicians are not bothered about the ideology, are not bothered about the future of the country, but are bothered about their own selves. I believe that this Bill is part of an effort by the political class, as a whole, to reject this kind of rejection of ideology. Politics based on ideology can give people both an inspiring leadership and an effective governance. Politics without ideology will be a matter of business. Probably, the present Amendment would contribute towards bringing back politics onto the rails where the ideology and the people's goodwill have a priority over the self of the politician.

Madam, while, certainly, commending the Bill for approval of the House, I would mention certain points which continue to bother me,

despite the present Bill. Number one, despite the possibility of a limited defection, in view of the present Amendment, the role of the Speaker continues to be what it was in the law, as it stood before this Constitutional Amendment. The matters of dispute, even after this amendment, will continue to be decided by the Speaker. The Supreme Court has held that this provision is valid, and the majority judgement has said that the high tradition of that great Office will ensure impartiality. History, unfortunately, tells otherwise. And there, the dissenting voice of Justice Verma proves to be right when he said that the likelihood of bias or suspicion of bias cannot be ruled out in respect of a Speaker who is elected by the majority and, therefore, who would have a natural bias for his party. The minority judgement, therefore, wanted to strike down the entire Tenth Schedule on this ground. Maybe, this minority judgement is not as famous as the earlier famous minority judgements of Justice Atkin or Justice Khanna. But I believe this is a warning to us. If you want an independent and impartial decision, it must be by an authority which can't be considered even remotely to be biased. Therefore, the provision which continues to give the Speaker the authority, I believe, ought to be reconsidered.

While rejecting the idea of a split, which really has nothing to do with either ideology or conscience, we continue with the merger part of a political party. If a political party merges with another party, then that merger is not considered to be a defection. Now, I believe, where there are smaller parties—even today we have in Parliament about 44 parties and one person representing one party, like that—the effect of such a merger is the same as the effect of a split and, therefore, the change of Government. Something has to be done to deal with such fraudulent mergers also, it necessary. That paragraph also needs to be deleted.

Again, with parties splitting, not after elections but before elections, we see a prominent member of a party not getting ticket and contesting the election as an independent, coming to the House as an independent and those independents becoming a very substantial group so that it will participate in the Government. Such independents, as independents, can change sides at will without the law affecting their changing sides. An independent need not join a political party to support the Government and form part of the Government. An independent covered by paragraph 2, sub-paragraph (2) of the Tenth Schedule goes scot-free, though he does the same sin as a defector does. So, parties merging and

independents' functioning are left uncontrolled and unbridled and, therefore, are left to enjoy the benefit of their being independent. I believe something will have to be done about these two categories also.

Madam, there is a question of the use of Whip. Today, with the present political structure, every legislation, every possibility of a division in the House is controlled by the Whip. Whether it is a necessary in a growing, vibrant and intelligent democracy, is the question. Where there are matters of ideology, where there are matters of basic policy, where there are matters of basic structure of a political party, maybe, a Whip is necessary. But where legislation concerns all the people and where there are differences of opinion amongst the intellectual class also, a question does arise and that question was very much before the Standing Committee. When you read the Report, you will realise that. But the Standing Committee in its prudence said, "In the present circumstances of the country, it is not desirable to limit the Whip to certain kind of legislations and not to apply everywhere". I believe a time has come...*(Interruptions)*...

SHRI KAPIL SIBAL (Bihar): Madam, if my friend permits me, I just want to clarify what he is saying. He has said something very important. I just want to mention, with your permission, Madam, that there is a judgement of the Supreme Court on this very point and the Supreme Court says that the Whip should not be all-encompassing. I will just read out to this House what the Supreme Court says. *(Interruptions)*...

SHRI B.P. SINGHAL (Uttar Pradesh): Haven't you been given a chance by your party?

SHRI KAPIL SIBAL: I am trying to help the debate.

SHRI B.P. APTE: He is embellishing my argument and I accept it.

SHRI KAPIL SIBAL: I am just adding to what you are saying. It says, "For this purpose the direction given by the political party to a member belonging to it, the violation of which may entail disqualification, would have to be limited to a vote on 'Motion of Confidence' or 'No Confidence' in Government or where the motion under consideration relates to a matter which was an integral policy and programme of the political party on the basis of which it approached the electorate".

So only on these two situations should a whip be issued. But the fact is, contrary to the Supreme Court, all political parties issue whips on everything. This is contrary to our right to freedom of speech in this House protected under the Constitution of India.

**THE DEPUTY CHAIRMAN:** The whip is issued not only to vote but also to be present in the House. That makes it sure that everybody would be in the House.

**SHRI KAPIL SIBAL:** Madam, 2(1) (b) does not apply there. 2(1)(b) applies only at the time of voting.

**SHRI B.P. APTE:** I thank Shri Sibal. But I would say that I have this quotation with me. But I avoided quoting it because even though the Supreme Court says many things on many matters, sometimes, I do believe that the Supreme Court has its own limits. On matters of political propriety, we know better than what the Supreme Court does. Therefore, it is this House which decides and not the Supreme Court about how the political party should behave. I believe that is a limit which the Supreme Court should appreciate and it should be considered some time.

Lastly, when the Minister was putting the Bill before the House, the question was about the application of the Bill; the legislature making it applicable and the necessity of that being mandatory instead of leaving it to the Government. We have a classic instance of the 44th Amendment Act of 1978 which was put on the Statute Book but which even today has not been brought into force. So such anomalous situation will not arise here. Therefore, if you want to amend the Constitution or amend any law, give it effect as you desire, as the legislature desires. That is the best way in such circumstances, particularly when such vital amendments are brought before the House. With these words, I support the Bill. Thank you.

**THE DEPUTY CHAIRMAN:** Now Shri Ravula Chandra Sekar Reddy. Mr. Reddy, before you start, I would like to bring to the notice of the House that the Business Advisory Committee gave two hours for this discussion. As it is a Constitution Amendment, we need the requisite number of Members at a particular time. I heard Mr. Chairman announcing that we will have the voting at 2 o'clock. Technically, the smaller political parties have very little time. I would request you to keep the timing of

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voting in mind, as the next Bill is also important. If you can be a little brief and within your time limit, I will be thankful to you. You have six minutes.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): I hope my time starts now.

THE DEPUTY CHAIRMAN: I have not written it yet. I will be writing the time now. Your time starts now.

SHRI RAVULA CHANDRA SEKAR REDDY: I welcome the Bill. The existing Anti Defection law has got so many loopholes and lacunae. These loopholes and lacunae are exploited successfully by the defectors. To plug these loopholes, amendment to the existing law is very much essential. Though it is late, I welcome this Bill. It has become a regular phenomenon for the larger parties to break the smaller parties. The regional parties are the biggest casualties. The elected representatives must live up to the expectations of the people. The people should have the right of recall, as far as the elected representative is concerned, whenever there is necessity and whenever he is acting against their wish and will.

Our party had also suffered from such defection during the 10th Lok Sabha. The then ruling party had successfully engineered defection in the TDP. At this stage, I must congratulate the present Prime Minister. He has not done all these things in the 12th Lok Sabha. He chose to go the people. The elected representatives, while taking oath at the time of filing nominations and at the time of resuming the office, must also take an oath that he will not leave the party or defect to the other political party. If he or she is not really happy with the party, he or she should quit the office and the post. The representatives, who are elected on a party ticket, should be loyal not only to the people who elected him but also to his party.

Madam, let this legislation be extended and made applicable to mergers as well since, in my opinion, merger is a hiatus and a respectable name for defection. They would have fought the election on a particular plan and manifesto. By merging the parties, they will be defeating the mandate of the people. If you want to cleanse the politics, we should prohibit this type of mergers also.

Then, what should be the position of a suspended Member who is unattached? Will he be allowed to join any other political party? Is it not

unethical and undemocratic to allow him to join other political parties? And, if he is expelled from a party, he should be treated 'unattached' in the House. What happens is, conveniently, he joins some other party and also joins the Cabinet. Madam, this process will continue till the menace of defection is completely done away with. It is a great protection to the smaller political parties. As far as the regional parties are concerned, if we look at the statistics and if we look at the experiences, almost all the smaller parties are divided at one time or the other. Now, the time has come for the bigger parties also. Take the example of Chhattisgarh. The outgoing Chief Minister tried his best to engineer a split in the BJP by offering money and exploiting the other aspects also. Now, it is time for the bigger political parties to look back to the States and to support the cause of smaller parties since they suffered at the hands of the bigger parties. For these reasons, I support the Bill.

And, as far as the size of the Cabinet is concerned, we welcome it. We have been reading day in and day out; there is an expansion of Cabinet regularly in many States. In some States, all the defectors are made Ministers, and in some States, the Members of all the supporting parties are accommodated in the Cabinet; or, if not in the Cabinet, they are given prime posts and given the Cabinet status. It is another way of pleasing the people. That should be taken care of. To contain all these things which have become a burden on the exchequer and which is of no use to the people, such a legislation, which would restrict the size of the Cabinet, is also essential. I congratulate the hon. Minister for bringing in such a good piece of legislation. Thank you.

SHRI K. CHANDRAN PILLAI (Kerala): Madam Deputy Chairman, while participating in this discussion on the Constitution (Amendment) Bill, because of broad positivity of the two major elements which we are amending, I am supporting it. At the same time, I want to mention certain aspects here. One is regarding the size of the Ministry. Now, the proposal is, it can be 15 per cent of the total strength of the Lower House. I am of the view that this can be reduced further, say, to ten per cent. And, the basis of my argument is because we are all committed to decentralisation to the maximum possible extent. While doing decentralisation, there is a potential possibility of reducing the portfolios at the Centre and in the States. Now, the sanctity of this 15 per cent is a point for discussion. Now, it is very convenient for the Centre because the present size of the

Council of Ministers very well meets this requirement of 15 per cent. And still, the present Council of Ministers is, I think, the biggest in our history. Of course, as per the present Bill, we cannot have a Council of Ministers beyond this limit of 15 per cent, which is a good thing. At the same time, I can cite the example of our own experience of the coalition Government in Kerala during 1996-2001. The LDF had 14 Ministers in the Government, which was 10 per cent of the Assembly. So, this proposal for imposing the limit of 15 per cent which has been recommended by the Standing Committee on the basis of consensus, is all right for the present, but for future this 15 per cent should be further reduced. That is one point.

The second thing is regarding defections. My opinion is that we are dealing with the issue of defections in a piece-meal manner. Of course, so many authentic reports are there in support of these two amendments. The Dinesh Goswami Committee Report is there. The Law Commission Report is there. The National Constitution Review Commission Report is there. Now, we also have the Standing Committee Report. But we have to take one thing very seriously. The Committee led by Shri Indrajit Gupta, the great parliamentarian, made a suggestion for the State financing of elections. While looking into the root cause of defections, we find that defections take place because of degeneration in values, and because of degeneration in the political arena. It is mainly the big parties that are encouraging defections. Of course, there are personal reasons of petty profits of offices. But the mainstream parties are contributing in every way towards defections. That is our experience. After the 1985 amendment, in the last 18 years, we have had many experiences, both in the States and at the Centre. So, the State financing of elections is also to be considered. From that point of view, a comprehensive amendment will be required in future.

Then, it is the right of the people to recall an elected representative while he is defecting, so to say, from the declared manifesto, or, the ideology, or, from the party. That has to be incorporated here if you really want to check defections. The right to recall is a genuine democratic expression in our type of democracy. My plea is that the right to recall a defecting Member by the electorate is also to be considered seriously.

Another aspect is that politicians now do not have the same respect that they had earlier in the society. It is not there, though they deserve it.

1.00 P.M.

It is so because of multiple factors. We cannot rectify that through the House alone. It has to be rectified outside. This amendment, in a way, positively contributes towards rectifying such a damage. To that extent, it is good.

So, I have already given my opinion about the size of the Council of Ministers, about the issue of defection and about the State financing of elections. Of course, right to recall must be ensured. Our general experiences should also be taken into account.

With these words, I support this amendment Bill.

THE-DEPUTY CHAIRMAN: You were also within your time-limit. रमा शंकर कौशिक जी, आपके तो पांच मिनट हैं।

श्री रमा शंकर कौशिक (उत्तर प्रदेश): माननीय उपसभापति जी, इसमें कोई शक नहीं कि मतभेद होते हैं—नीतिगत भी होते हैं, कार्यक्रमों और सिद्धांतों को लेकर भी होते हैं और इसमें भी कोई संदेह नहीं है कि जैसे मतभेद होते हैं, उन में बहुत से पूरी आत्मा के साथ, हृदय के साथ और पूरे मानसिक होश-हवाश में मतभेद होते हैं। लेकिन कुछ लोग इस विधेयक के बारे में यह कह सकते हैं और कह रहे हैं कि यह बोलने की स्वतंत्रता और कार्य करने की स्वतंत्रता में बाधा पहुंचाता है, परंतु ऐसा नहीं है। इस विधेयक की सच्ची भावना यह है कि अगर आप कोई मतभेद रखते हैं तो उस मतभेद के जो नतीजे हैं, उन नतीजों को भुगतना होगा। महोदया, समाजवादी आंदोलन के पुरोधाओं ने, हमारे नेताओं ने, इस मिसाल को आजादी के एक साल के अंदर ही प्रस्तुत कर दिया था। उत्तर प्रदेश में समाजवादी पार्टी के लोग, सोशलिस्ट पार्टी के लोग विधायक थे और आचार्य नरेन्द्र देव उस विधायक दल के नेता थे। हम लोग सन् 46 में सोशलिस्ट कांग्रेस पार्टी के होने के नाते कांग्रेस पार्टी से लड़े थे और 48 में जिस समय कांग्रेस से सोशलिस्ट पार्टी अलग हुई, 48 में ही आचार्य नरेन्द्र देव के नेतृत्व में सोशलिस्ट पार्टी के सारे विधायकों ने इस्तीफे दे दिए थे। उन्होंने मिसाल कायम की थी, लेकिन दुर्भाग्य है कि इस मिसाल को हमारे देश के नेताओं ने, राजनीतिक कार्यकर्ताओं ने नहीं माना। इस तरह से जो कार्यवाहियां हुई हैं जिस प्रकार से डिफेक्शंस हुए हैं, उससे हमारे लोकतंत्र को बड़ा भारी धक्का लगा है, बहुत कलंक लगा है।

महोदया, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूं, लेकिन मैं यह बात जरूर कहना चाहता हूं कि इस विधेयक में आप ने स्पीकर महोदयों की शक्ति के संबंध में या उनके कार्यकलापों के बारे में पिछले दिनों हमने जो कुछ अपने देश में देखा है, उन पर ध्यान नहीं दिया है। महोदया, बड़ी विचित्र-विचित्र मिसालें हैं। मैं उन का नाम नहीं लेना चाहता, न ही किसी सूबे का नाम लेना चाहता हूं, लेकिन बड़ी विचित्र स्थितियां हुई हैं। और ये स्थितियां आगे भी हो सकती हैं। आप ने उन का कोई संज्ञान नहीं लिया है कि उस को कैसे रोका जाए। महोदया, मैं स्पीकर की बड़ी



इज्जत करता हूँ, आदर करता हूँ, मगर प्रश्न यह है कि जो स्थितियाँ रही हैं, उन स्थितियों पर ध्यान न देना भी हमारी अज्ञानता ही सिद्ध करता है। दूसरी बात मुझे यह निवेदन करनी है कि 15 प्रतिशत की जो संख्या रखी है, वह ज्यादा है। उस को 10 प्रतिशत ही रखना चाहिए था, लोअर हाउस से ही रखना चाहिए था। वह पर्याप्त होती है क्योंकि जो पिछला अनुभव है, जो सरकारें रही हैं, उन सरकारों का भी अनुभव यही है कि जो छोटे मंत्रिमंडल रहे हैं, वे ज्यादा सक्षम रहे हैं और ज्यादा उत्तरदायी रहे हैं बनिस्वत बड़े-बड़े मंत्रिमण्डल बनने के। तो यह हमें ध्यान रखना चाहिए था। तीसरी बात, मुझे यह निवेदन करनी है कि 6 माह का जो समय दिया गया है, उन मंत्रि-परिषदों को जिन की संख्या, आप ने जो मौजूदा प्रावधान किया है, वह उस प्रावधान की दृष्टि से बहुत ज्यादा है। इस में क्रियान्वयन ही तो करना है। एक महीना बहुत है। एक महीने के भीतर ... (व्यवधान) ... मजबूरियाँ हो सकती हैं। यह 6 महीने तक की जो बात आप कह रहे हैं ... (व्यवधान) ... क्योंकि हम इस बात को जानते हैं कि जहाँ-जहाँ ऐसी मंत्रि-परिषदें बनी हैं वहाँ मजबूरियाँ उन की हैं। इस के नाते वे बने हुए हैं, लेकिन अगर आप ने 6 महीने का आश्वासन दे दिया तो निश्चित रूप से वे मजबूरियाँ उनके सामने आएंगी। इसलिए इस पर भी विचार करना चाहिए था।

इन्हीं शब्दों के साथ मैं विधेयक का समर्थन करता हूँ।

THE DEPUTY CHAIRMAN: Shri P.G. Narayanan. You will have to limit your time too.

SHRI P.G. NARAYANAN (Tamil Nadu): Madam Deputy Chairperson, I rise to support this Constitution Amendment Bill. The proposed Amendment to the Constitution of India with reference to Article 75 is a clear admission by the major political parties at all-India level that they have no control over their elected representatives. In fact, defection is an evil for democracy. Defection has been pampered, perpetrated and encouraged by political parties only to suit their convenience in clinging to power. Those who have encouraged defections have now brought down the image of politicians and other democratic institutions in the eyes of the public. Defections have occurred mostly in Haryana, Goa, Manipur and Uttar Pradesh. In all these States, the hand of the all-India parties can be seen. It is their inability to control their flock of cadres that brought the Tenth Schedule of the Constitution to this pass and has also made amending the Constitution imperative. By the introduction of Clause 1A to Article 75 of the Constitution, jumbo Ministries are sought to be restricted to 15 per cent of the total membership of the Legislature. The defections have been catalysts for being offered ministerial berths and

chairmanship of lucrative boards. So far as Tamil Nadu is concerned, we have only small Ministry ever since the Independence of our country. I humbly submit that mere restriction of ministerial berth alone is not sufficient and the appointment to autonomous boards has also to be curbed. I call upon the attention of the Minister with regard to the absence of any provision in this amendment of not taking cognisance of any other offer of appointment to the defectors other than ministerial berths. This lacuna has to be removed and no defector should be appointed as the chairman of a board. Madam, the introduction of Clause 1B is contrary to the Statement of Objects and Reasons. The objects and reasons are being sought to prevent the defector from being inducted as a Minister as well as restraining him from holding any remunerative post during the aftermath of his defection, that is, the moment defection takes place, debarring him from considering him or her for position also takes effect. Whereas clause 1B sought to be introduced to article 75 does not have the same import, in as much as it disqualifies a member from such positions from the date of disqualification and not from the date of defection. I call upon the Minister to explain this aspect, as it needs to be clarified at length. Here, the disqualification alone matters to prevent the member in holding position as a Minister and not from the date of defection. This means, a member who has defected from a political party can continue to be a Minister during the period of disqualification proceedings till finality is reached. The need of the hour is that it should disqualify the member from the date of defection itself and not from the date of disqualification, which is a distant probability. To curb defection, the only option is to treat the defection from the date of defection. The present amendment is based on a recommendations of three committees namely, Committee on Electoral Reforms, Law Commission of India and National Commission to Review the working of the Constitution. Persons other than politicians head all these three committees. We should realize that fora of non-politicians are trying to reform the political class. We should seek our level to avoid unnecessary criticism from others, and we all hope that this amendment will definitely be a sort of eye-opener.

DR. P.C. ALEXANDER (Maharashtra): Madam Deputy Chairperson, I rise to support the Constitution (Ninety-seventh Amendment) Bill, 2003. I would like to begin with extending my warm congratulations to the Government, particularly to the very dynamic Minister for Law and Justice

for the courage and enthusiasm that they have shown in introducing such a comprehensive Bill. Personally, I would have liked the Bill to be much more comprehensive in its coverage than it is at present. There are many more areas which cry for forms and change. But, at least, we should congratulate the Government for coming up with two important changes in the present system. I would also like to congratulate the Chairman and Members of the Standing Committee for the manner in which they have presented their views to the Government, for the suggestions that they themselves have given to the Government, and for ensuring a consensus to emerge in the process of their deliberations. Madam, I would like to make 3 or 4 points only. My first point is, there was really no necessity for the proviso of article 1(a) under clause 3, which says, "The number of Ministers, including the Chief Minister, in a State shall not be less than twelve." Having prescribed the ceiling of 15 per cent, I would like to know where was the need to prescribe a minimum number. We know there are States in India with sixty Members in the Legislative Assembly, where the ruling party has 31 out of sixty, out of which about 27 or 28 are Ministers, besides the Speaker and Deputy Speaker. Normally, in such a ruling party hardly anybody is left out of office. In such cases, at least, the limit of 15 per cent would have been a good cure for the extravagance in having such large-sized cabinets. My question to the hon. Minister is, can I be informed of by the reasons which prompted him to prescribe as 'minimum', why could it not have been left as 'not more than 15 per cent'? My second point is why paragraph 6 of the Tenth Schedule has been left untouched. If the Tenth Schedule has come into disrepute, quite a lot of the share of that discredit should go to some of the speakers of the Legislative Assemblies. This point has been raised by one of the previous speakers also. If you allow a Speaker to be the arbiter in all doubts and disputes about what is defection and what is not defection, you are letting in political influence to decide an issue, which should have been an issue of fact. I would have personally recommended, and I have written on this subject earlier in some of my articles. I would have personally liked to see the Election Commission being the authority to decide in times of dispute, even if there is a dispute as to what is the right position. By giving that power to the Speakers, you are letting in politics to come into the final decision about the validity of defection. My third point, Madam, is about paragraph 7 of the Tenth Schedule regarding powers and jurisdiction of a court. But as has happened

in a number of other cases in our country, the courts have asserted their jurisdiction, even in areas where they have been explicitly excluded. The defection law is one such case. Nobody seems to have gone into this issue whether something more has to be done to prevent this encroachment of the jurisdiction of the court into an area which should have been left to the Legislature totally, or to the Election Commission partially, in deciding whether the fact of defection is correct or not. I would also like the Minister to say whether it would not have been a neater exercise—this is not the main point, this is only a supplementary point for elucidation by the Minister—if the provision recommended for Article 164 had also been made in the case of the Central Ministers. You may say that there was no need for it because the number of Central Ministers is 78 or 79—I don't know what it is—and that it has not gone beyond 82 which is the prescribed limit. Therefore, that has not been done. But I look at the Constitutional amendments as I look at the Constitution itself. It has to have an integrated personality. You deal with reduction but when it comes to the Centre, you don't say anything because, for the present, you have less than the maximum. But in the States, you thought it necessary to say that the surplus should be disposed of in such and such time. This is not a substantive point. I am only saying this because of the desirability of preserving Constitutional integrity. It would have been, in my judgement, better if the amendment could cover the Centre also.

Finally, Madam Deputy Chairperson, I am sure, in spite of all these very important changes that we are bringing about, there would still be some loopholes which will enable the unscrupulous or the unprincipled to continue their game of chasing the Chair. The only remedy for this is to educate our masses, the electorate. There is no use blaming only the elected MLAs, or, the elected MPs for defections. If the electorate is willing to again reelect the defector with a new label and with a loyalty to a new party, the electorate is as much at fault as the defector himself is. No law, no Constitution, no court can cure the malady of defection in our country unless the people themselves have really assimilated the spirit of true democracy. The people themselves are made conscious of the fact that they have to watchdogs and not play things in the hands of others. Therefore, I would suggest for the consideration of the House or any other forum as to what steps should be taken to educate the electorate about the importance of the changes that we are making in order to

prevent further misuse of even a very well-intentioned and a very well-drafted amendment. Thank you.

प्रो. राम देव भंडारी (बिहार): माननीय उपसभापति महोदया, यह विधेयक राजनीतिक दलों में दल-बदल को रोकने का एक और प्रयास है। इससे पहले 18 वर्ष पूर्व स्वर्गीय राजीव गांधी जी की सरकार के समय दल-बदल को रोकने का एक विधेयक पारित किया गया था मगर उस विधेयक के पारित होने के बावजूद भी राजनीतिक दलों में दल-बदल नहीं रुका और धीरे-धीरे इसने एक संक्रामक रोग का रूप ले लिया। पार्टियों के अंदर यह दल-बदल कोई प्रोग्राम, कोई पॉलिसी, कोई वैचारिक भिन्नता की वजह से नहीं, बल्कि पद और पैसे की वजह से होता रहा। और इस दल-बदल ने राजनीति को, पालिटिकल सिस्टम को एक मजाक बनाकर रख दिया। कहीं की भी सरकार हो दल-बदल कराकर के उस सरकार को बदल दिया जाता है, दूसरी सरकार बना दी जाती है और कई-कई राज्यों में तो कई बार दल-बदल कराकर सरकारें बनाई और बिगाड़ी गई हैं। महोदया, किसी पालिटिकल पार्टी के मेनिफेस्टो पर, उसके कार्यक्रम पर कोई जनप्रतिनिधि विधान सभा में और लोक सभा में चुन कर आता है। और पार्टियां विश्वास करती है कि जब तक यह विधान सभा है या लोक सभा है उस समय तक सदस्य पार्टी के साथ रहेगा। मगर ऐसा नहीं हो रहा है। देश के कई राज्यों में दल-बदल हो रहा है। मंत्री पद के लिए दल-बदल हो रहा है, पैसे के लिए, फ्लेट के लिए, पेट्रोल पम्प के लिए ये सारी चीजें जो मैंने बताई हैं उन सब के लिए, अपने लाभ के लिए सदस्य दल-बदल कर रहे हैं। महोदया, मेरी पार्टी भुक्तभोगी है। मेरी पार्टी से लोक सभा में 7 सदस्य जीत करके आए और उसमें से इस सरकार ने 3 सदस्यों का दल-बदल कराया। मैं इसलिए कह रहा हूँ कि सरकार ने कराया, उसमें से एक को उन्होंने मंत्री बनाया। तो जब केन्द्र सरकार की यह स्थिति है, केन्द्र सरकार दल-बदल कराती है दूसरी पालिटिकल पार्टी को तोड़कर के, तो यह बीमारी तो राज्य सरकार तक ... (व्यवधान)...

श्री राजीव रंजन सिंह 'ललन' (बिहार): मैडम, बिहार में कितना दल-बदल कराया ... (व्यवधान)...

प्रो. राम देव भंडारी: बिहार में सरकार तो मजबूत है, हमको दल-बदल कराने की जरूरत नहीं है। हमारी सरकार बहुत मजबूत है बिहार में। अभी "ललन" जी कह रहे थे। ... (व्यवधान)...

महोदया, मैं "ललन" जी को कहना चाहता हूँ कि ये खुद दल-बदलू हैं। "ललन" जी की पार्टी जनता दल-यू पर चुन कर आई थी बिहार में। और उन्होंने समता पार्टी बना ली। यह तो खुद दलबदलू हैं और अब फिर क्या किया है तथा फिर कह रहे हैं कि फिर हम लोग साथ चले जाएंगे। साथ जाने का कारण दूसरा है। कोई मन मिल गया है, विचार मिल गया है या प्रोग्राम मिल गया

हैं—कोई ऐसी बात नहीं है। राष्ट्रीय जनता दल के जो लीडर हैं—लालू प्रसाद जी के डर से यह कई तरह का वहां समीकरण बनाने में लगे हुए हैं। यह अगले लोक सभा चुनाव तक का मैं बतला रहा हूं। राम विलास जी तो हैं ही इनसे अलग, उसके बाद फिर कौन कहां जाएंगे—दिल के टुकड़े हजार हुए, कोई कहां गिरा, कोई कहां गिरा, यह स्थिति हो रही है।

श्री राजीव रंजन सिंह “ललन” : कोई डरता नहीं है।

प्रो. राम देव भंडारी : महोदया, मैं यह कहना चाहता हूं कि यह जो विधेयक आया है, मैं आशा करता हूं और विश्वास करता हूं कि यह विधेयक दल बदल रोकने में सक्षम होगा और यह सही है कि जिस दिन कोई सदस्य दल बदल करता है उसी दिन से उसकी मेम्बरी खत्म हो जानी चाहिए और उतना ही नहीं सजा के रूप में अगले 6 वर्ष तक उसको चुनाव लड़ने में भी रोक देना चाहिए।

श्री सतीश प्रधान (महाराष्ट्र) : मेम्बरी या मेमोरी है?

उपसभापति : मेम्बरी शब्द हिन्दी का ट्रांसलेशन है।

श्री सतीश प्रधान : मैडम, मेंबरशिप खत्म होगी तो चलेगा। लेकिन मेमोरी खत्म हो गई तो क्या होगा।

उपसभापति : उन्होंने मेंबरशिप का हिन्दी-उर्दू में ट्रांसलेट करके मेम्बरी कहा है।

प्रो. राम देव भंडारी : मेंबरशिप का हिन्दी में मेम्बरी भी चल जाता है। ऐसा हिन्दी में चलता है। दूसरी बात, जो मंत्रिमंडल के साइज के बारे में उन्होंने कहा है, अच्छी बात है महोदया कि मंत्रिमंडल का साइज छोटा होना चाहिए। जब मंत्रिमंडल का बड़ा साइज होता है जो उसके पीछे भी कोई न कोई कारण होता है, जो सरकारें हैं, खासकर राज्य सरकारें हैं वहां पर दल बदल को रोकने के लिए भी मंत्रिमंडल का साइज बढ़ाया जाता है इसलिए कि उनको किस तरह से बांध कर रखा जाए, रोक कर रखा जाए कि कहीं वे दूसरी तरफ न चले जायें। अब मैं सेंट्रल गवर्नमेंट की बात कर रहा हूं। ... (व्यवधान)...

उपसभापति : अभी आपके पास समय कम है। ... (व्यवधान) ... आपकी पार्टी का निर्धारित समय तो समाप्त हो गया है। ... (व्यवधान) ...

प्रो. राम देव भंडारी : यहां ठाकुर साहब बैठे हुये हैं। मंत्री बने फिर वहां से हटे फिर मंत्री बने। इस तरह से कई मंत्री सेंट्रल गवर्नमेंट में हैं जो आये हैं गये हैं फिर वापिस आये हैं। ... (व्यवधान) ... यह मैं इसलिए कहना चाहता हूं कि जो मंत्रिमंडल बनाते हैं उनको कई तरह का समीकरण देखना पड़ता है, कई तरह की मजबूरी होती है। जो मेम्बर पार्टी छोड़कर चले जाते हैं उनकी मेम्बरशिप खत्म हो जाये जो यह दलबदल की समस्या ही खत्म हो जायेगी। इसमें कई तरह

के समीकरण होते हैं सामाजिक समीकरण क्षेत्रीय संतुलन आदि। तो अभी जहां पर बड़ा मंत्रिमंडल बना हुआ है जैसा मैंने कहा कि मंत्रिमंडल बनाने में भी बहुत कठिनाई है और मंत्रिमंडल घटाने में भी बहुत कठिनाई है जो मंत्रिमंडल बना हुआ है उसे क्यों घटाने जा रहे हैं। आगे से बड़ा नहीं बनेगा, ऐसा करिए क्योंकि जितनी कठिनाई बनाने में हुई है उतनी ही कठिनाई उसे घटाने में भी होगी। उसके लिए बहुत एक्सरसाइज करनी पड़ेगी, जहां पर साल डेढ़ साल की सरकार रह गई है उसको आप कह रहे हैं कि ज्यादा मंत्रियों को मंत्रिमंडल से निकाल कर बाहर कर दीजिए। यह बहुत कठिन काम है, इसलिए इस पर सरकार को विचार करना चाहिए। जो मंत्रिमंडल बना हुआ है उसको आप क्यों घटाने की बात कर रहे हैं? ... (व्यवधान)...

कृषि और ग्रामीण मंत्रालय के राज्य मंत्री (श्री संघ प्रिय गौतम): उस पर कोई असर नहीं पड़ेगा। ... (व्यवधान) ... क्योंकि कोई दलबदल नहीं करेगा।

उपसभापति: बहुत लम्बी बात हो गई है। I have to call Dr. Karan Singh now.

प्रो० राम देव भंडारी: महोदया, एक छोटी सी बात और है। जो निर्दलीय जीतकर आते हैं वे भी सरकार बनाने में बड़ा खेल खेलते हैं। बहुत बड़ा खेल उनका भी होता है और वे काफी संख्या में जीतकर भी आते हैं। उनके लिए क्या होगा? उन पर भी तो कोई बंदिश होनी चाहिए? यदि निर्दलीय एक बार किसी सरकार को समर्थन कर दे तो दूसरी बार वह दूसरी सरकार को समर्थन नहीं दे। इस कानून में इसका कोई प्रावधान नहीं है। इसका भी प्रावधान होना चाहिए। अभी जो चुनाव हुए है उसमें 20, 25, 30 की संख्या में निर्दलीय जीत कर चले आये हैं। उनके लिए भी इसमें प्रावधान होना चाहिए था। उनके लिए भी इसमें कोई बंदिश होनी चाहिए थी। महोदया, आपने मुझे बोलने के लिए काफी समय दिया इसके लिए मैं आपका धन्यवाद करता हूं।

DR. KARAN SINGH (NCT of Delhi): Madam, Deputy Chairman, the beauty of our Constitution lies in the fact that not only does it give an elaborate structure of Government, but the Constitution-makers had the wisdom to realise that from time to time, with changing political, economic and social circumstances, amendments would be necessary. And that is why they built in an amendment process, which is not just effective but also ensures that there is a widespread consensus on these amendments.

Madam, 90 amendments have already been passed. Today, we are debating the 91st amendment.

SHRI PRANAB MUKHERJEE: It is the 92nd amendment.

DR. KARAN SINGH: No, it is not the 92nd amendment.

SHRI PRANAB MUKHERJEE: it is the 92nd Bill, but the 91st amendment.

DR. KARAN SINGH: Yes, it is the 91st amendment. That is what I clarified before I spoke. So, we are debating the 91st amendment. Madam, this is a landmark Bill, there is no doubt about it; a significant step in the process of electoral reforms. We are proud of our democracy, which we have now worked for over half a century. And we hold our heads high anywhere in the world; Madam, you know that, you have been around the world for inter-Parliamentary meetings. But it is also true that in these 50 years, many distortions have crept into the system, both in electoral and political processes. And there has been a national debate now, for the past 10 or 15 years, on this whole question of electoral reforms. Academics, intellectuals, think-tanks and political parties have been debating the various elements that are involved. The Election Commission has taken some important decisions. But primarily, the responsibility rests upon the Parliament.

Madam, the major danger facing the country today, to my mind, is not foreign aggression. The major danger is this corruption, which is like an acid eating into the very roots of our polity. Corruption is destroying our polity, our economy, and our society. The Prime Minister said the other day that the Judev-Jogi issue was a shame. I would say that it is a disgrace, Madam, that today almost every element of our public life whether it is trade or commerce sports or education or stamp papers, there is hardly any sphere that is free from corruption. There is a World International Corruption Index and it is a matter of shame and disgrace that a country like ours should rank so low on this scale. Madam, this is a country based upon great traditions and great spiritual heritage. Our national motto is 'सत्यमेव जयते' I am sure that Members on that side would know, it is from the *Mundaka Upanishada*.

सत्यमेव जयते नानृतं सत्येन पंथा रिततो देवयानः ।

येनाक्रमन्त्यृषयो ध्याप्तकामा

यत्र तत्र सत्यस्य परमं निधानम् ॥

सत्यमेव जयते Truth alone prevails. धर्म चक्र पर्वतनाथः--The great, Buddhist, wheel of Dharma. Today, this country, based on these ideals, based on the freedom struggle of Mahatma Gandhi, Pandit Jawaharlal Nehru and the great leaders, based upon the blessings of great saints like Vivekanand



and Aurobindo, has sunk to a position where corruption is now seeped into every aspect of our life: I look upon this Bill, Madam, as an important step to try and prevent the growth of corruption in our political processes. These jumbo ministries are a disgrace; they are a scandal. There are States in which, I believe, there are 100 members in the Ministry and in order to satisfy everybody they cut off the ministries. So, I believe, you have a Minister for Stamps in one State, If I am not mistaken, or you have a Minister for Primary Education, for Secondary, for Tertiary, and for Higher. This whole thing has become a farce.

Therefore, it is a most welcome move that we should restrict the number of Ministers. I only have two points that I would like the hon. Minister to refer to. He is not in the House, but, I presume, he is watching me on television. The first is: I still fail to understand why should, at least, twelve Ministers be mandatory? Delhi has functioned so well. It is one of the best administered States in the country as the recent elections have proved. Now, you are forcing even the small States to have twelve Ministers. You could have made it possible for them, if necessary, to have twelve Ministers. But to make it mandatory that you must have twelve Ministers, this, to my mind, is not a correct thing because there may be smaller States. I understand, there are tribal factions; there are leaders and so on. Therefore, if the provision had been that smaller States can have upto twelve even if it is more than 15 per cent, that is understandable. But to make it mandatory that you have to have twelve Ministers, Madam, seems to me to be a mutually contradictory provision. I do not think that it was particularly a good idea.

The second point is regarding what are known as 'remunerative political posts.' For many people who cannot be accommodated, such posts are created, Chairmanship are created. Fair enough, some Chairmanships are necessary: But if we are putting a ceiling on the Council of Ministers, should there not also be at some stage a ceiling on these remunerative political posts also? Otherwise, you reduce the Ministry by twenty people and you create twenty remunerative posts that are not covered by this will. So, would the hon. Law Minister explain to us how this lacuna is to be overcome, because even in the Anti-defection Bill that lacuna of one-third was used as a loophole for the most scandalous and brazen promotion of factionalism? Therefore this, I think, is a point which needs attention. It has been laid down that defectors cannot get remunerative

political posts. But, my point is that the number of remunerative political posts also should have a ceiling, otherwise this whole thing can be defeated.

As far as the anti-defection is concerned, Madam, there is one Party, which need not be named, which has split so many times that we have even forgotten the number of times that it has split. So, certainly, these one-third splits have become a monstrosity and, I think, it is very good thing that this Bill seeks to contain this also. Madam, my colleague, Shri Pranab Mukherjee, has already spoken on this Bill. He is the Chairman of the Standing Committee of this Bill. I join him and Members of our Party is warmly supporting this Constitution (Amendment) Bill.

PROF. M SANKARALINGAM (Tamil Nadu): Madam Deputy Chairman, I wholeheartedly support the Constitution (Ninety-Seventh Amendment) Bill, 2003. Our country is a democratic country governed by our Constitution. In a Parliamentary system of governance, the vital part of governance is the party system. For this, sufficient safeguards are provided in our Constitution. The Tenth Schedule defines the same and provides sufficient safeguards to strengthen the party system of governance. Defection from one party to another really defeats the party system of governance. Anti-defection provisions are defined in the Tenth Schedule. With all the experience gained over the long period of our freedom struggle and Independence, it was found that anti-defection law resulted in splitting the political parties and overthrowing the ruling parties and this forming new affiliations and new Governments. This was noted by our experienced leaders and the electoral reforms have been thought of. The Dinesh Goswami Committee, in its Report; the Law Commission, in its Report; the National Commission to Review the Working of the Constitution, in its Report, recommended to remove the exemptions given to defectors, which paved the way to split the parties. This Commission recommended debarring the person to hold any position, either as a Member of Legislature or a Minister, or, any other post office of profit till the remaining tenure for which he was elected. In this connection, I have my own doubts. What is the position of a Member of Parliament or a Legislature who is dismissed by a party? A Member, even after being dismissed from the party for defying the rules of the party, continues as a Member of the Parliament or Legislature. This has also be treated in the same way in which we are going to treat the defectors. That has to

be thought over. That is my wish and let the Government or the Ministry take all these thing into consideration. Now, this Bill limits the size of the Cabinet and it is also a good sign. With my experience in political life, I want to say that all defections are encouraged by the political parties themselves. I am not going to name anyone, but if you study analytically any defection in any State or in any party, it will be seen that it is welcomed or helped by another party. We all are sitting together and discussing all these things, but the literate public will laugh at us if we continue with all these things. So, let the political party introspect themselves and think over the matter and come to consensus. They should not admit any defector to their party. This norm should be created amongst all parties. If this a successful; if we come to understand this position very clearly, then this noble cause will be served. That is my view. With these words, I support the Bill.

श्री सतीश प्रधान: उपसभापति महोदया, मैं सबसे पहले खासकर प्रधान मंत्री जी को धन्यवाद देना चाहता हूँ और विधि मंत्री जी को भी धन्यवाद देना चाहता हूँ कि वे इस बिल को सदन में लेकर आए। इसकी बहुत बड़ी आवश्यकता थी। मैं प्रधानमंत्री जी को विशेषकर इसलिए धन्यवाद देना चाहता हूँ कि इस विषय में भ्रष्टाचार सब जगह अपनी जड़ें गड़ाकर बैठा है, उसको राजनीति से उखाड़ने के लिए इन्होंने बहुत बड़ा कदम उठाया है। मैडम, मैंने अनुभव किया है कि सबसे पहले हमारी राज्य सभा और विधान परिषद के चुनाव के बारे में यह पहला सबसे बड़ा कदम था। वहां पर ओपन वॉटिंग करने का प्रस्ताव लाया गया। इसको मैंने भी अनुभव किया और आपने भी किया था कि पार्टी के वोट होते हुए भी, कई वोट वैसे के वैसे बाहर चले गए। वे किस ढंग से चले गए? कैसे सौदे हुए, यह सब लोगों को मालूम है। उस समय एक-एक वोट के लिए तीस-तीस लाख तक का खर्चा दिया गया। यह पद्धति बंद होनी चाहिए और ऐसा नहीं होना चाहिए। इसके लिए प्रधान मंत्री जी ने अच्छा कदम उठाया है जिसकी आवश्यकता थी। उसी तरह से मंत्रिपरिषद जिस पार्टी को छोड़कर आई है और आपके लिए मंत्री पद रिजर्व करके रखा गया है, वह मिल जाएगा। मंत्री परिषद में कितने सदस्य होंगे, यह तो कुछ भी नहीं कहा गया था और अलग-अलग राज्यों में हमने इसका परिणाम देखा है। मैं जिस महाराष्ट्र राज्य से आता हूँ वहां की परिस्थितियों को मैं स्वयं मंत्रालय में घूमकर देखकर आया हूँ। मंत्रालयों में मंत्रियों के बैठने के लिए जगह नहीं है, काम करने के लिए दफ्तर नहीं है और रहने के लिए मकान नहीं है फिर भी मंत्री हैं। क्या वह गाड़ी में सोयेगा? वह क्या गाड़ी में बैठकर दफ्तर का काम करेगा या रेस्ट हाऊस में जाकर काम करेगा? कई मंत्रियों ने रेस्ट हाऊस में जाकर काम किया है और कई ने दूसरे में दफ्तर में अलग जगह पर जाकर काम शुरू कर दिया। क्या कभी इस तरह से राज्य का काम होता है? ऐसी परिस्थिति सरकार के लिए ठीक नहीं है।

इस विषय में गंभीरता से विचार करके करने की आवश्यकता थी। महाराष्ट्र में मुम्बई में मंत्रालय के ऊपर एक फ्लोर और बढ़ाना पड़ा क्योंकि ज्यादा मंत्री हो गए थे। उनके बैठने के लिए जगह निर्मित की गई थी। यदि केन्द्र सरकार में यह परिस्थिति हो गई तो उनके लिए जगह बढ़ाने के लिए और एक दूसरी बिल्डिंग बनानी पड़ेगी। तो यह ठीक नहीं होगा। इस पॉलिसी को बदलने के लिए एक कानून बनाने की आवश्यकता थी। आदरणीय वाजपेयी जी? आपने जो निर्णय लिया है, इसके लिए आप धन्यवाद के बहुत-बहुत पात्र हैं। अभी केवल हम ऐसा चाहते हैं, ऐसा नहीं है, भारतवर्ष का हर सुयोग्य नागरिक आपको इस विषय पर धन्यवाद देगा। आपको आयु और बढ़े, हम सब यह कामना भी करेंगे। यह सब करते समय एक बात की और जरूर आवश्यकता थी, मंत्री जी इस विषय पर जरा विचार करें। आपने मंत्री परिषद में संख्या सीमित कर दी लेकिन जो दल बदलू आए वे सत्ता पाकर चाहे सांसद के पद पर है या विधायक के पद पर है क्या वे पद छोड़ देंगे? अगर वह उच्च पद छोड़कर भी पार्टी में आए तो उसके लिए हमारे यहां दूसरा प्रावधान है कि उसे किसी बोर्ड को चेयरमैन बनाया जाता है। अलग-अलग समितियों का गठन किया जाता है, अलग-अलग बोर्ड्स का निर्माण किया जाता है। यह बात आज की तारीख में अस्तित्व में है। जैसेकि इलेक्ट्रिसिटी बोर्ड है या कोई बोर्ड है तो उस बोर्ड के ऊपर चेयरमैन बनाकर बिठाएंगे या बोर्ड का अध्यक्ष बनाकर बिठाएंगे। इसके लिए भी यह प्रावधान करने की आवश्यकता है कि उसे वहां यह पद नहीं मिलेगा। यह प्रावधान कानून में करने की आवश्यकता है। मैं आशा करता हूँ कि मंत्री जी कानून में यह प्रावधान करने के लिए, संविधान में बदल करने के लिए अगली बार दूसरा विधेयक लाएंगे। इसकी जरूरत है और आप यह करेंगे। मैं एक बात और बताना चाहता हूँ कि ... (व्यवधान)...

THE DEPUTY CHAIRMAN: May I say something? प्रधान साहब

श्री सतीश प्रधान: मैडम, मेरा खत्म हो गया है।

उपसभापति: मेरे पास छह स्पीकर और हैं। मैम्बर्स होने चाहिए। रिक्विजिट नम्बर है

...(व्यवधान)...

श्री सतीश प्रधान: मैं आधे मिनट में बोल देता हूँ। मुझे एक चीज और बतानी है।

उपसभापति: अच्छा बता दीजिए।

श्री सतीश प्रधान: मैं एक बात बताना चाहता हूँ कि संविधान में इस विषय पर प्रोविजन करने की आवश्यकता है। हम बहुत जगहों पर इस विषय पर चर्चा करते हैं कि जो सांसद या विधायक चुनकर आता है वह चुनकर आने के बाद, लोगों के जिस ढंग की इच्छा होती है उस ढंग से काम नहीं करता, गलत ढंग से काम करता है। यदि लोगों को यह विश्वास हो गया कि यह गलत ढंग से और

गलत रास्ते पर जा रहा है तो लोगों को "राइट टू रिकॉल" का अधिकार होना चाहिए। इस विषय पर भी संशोधन करने की आवश्यकता है। इस विषय पर कानून में सुधार करने की आवश्यकता है। इसका सबसे बड़ा फायदा छोटी-छोटी पार्टीज, जो स्टेट पार्टीज हैं, उन्हें होगा। मैं इस विधेयक का समर्थन करता हूँ और आपको धन्यवाद देता हूँ कि आपने मुझे बोलने का समय दिया।

THE DEPUTY CHAIRMAN: Now, I have six speakers. One is Mr. Gandhi Azad. गांधी आज़ाद जी आपके तीन मिनट हैं। मैं समझती हूँ कि इस पर विस्तार से चर्चा हो गई है।

श्री गांधी आज़ाद (उत्तर प्रदेश): उपसभापति महोदया, मैं दो मिनट में अपनी बात कहूँगा।

उपसभापति: उपसभापति महोदया, धन्यवाद। मैं अपनी और अपनी पार्टी बहुजन समाज पार्टी की तरफ से इस विधेयक का समर्थन करता हूँ लेकिन माननीय मंत्री जी यहां नहीं हैं।

श्री संघ प्रिय गौतम: मैं लिख रहा हूँ।

श्री गांधी आज़ाद: आप लिख रहे हैं, आपका गणित तेज है इसलिए मैं आपको कुछ बताना चाहता हूँ, माननीय मंत्री जी से कुछ शंकाओं का समाधान चाहता हूँ। पहली शंका तो यह है कि अगर विधानसभा का अध्यक्ष पहाड़े और गिनती की भूल करे तो उस दशा में विधेयक में क्या व्यवस्था है?

उपसभापति: अर्थमेटिक की क्लास में जाना चाहिए।

श्री गांधी आज़ाद: मैडम, यह एक तिहाई संख्या एकत्रित करने के लिए धन, बल और बाहुबल का प्रयोग किया जाए तो इसे रोकने के लिए विधेयक में क्या व्यवस्था है? मैडम, 1997 में उत्तर प्रदेश में तत्कालीन विधानसभा अध्यक्ष द्वारा 19 x 3 को 57 के स्थान पर 67 कहा गया और इसके विरुद्ध माननीय सर्वोच्च न्यायालय द्वारा कहा गया कि विधानसभा अध्यक्ष के पहाड़े और गिनती की भूल को संविधान पीठ द्वारा ठीक करके न्याय किया जाएगा। मुझे खेद के साथ यह कहना पड़ रहा है कि अभी तक संविधान पीठ ही नहीं बन पाई तो न्याय की आशा कहां से की जाए? कैसे की जाए? महोदया, इस प्रकार के तथ्यों से उबरने के लिए इस व्यवस्था की प्रत्याशा में मैं इस विधेयक का पुरजोर समर्थन करता हूँ। धन्यवाद।

उपसभापति: श्री राजीव रंजन सिंह "ललन": आप इसी तरह दो-दो मिनट में भाषण पूरा कर देंगे तो वोटिंग टाइम पर करा देंगे।

श्री राजीव रंजन सिंह "ललन": मैडम, छोटी पार्टियों पर आपकी कृपा तो सदैव रहती है।

उपसभापति: मेरी कृपा तो आप पर है।

श्री राजीव रंजन सिंह "ललन": तो फिर आप नजर क्यों फेर रही हैं।

उपसभापति: डिफेक्शन बिल आ गया है।

श्री राजीव रंजन सिंह "ललन": उपसभापति महोदया, इस सदन के 200वें ऐतिहासिक सत्र में 97वां संविधान संशोधन विधेयक, जो कि एक ऐतिहासिक विधेयक है और जिसके पास होने के बाद इस देश में दल-बदल पर पूर्णतः नियंत्रण हो जाएगा, मैं माननीय विधि मंत्री जी को बधाई देता हूँ, धन्यवाद देता हूँ।

महोदया, हमारे संविधान में 1985 से दल-बदल को रोकने के लिए कानून बना था जो कि दसवीं अनुसूची में है, लेकिन जिन उद्देश्यों को लेकर यह कानून बनाया गया था, वह उद्देश्य पूरा नहीं हो पा रहा था। जिस समय यह कानून बनाया गया था उस समय यह कल्पना थी कि इस कानून के बाद इस देश में दल-बदल रुक जाएगा, लेकिन उन उद्देश्यों की पूर्ति नहीं हो पा रही थी। उसमें एक-तिहाई विभाजन का प्रावधान था और उस प्रावधान के छिद्रों के माध्यम से एक-तिहाई विभाजन किस तरह माना जाय, यह विचारणीय था। एक-तिहाई विभाजन एक निरंतर प्रक्रिया है, इसके कई विश्लेषण होते रहे और उस की आड़ में दल-बदल होता रहा। संविधान में जिन उद्देश्यों के लिए दसवीं अनुसूची में दल-बदल रोकने के लिए कानून भाया गया था उसका मजाक उड़ाया जाता रहा। इस देश की जनता हमें हंसी का पात्र बनाती रही और मजाक उड़ाती रही। अब हमारे विधि मंत्री जी को मैं इसलिए बधाई दे रहा हूँ कि आज हम पूरे तौर पर दल-बदल रोकने पर नियंत्रण पा लेंगे और कहीं से कोई भी रारता नहीं बचेगा जिस के माध्यम से कोई दल-बदल कर सके अर्थात् पूरे देश में जो "आया राम, गया राम" की प्रक्रिया है, परिपाटी है, परंपरा है, वह पूरे तौर पर समाप्त होगी। महोदया, मैं माननीय विधि मंत्री जी को इसलिए भी बधाई देता हूँ कि आज इस विधेयक के माध्यम से उन्होंने प्रावधान किया है कि कोई भी व्यक्ति जो जरा भी दल-बदल करने की इच्छा रखता है वह इस प्रावधान के बाद हतोत्साहित होगा क्योंकि उसे कोई लाभ का पद भी प्राप्त नहीं हो सकेगा। माननीय विधि मंत्री जी ने इस कानून को लाकर यह साबित किया है कि हम इस देश की राजनीति से राजनीतिक भ्रष्टाचार को मिटाने के लिए कृत-संकल्प हैं और हम ने जनता से जो वायदा किया है, उस तरफ हम आगे बढ़ रहे हैं, उस दिशा में हम आगे बढ़ रहे हैं।

महोदया, मैं माननीय विधि मंत्री जी से एक निवेदन और करना चाहूंगा कि आपने निचले सदन के 15 प्रतिशत की संख्या मंत्रि-परिषद् के लिए निर्धारित की है। जिन राज्यों में पहले से 15 प्रतिशत से अधिक मंत्रि-परिषद् के सदस्य हैं, उन्हें उसे कम करने के लिए 6 महीने का समय दिया है। महोदया, मैं माननीय सदस्य रमा शंकर कौशिका जी से पूर्णतः सहमत हूँ कि 6 महीने के समय का कोई मतलब नहीं है। इस विधेयक के पास होने के बाद क्या करना है- इस विधेयक के पास होने के बाद एक महीने में लिस्ट बनाइए, सामाजिक संतुलन/क्षेत्रीय संतुलन बनाइए और इस्तीफा मांग

कर राज्यपाल जी या राष्ट्रपति जी को भेज दीजिए। इसलिए 6 महीने का समय देकर हम फिर से इसमें कोई-न-कोई समस्या पैदा करेंगे। महोदया, जिस दिन कानून पास हो, उस के एक महीना या बहुत अधिक हो तो 2-3 महीने का समय दे सकते हैं। लेकिन 6 महीने का समय काफी लंबा होता है।

इन्हीं शब्दों के साथ मैं विधि मंत्री जी को पुनः बधाई देते हुए इस संविधान संशोधन विधेयक का समर्थन करता हूँ।

श्री हरेन्द्र सिंह मलिक (हरियाणा): उपसभापति महोदया, धन्यवाद, जो आपने मुझे इस संविधान संशोधन विधेयक पर बोलने का अवसर प्रदान किया। माननीय विधि मंत्री जी और सरकार का नेतृत्व इस बात के लिए वास्तव में बधाई का पात्र है, जो उन्होंने इस विधेयक के माध्यम से राजनीति में भ्रष्टाचार को जड़-मूल से निकालने का प्रयास किया है।

महोदया, इस बिल के अनुसार जो माननीय सदस्य होंगे, चाहे वे विधानसभा के हों, उनके दल बदल पर रोक लगाई गई है, लेकिन जो इस मुल्क में एक परंपरा रही है कि दल का ही दल बदल हो जाता है उसका इसमें कहीं उल्लेख नहीं किया गया है। इसलिए मेरा माननीय विधि मंत्री जी से अनुरोध है, जैसे उत्तर प्रदेश के मसले को लें और उसका आप वर्ष 1993 से लेकर वर्तमान तक का इतिहास देख लें। आलू की तरह का नेतृत्व रहा है अर्थात् जिस पार्टी की सरकार बनी चाहे वह केंद्र में बनी हो या प्रदेश में बनी हो, जिस पार्टी की सरकार बनी, कुछ लोग उसी सरकार में चले गए। वे लोग उस सरकार में पहुंच जाते हैं और वहां वे बेचारे डरते रहे, दूसरे उनका इस्तेमाल करते रहे। मुखर्जी साहब ने भी इस्तेमाल किया और जेटली साहब ने भी किया। इतना ही नहीं, मैं यह बात जिम्मेदारी से कहता हूँ कि उन्होंने पैसा भी प्राप्त किया है। तो क्या माननीय मंत्री जी इसे गंभीरता से लेंगे और ऐसे लोग जो दल रोज बदलते हैं सरकार बदलने के साथ-साथ, वे जो थोक के व्यापारी हैं, उनके भ्रष्टाचार की सीबीआई से जांच भी करवाने का काम करेंगे? मैं तो कहता हूँ कि जो इस तरह का काम करेंगे कि अगर सरकार कांग्रेस की है तो कांग्रेस के साथ हैं और सरकार बीजेपी की है तो बीजेपी के साथ हैं, ऐसे लोगों ने कितना पैसा पाया है, इसकी जांच की एक व्यवस्था भी कंपलसरी होनी चाहिए।

महोदया, मेरा आपके माध्यम से यह भी अनुरोध है माननीय विधि मंत्री जी, आपने प्रयास तो अच्छा किया है, लेकिन मैं "ललन" जी की इस बात से सहमत हूँ कि 6 महीने के समय में कोई न्यायालय जाएगा, कोई कहीं जाएगा, इसे एक महीने का समय कीजिए और इस बीच यह मंत्रियों की संख्या छोटी हो। इसके साथ साथ आपको यह भी देखना होगा कि दूसरे जो लाभ के पद हैं उन पर जो दूसरा अमला बैठा है, उस पर जनप्रतिनिधि बैठ जाएं तो उसमें कोई आपत्ति नहीं होनी चाहिए। अंत में मैं माननीय विधि मंत्री जी को बधाई देते हुए यही अनुरोध करूंगा कि जो लोग

सामूहिक दल बदलते हैं उन पर जरूर अंकुश लगाने का प्रावधान इस बिल में किया जाना चाहिए।  
धन्यवाद।

**SHRI ROBERT KHARSHING (Meghalaya):** Madam Deputy Chairperson, I rise to not only support this Bill, but also to welcome it wholeheartedly. This is an amendment which the country has been awaiting for the last 18 years. Madam, the money power and defections among our so-called leaders have been one of the reasons for the rise of insurgency in the North-East. Young men and women vigorously support a candidate of a party, hoping for a better future in the form of jobs, improved living conditions etc. But when their M.L.A. or MDC, who they look up to as a role model, defects after receiving a huge sum of money and a Cabinet post from unscrupulous parties, they are bitterly disappointed. He has made his money, bought new houses and spanking cars, flaunts his red light with impudence, while they feel they have lost their future. Young people feel that if he can extort crores of rupees, without any guilt of conscience, then, we can become insurgents, and extort lakhs of rupees. With today's amendment, hopefully, this will stop. In a constructive spirit, however, let me point out one lacuna. The defector should have been automatically disqualified by a letter from an authorized office-bearer of the original party to the Election Commission, rather than leaving the matter to the hon. Speaker. The hon. former Speaker of Lok Sabha, Shri Shivraj Patil, had also rightly touched upon this point in his speech in the Lok Sabha, recalling his rulings on defections. A speaker, who still belongs to a political party, finds it humanly difficult, to take an impartial decision. I can foresee new twists and interpretations by Speakers, who hire lawyers to break the spirit of the law, to suit their party's ends, especially in the North-East.

2.00 P.M.

[THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) in the Chair]

Sir, today, I am extremely happy and congratulate both, the Law Minister, Mr. Arun Jaitley, for piloting this Bill and Mr. Pranab Mukherjee, the Chairman of the Parliamentary Standing Committee on Home, which examined this amendment as well as all those who have had a part in it. But, Madam, though I am happy, I am also sad. On the 16th of December, while the Lok Sabha was debating this Bill, our allies, \* paid Rs. 1 crore to each of six of my NCP MLAs in Meghalaya to defect, and four were sworn as Cabinet Ministers on that same evening, raising the strength of



the Ministry in Meghalaya on the 16th of December, from 38 to 42 MLAs. This is sad, Madam. It is like thumbing its nose to the entire nation. While the Bill was being passed unanimously in the Lok Sabha, the last crime was being committed. Here, we have decided on a 15 per cent Ministry while the Grand Old Party of the country was enlarging to a 70 per cent Ministry! And Rs. six crores! Could you not have given it to poor tribals, instead of buying and selling MLAs? Madam, in this House, I have been instructed by my leaders to sit in the Opposition and cooperate with the Congress as they are our Allies. I have obeyed those orders to the best of my abilities, but, today, I feel, they have stabbed me in the back. That is why I feel sad. With this-Bill, I really hope that you, the Mother Party, will stop doing these things. We look up to you to guide us in the teachings of Gandhi, not in the teachings of money, bribery and corruption. As per information that I have received, Madam, the plan was to be executed together with Chhattisgarh. But when Mr. Jogi was exposed, this dirty deal was delayed and postponed. We do not have an Arun Jaitley nor the facilities of a Central Government to expose the bribery in Meghalaya, in the last few days, but I can assure you it was equally murky, and with more money involved.

Madam, I sincerely and humbly hope that these things which bring shame to us, politicians, i.e. bribery and corruption, should stop. This shame is in every party; yes, let me admit it, in my party too. But in a world, today, of quality accountability and performance, let us emulate Saurav Ganguly, Dravid and Laxman, and be the best politicians in the world.

With these few words, I and my party, NCP, strongly support the Ninety-Seventh Constitution (Amendment) Bill. Thank you, Madam.

श्री राजीव शुक्ल (उत्तर प्रदेश): उपसभापति महोदया, मैं सरकार द्वारा लाए गए इस बिल के समर्थन के लिए खड़ा हुआ हूँ और मैं कानून मंत्री जी को बधाई देता हूँ कि उन्होंने काफी सोच-समझकर इस बिल को तैयार किया है। हालांकि श्री प्रणब मुखर्जी जी की अध्यक्षता में जो स्टैंडिंग कमेटी है, उसकी रिकमेंडेशन इसकी बुनियाद है, इसलिए बिल में तमाम तरह के प्रावधानों को शामिल किया गया है।

उपसभापति महोदया, श्री राजीव गांधी जी ने एक बहुत सार्थक प्रयास किया था इस बात के लिए कि किस तरह से दल-बदल को रोका जाए और उसी आधार पर वे एक तिहाई सदस्यों वाला

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\*Expunged as ordered by the Chair.

फार्मूला लाए थे। लेकिन हमारा पिछले 15-17 सालों का यह अनुभव रहा है कि इस प्रावधान का बहुत दुरुपयोग हुआ और तमाम लोगों ने तमाम तरह से पार्टियां तोड़कर सरकारें बनाईं। दरअसल उस समय भी एक तिहाई से ज्यादा यह बात चली जाती लेकिन डा० लोहिया के एक बयान की वजह से, जिसमें उन्होंने कहा था कि जिन्दा कौमें पांच साल तक इंतजार नहीं करती हैं, इसकी वजह से कई समाजवादी मित्रों ने इसका विरोध किया था और कहा था कि पार्टियों के अंदर लोकतंत्र रखने के लिए किसी का गला घोटने की कोशिश नहीं करनी चाहिए। इसलिए एक भी सदस्य के दल-बदल पर अगर रोक लगाई जाएगी तो यह उचित नहीं होगा और इसलिए एक तिहाई वाला फार्मूला लाया गया था। लेकिन आज, मैडम, सरकार ने 10वें शैंडयूल के पैरा 3 को निकालकर मेरे ख्याल से बहुत उचित कदम उठाया है और इससे न केवल दल-बदल रोकने में मदद मिलेगी बल्कि यह राजनीति को साफ-सुथरा करने में भी बहुत सहायक सिद्ध होगा। इसमें मेरे एक-दो ऐप्रिहेंशंस हैं, जिन पर मैं सरकार से स्पष्टीकरण चाहूंगा। कई ऐसी विधान सभाएं हैं जहां ऐसी स्थितियां पैदा हो जाएंगी, जहां आइडियोलॉजिकली कई पार्टियां एक दूसरे के साथ नहीं मिल सकती, जैसे कि उत्तर प्रदेश की विधान सभा है, ऐसी स्थिति में वहां क्या होगा? इस संभावना में मुझे लगता है कि कई बार अगर एक विधान सभा सरकार बनाने की स्थिति में नहीं होगी, तो उसको दोबारा भंग करके चुनाव कराने की स्थितियां पैदा हो सकती हैं। अतः रि-डिजोल्यूशन ऑफ असेंबली के लिए भी हमें तैयार रहना चाहिए। खास तौर से हमें छोटे-छोटे राज्यों में बहुत समस्याओं का सामना करना पड़ेगा जहां बैडली हंग असेम्बलीज़ होती हैं। दूसरी चीज यह है कि कानून के रास्ते आप पोलिटिकल पार्टियों को बहुत ज्यादा नहीं रोक सकते हैं। विभिन्न राज्यों में राजनीतिक दल इस तरह का कोई ने कोई तरीका निकाल ही लेंगे जिससे इस कानून से बचा जा सकेगा, इसके लिए भी हमें तैयार रहना पड़ेगा।

तीसरी चीज यह है कि कई जगह हमने मंत्रियों की संख्या पर तो 15 प्रतिशत रोक लगा दी लेकिन परसों ही मैं किसी मुख्यमंत्री से बात कर रहा था कि आपके यहां मंत्रियों की संख्या बहुत ज्यादा है, अगर इस तरह का प्रावधान लागू हो गया तो आप क्या करेंगे? क्या आप इन सबको निकालेंगे? उन्होंने कहा कि चिंता मत करो, हम उन सबको कारपोरेशन का चेयरमैन बना देंगे और उनको राज्य मंत्री का स्टेटस दे देंगे। जैसा डा० कर्ण सिंह जी ने कहा कि इस तरह के प्रावधानों पर अगर रोक लगाई जाए तो बहुत बेहतर होगा।

महोदया, एक चीज यह है कि जुडिशियरी का दखल कम होना चाहिए। अभी मैं आप्टे जी को सुन रहा था और इधर के सदस्यों को भी सुन रहा था। उन्होंने कहा कि जुडिशियरी का दखल और चुनाव आयोग का दखल कम से कम होना चाहिए। मेरे ख्याल से लेजिस्लेचर को इन सारे प्रावधानों को अपने पास रखना चाहिए। चाहे व्हिप का मसला हो, चाहे दूसरे मसले हों, हमें इनमें जुडिशियरी को जरूरत से ज्यादा लाने की कोशिश नहीं करनी चाहिए। पहले ही जुडिशियरी हमारे लेजिस्लेचर

के तमाम अधिकारों में अपना दखल दे रही है। पोलिटिकल पार्टीज़ के हाथ में व्हिप की पावर रहनी चाहिए। हमें न चुनाव आयोग को यह पावर देनी चाहिए और न जुडिशियरी के हाथ में लेजिस्लेचर की पावर को हँड ओवर करना चाहिए। इस मामले में हमें बहुत सावधानी बरतनी चाहिए क्योंकि जिस तरह की प्रक्रिया पिछले 10-15 सालों से चल रही है, हमें उसके बहुत नुकसान देखने को मिल रहे हैं।

महोदया, एक चीज़ और है। इसमें कहा गया है कि 6 महीने के अंदर मंत्रीमंडल का आकार छोट करे। मेरा अपना मानना है कि कुछ ऐसे राज्य जहां एक साल के अंदर विधानसभा समाप्त हो रही है, उस मामले में अगर थोड़ी ढील दी जाए तो ठीक होगा। अंत में मैं एक बार फिर से सरकार को और कानून मंत्री जी को बधाई देते हुए इस बिल का समर्थन करता हूँ।

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

श्रीमती सविता शारदा (गुजरात): उपसभापति महोदया, राजीव जी किस पार्टी से बोल रहे थे? ये कभी इधर बैठे होते हैं, कभी उधर बैठे होते हैं। इनकी पार्टी का नाम क्या है..... (व्यवधान)

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

THE DEPUTY CHAIRMAN: What is your point of order? (Interruptions)....

SHRI VAYALAR RAVI: Madam, my point of order is this. The hon. Member from Meghalaya, Shri Robert Kharshiing, while he was speaking, made a very substantial allegation without any documentary evidence. He said that an amount of Rs. 1 crore each had been passed on the the MLAs. This is a specific allegation. An allegation can be made with documentary evidence or he has to substantiate the allegation. When he makes an allegation against a political party, the hon. Member has to substantiate it, or, he should withdraw it, or, the hon. Chair must expunge it from the record. You can direct him to produce the evidence. This is my point of order. Can he make allegations like this? (Interruptions)...

THE DEPUTY CHAIRMAN: Let me handle it. There is no need to have an argument because the allegation has to be specifically against a particular person. Mr. Satish Pradhan, while he was speaking, mentioned that six years ago, when the Rajya Sabha election took place, money changed hands. I don't know how many lakhs he has mentioned.

SHRI SATISH PRADHAN: About Rs. 30 lakhs had changed hands.

THE DEPUTY CHAIRMAN: He has alleged that about Rs. 30 lakhs had changed hands. If Mr. Kharshiing has alleged something like that, there is no harm. He can make a statement. (*Interruptions*)...

SHRI VAYALAR RAVI: He has made an allegation against a political party. (*Interruptions*)... He said that \* had paid money. We are representing that political party here. (*Interruptions*)...

SHRI SURESH PACHOURI (Madhya Pradesh): Madam, it is a baseless allegation. He should substantiate, or, he should withdraw it, or, it should be expunged from the record. This is our humble submission. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let me ask him. (*Interruptions*)... Let me ask him because I was not in the Chair when he was speaking. I don't know what he spoke. (*Interruptions*)...

SHRI ROBERT KHARSHIING: Madam, it has come in the newspapers. It can be checked from the Governor. This defection has taken place. Four of these legislators are now Ministers. There is no denying that fact. If it is not in the newspapers, you can check from the Governor. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: Madam, he has made an allegation that \* gave money. Either he has to withdraw that \* gave money or that must be expunged from the record because we can't take any action against him for making this allegation as he is getting the protection of this House. Therefore, if he says that he is basing his allegations on the newspaper, in all fairness, he has to give it. He has specifically mentioned it. That is why I request you to go through the record and find out the exact words; otherwise, there is no remedy. It has been uttered on the floor of the House. It cannot be accepted. (*Interruptions*)...

SHRI VAYALAR RAVI: How many crores of rupees were paid in Arunachal..(*Interruptions*)...

SHRI PRANAB MUKHERJEE: Madam, I did not want to interrupt him. But that does not mean that sitting here we are going to accept the allegations. It is simply not possible. (*Interruptions*)...

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\*Expunged as ordered by the Chair.

श्री राजीव रंजन सिंह 'ललन': झारखंड मुक्ति मोर्चा को तोड़ने के लिए \* पैसा दिया या नहीं?  
.....(व्यवधान)

THE DEPUTY CHAIRMAN: Just a minute. Now some hon. Members are saying that he has specifically made certain allegations. I was not here. So I will have to see the record. When I see the record, I will see if a specific allegation has been made against some party or some person, then you will have to substantiate that. If it is not so, you can just say that allegedly so much money had been given, but not specifically. सस्पेंडिंग होना चाहिए। अगर दिया है तो किसने दिया है ... (व्यवधान)

SHRI PRANAB MUKHERJEE: Madam, you go through the record. Simply, you go through the record. Madam, it has become a practice that one will make allegations and thereafter, he would amend that. Please go through the record and see what are the exact words and thereafter you take appropriate action.

THE DEPUTY CHAIRMAN: Okay, I will go through the record.

SHRI M. VENKAIAH NAIDU (Karnataka): Madam, the point of order raised by Shri Vayalar Ravi is that no Member can make a specific allegation without evidence or without giving prior notice to the Chair. My only submission is, sweeping allegations should not be made. I do agree with Shri Pranab Mukherjee. The point is question is, the hon. Member has said that four members of a particular party or his party, had changed their party in the morning and all the four were made Ministers in the evening. Nobody has denied it. Secondly, he said and he alleged that money has changed hands. He did not name any individual. It is not in the rule. ... (Interruptions).

SHRI PRANAB MUKHERJEE: He has mentioned the name of \*

SHRI M. VENKAIAH NAIDU: That is the issue to be discussed outside. As far as the rule of the House is concerned, parties do not come into the picture. The rule is very specific. It is about a Minister or a Member. If an allegation is made specifically against anybody, one has to give notice and authenticate it. We do make political allegations against each other. It is very unfortunate. But at the same time, the rule does not prohibit it. That is what I am trying to submit.

श्री हरेन्द्र सिंह मलिक: झारखंड मुक्ति मोर्चा का मामला था, अजीत सिंह की पार्टी का मामला था। सब को पेट्रोल पम्प मिला था जितने लोग दलबदल करके गए थे और कुछ पैसे की शिकायत भी हुई थी। किसने दिया था मैं नाम किसी का नहीं ले रहा हूँ, पर पैसे का आदान-प्रदान हुआ था। अगर चाहे तो कोई बताए कि किसे दिया था या नहीं दिया था। ....(व्यवधान) हरियाणा में जब भजन लाल ने सरकार बनाई थी तो तब पैसा दिया था या नहीं दिया था। तो सब जानते हैं। ... (व्यवधान)

SHRI VAYALAR RAVI: Can I say that Rs. 10 crores were given to topple the Government in Arunachal Pradesh? (*Interruptions*).

DR. AKHTAR HASAN RIZVI (Uttar Pradesh): The only way to substantiate the allegation is, the House should adopt a resolution that these Members should be subjected to a lie detection test. It will appear there whether they have taken money or not.

श्री राजीव रंजन सिंह "ललन": \* झारखंड मुक्ति मोर्चा को तोड़ने के लिए पैसा दिया था या नहीं, यह तो एस्टेब्लिश हो चुका है। .... (व्यवधान)

SHRI PRANAB MUKHERJEE: When the Member was speaking, he raised his hand to this side and said. "Whether they have taken money or not". What does he mean by that? (*Interruptions*). What does he mean by that? Madam, it is not proper for a Member to be showing hands at this side and saying all these... (*Interruptions*)

उपसभापति: आप बैठ जाइये। आप बैठ जाइये। ... (व्यवधान) .. "ललन" जी, आप भी बैठ जाइये ... (व्यवधान) ... Just a minute. Please listen to me. We are discussing this matter, and from what I have heard—I have been here—all through the discussion—every Member, regardless of his political party affiliation or Independent has supported this Bill in the spirit and letter of it because everyone of us believe that corruption charges which have been levied and the way the Members have been defecting is wrong, and correction has to be done. Now, I would request everyone that in the same spirit, let us not level any allegation against each other from now onwards and let us go ahead with it. I will look at the record and see everything ... (*Interruptions*)

श्री जयन्ती लाल बरोट (गुजरात): माननीय उपसभापति महोदया ... (व्यवधान) ...

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\*Expunged as ordered by the Chair.

उपसभापति: अभी कुछ नहीं, अभी कुछ नहीं। आप बैठ जाइये। ... (व्यवधान)... Yes, Mr. Minister.

SHRI ARUN JAITLEY: Madam Deputy Chairman, several Members have spoken on this very important legislation and have expressed very detailed views, mostly supporting this Bill which has been moved by the Government. Several suggestions have come up in the course of the discussion and various points have been made. I will briefly try to respond to some of them.

One question which has been raised by several Members is in relation to a suggestion which has been made by some of the Committee which have been appointed on the subject,—though some others have disagreed with this—whether there was a case for reviewing even the adjudicatory powers which have been given to the Speaker or the Chairperson of this House for deciding the issue of disqualification itself. Madam, we may bear two facts in mind; after this amendment is approved, it becomes a law, the discretion of the Presiding Officers would indeed become very limited because, principally, the question which has come up for adjudication has been whether splits have occurred or not occurred. If that split provision, that is, clause 3, is deleted altogether, there will be very little discretion which would be left. Secondly, we may also bear in mind that in any case after the judgement of the Constitution Bench of the Supreme Court on the Tenth Schedule, the exercise of power, under this Tenth Schedule, by the adjudicating authority, which is the Speaker or the Chairperson, has also been subjected to a limited judicial review. That remedy is also available. Thirdly, some Members have expressed a contrary view and I personally tend to agree with that contrary view—even though that issue does not arise today—that we have a system where the Legislatures control their own functioning. We are governed by one of the basic features of our Constitution, namely, the separation of powers. Therefore, to continuously run down authorities of Legislative bodies and also to run down the authorities of Speakers by saying that they suffer from an institutional bias and, therefore, their power itself must be taken away and vested in some other authority may, perhaps, be not doing full justice to the authority of the Legislature itself which, under the concept of separation of power, is within the Legislature.

In response to my friend, Mr.Sibal, who made an intervention with regard to the circumstances when whips can be issued, I think this is also a very important question. It is for political parties really to decide as to when whips should be issued. If there has to be a constraint on that power, that can be by a resolution or on a direction of the Speaker or the Chairman. But for a judicial intervention, to regulate when whips should be issued and when whips should not be issued, perhaps, this would also be suffering from the same kind of a statement which I made in relation to the earlier question that under the separation of powers, let this House and the other House and also all other Legislative bodies be supreme in deciding as to when whips should be issued rather than judicial proceedings controlling the issuance of a whip which is something that is only related to a proceeding within the House and not something which is outside the House.

Madam, the question has been raised by a Member and an amendment has been proposed by Shri Rama Shanker Kaushik as to why we have given this six months period for the enforcement of one of the parts of this Amendment. As far as the anti-defection provisions are concerned, they will come into force immediately after the passage of this Bill and the assent of the President. Even with regard to the size of the Council of Ministers, the provisions will come into force immediately. So, for all new legislative bodies, or, legislative bodies which have less than the required limit of 15 per cent, provisions will continue to apply. But with regard to the bodies where the size of the Council of Ministers is in excess of 15 per cent, some reasonable time may have to be given to the State Governments and the Chief Ministers in those States so that they can bring this figure down. It was felt after consultation that we should give some reasonable time, and six months was considered to be reasonable enough time. It is a departure we have made from the normal drafting practice which I had indicated in my earlier intervention, where by virtue of a constitutional amendment, six months is now a part of the constitutional provision itself. If we had not put it as a part of the constitutional provision and we had only by Executive notification decided to nominate a date, various kinds of pressures would have come after the passing of this constitutional amendment so that this date could be deferred. And this time-limit of six months has been fixed particularly keeping in mind the position of several North-Eastern States. Most of



the North-Eastern States, therefore, would be entitled to a Council of Ministers under the Clause of minimum 12. Now, in a number of them, the figure is in excess of that and far in excess of that, and particularly keeping the sensitivity of that region in mind, six months was considered a reasonable period of time so that they could bring it down gradually over the next six months itself.

As Mr. Pranab Mukherjee mentioned, from the chart I have of the size of Council of Ministers of various States, barring two of the States elections in which have recently been held, Rajasthan and Madhya Pradesh, where expansions have not taken place, amongst other States, except Haryana, Tamil Nadu and Gujarat, almost every State will have to bring down this figure and, therefore, some reasonable time will have to be given to those States to bring down this figure below 15 per cent limit.

A question was raised as to why—and Dr. Alexander raised this question—we are fixing this minimum of 12. The reason why this minimum of 12 is being fixed is particularly in order to protect the interests of some of the States which may require representation from a social point of view of various communities. You may require various tribes and sub-tribes to be represented in the Government. For instance, take the case of Mizoram. The size of the Mizoram Assembly is only 40. In the case of Sikkim, the size of the Assembly is 32. If we were to allow them only five or six Ministers under the 15 per cent clause, there may have been a feeling in some of these States that you have not allowed adequate representation of various districts, various regions, various groups in the Government. The Standing Committee felt that all these smaller States, therefore, should be given the liberty of having a maximum of 12 Ministers, which is in excess of 15 per cent, but it will be protected under this clause of minimum 12 that we have fixed. The reason why we have not fixed six months limit in relation to the Central Government, that is, under article 75, but have fixed it only for State Governments, is that when the Standing Committee analysed this figure it appears they took all these factors into consideration and since they found that the figure in relation to the Central Government was already below 15 per cent, giving the Central Government an opportunity to bring down the figure would really have been an exercise in futility because the provision itself would not have been applicable or operative.

A question was raised by Dr. Alexander with regard to the present position of the jurisdiction of court and he mentioned that the courts had started interfering even though the Tenth Schedule had mentioned that there is no intervention of the courts itself which is required. The provision in the Tenth Schedule and in fact, Clause 7 mentions, "Notwithstanding anything contained in this Constitution, no court shall have jurisdiction in respect of any matter connected with the disqualification of a Member of the House under this Schedule". When the *vires* of this provision was challenged before a Constitution Bench, after this provision was enacted, the subject matter and the issue was: how do you define this phrase 'a court'? Article 226 which vests the Writ jurisdiction with the court, has been interpreted as being a part of the basic structure of the Constitution. Therefore, no amendment to law, no amendment to even the Constitution can dilute or take away the basic structure of the Constitution. However, the jurisdiction of civil court, and civil courts jurisdiction not being a part of the basic structure itself, was deemed to have been barred under clause 7 and clause 7 was held to be in operative in so far as it applied to the jurisdiction of the High Court and the Supreme Court under articles 226, 136 and article 32. That is how the courts have interpreted it and that interpretation is in accordance with the long-standing view which has been held that judicial review, particularly under articles 226 and 32 is a part of the basic structure of the Constitution itself.

One more question which was raised by some of the Members as to whether this would also be applicable to Members who are expelled by political parties. The Tenth Schedule itself does not apply to Members who are expelled by political parties. The Tenth Schedule has triggered off only against a Member who voluntarily gives up the membership of a political party. If somebody voluntarily does not give up the membership of a political party and he is expelled by the political party, the provisions of the Tenth Schedule itself would be inapplicable in such a case.

The last question, Madam, which was raised by Shri Pranab Mukherjee with regard to the width of the meaning of the word 'remunerative political post', I think, it is a hypothetical question which would require an interpretation on a future date. But, I would just draw his attention to the

fact that as recommended by the Committee headed by him and incorporated by the Government remunerative political posts will only be those offices which are offices under the Government of India. So, it will apply only to such offices which are under a Government. That is the first reading. But, I don't wish to be conclusive on this because how this provision works itself out in future is for the future itself really to decide. With these few words, Madam, I thank the hon. Members for having participated in this debate and having made some valuable suggestions. I commend to this House that this Bill be accepted.

SHRI KAPIL SIBAL: Madam, I just want to make a statement, if you permit me for a minute. My good friend, the hon. Minister mentioned that the Supreme Court, through its judgment, in a way tended to interfere with the proceedings within the House. I just want to make the records straight. This happened in the context of the interpretation of paragraph 21B of the Tenth Schedule which results in a Member suffering from a disqualification, if he does not obey the direction of the party issued in the House. In that context, the issue was, in what circumstances would the disqualification be visited on the Member? And, in those circumstances, the Supreme Court made that observation saying in any case it is subject to the procedure of the House. So, the Supreme Court is not trying to impose its will on the Parliament. I just wanted to clarify that so that the matter is not misunderstood.

As far as the clarification you gave to Pranabda's question, the issue really is of propriety. Since the hon. Prime Minister mentioned the other day that the political system is sounding hollow, I am sure, the Government would apply those principles not just to the Government posts but to any posts, including the posts in this House.

THE DEPUTY CHAIRMAN: I shall now put the motion to vote.

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.

THE DEPUTY CHAIRMAN: Ayes: 175 Noes: Nil

**Ayes: 175**

Abrar Ahmed, Dr.	Chatterjee, Shri Prasanta
Agarwalla, Shri Parmeshwar Kumar	Chavan, Shri Prithviraj
Agniraj, Shri S.	Das, Dr. M.N.
Ahluwalia, Shri S.S.	Dasgupta, Dr. Biplab
Akhilesh Das, Dr.	Deora, Shri Murli
Alexander, Dr. P.C.	Dhindsa, Shri Sukh Dev Singh
Anand, Shri R.K.	Durga, Shrimati N.P.
Anil Kumar, Shri	Faguni Ram, Dr.
Apte, Shri B.P.	Faleiro, Shri Eduardo
Apte, Shri Devdas	Gautam, Shri Sangh Priya
Ashwani Kumar, Shri	Gnanadesikan, Shri B.S.
Azad, Shri Gandhi	Goenka, Shri R.P.
Azad, Shri Ghulam Nabi	Gowda, Shri H.K. Javare
Azmi, Shri Abu Asim	Goyal, Shri Vedprakash P.
Azmi, Maulana Obaidullah Khan	Gupta, Shri Prem Chand
Bagrodia, Shri Santosh	Gyamtsso, Shri Palden Tsering
Bairagi, Shri Balkavi	Hema Malini, Shrimati
Barot, Shri Jayantilal	Indira, Shrimati S.G.
Barupal, Shrimati Jamana Devi	Jaitley, Shri Arun
Basha, Shri S.M. Laljan	Jalan, Shri Bimal
Basu, Shri Nilotpal	Jamir, Shri C. Apok
Bhandary, Prof. Ram Deo	Joshi, Shri Kailash
Bhardwaj, Shri Hansraj	Judev, Shri Dilip Singh
Bhardwaj, Shri Suresh	Kadar, Shri M.A.
Bhattacharjee, Shri Karnendu	Kalmadi, Shri Suresh
Bhattacharya, Shri Jayanta	Kamaraj, Shri R.
Bhendia, Shri Jhumuk Lal	Kashyap, Shri Ramadhar
Bohidar, Ms. Pramila	Kasturirangan, Dr. K.
Bora, Shri Indramoni	Kaur, Shrimati Gurcharan
Cariappa, Shrimati Prema	Kaushal, Shri Swaraj
Chandran, Shri S.S.	Kaushik, Shri Rama Shanker

Keishing, Shri Rishang	Nandy, Shri Pritish
Khan, Shri S.P.M. Syed	Naqvi, Shri Mukhtar Abbas
Kharshiing, Shri Robert	Narayanan, Shri P.G.
Kharwar, Shri Ghanshyam Chandra	Narayanasamy, Shri V.
Khuntia, Shri Ramachandra	Nirupam, Shri Sanjay
Kidwai, Dr. A.R.	Pachouri, Shri Suresh
Kovind, Shri Ram Nath	Panda, Shri B.J.
Kshatriya, Prof. Alka Balram	Pandey, Shrimati Chandra Kala
Lath, Shri Surendra	Parmar, Shri Kripal
Libra, Shri Sukhdev Singh	Parmar, Shri Raju
Mahajan, Shri Pramod	Patel, Dr. A.K.
Mahajan, Shrimati Sumitra	Patel, Shri Ahmed
Mahendra Prasad, Shri	Patel, Shri Keshubhai S.
Maheshwari, Shri P.K.	Perumal, Shri C.
Maheshwari, Shrimati Sarla	Pillai, Shri K. Chandran
Maitreya, Dr. V.	Pillai, Shri Thennala G. Balakrishna
Malik, Shri Harendra Singh	Poojary, Shri Janardhana
Manaklao, Dr. Narayan Singh	Pradhan, Shri Satish
Manhar, Shrimati Kamla	Prasad, Shri Abhay Kant
Meena, Shri Moolchand	Prasad, Shri Ravi Shankar
Meghe, Shri Datta	Punj, Shri Balbir K.
Mehta, Shri Lalitbhai	Rai, Shri Lajpat
Mishra, Shri Dina Nath	Raika, Shrimati Bimba
Mishra, Shri Janeshwar	Rajagopal, Shri O.
Misra, Shri Ranganath	Ramachandraiah, Shri C.
Mitra, Dr. Chandan	Rao, Dr. Desari Narayana
Mukherjee, Shri Dipankar	Rao, Shri K. Kalavenkata
Mukherjee, Shri Pranab	Rao, Shri K. Rama Mohana
Mullana, Shri Faqir Chand	Ravi, Shri Vayalar
Murthy, Shri K.B. Krishna	Rawat, Shri Harish
Murthy, Shri M. Rajasekara	Rebello, Miss Mabel
Naidu, Shri M. Venkaiah	Reddy, Shri Ravula Chandra Sekar

Reddy, Dr. T. Subbarami	Singh, Shrimati Maya
Rizvi, Dr. Akhtar Hasan	Singh, Shri Raj Nath
Roy, Shri Jibon	Singh 'Lalan', Shri Rajiv Ranjan
Roy, Shri Tarini Kanta	Singh, Shri Uday Pratap
Samadani, Shri M.P. Abdussamad	Singhal, Shri B.P.
Samal, Shri Man Mohan	Singhvi, Dr. L.M.
Sankaralingam, Prof. M.	Sinha, Shri Shatrughan
Sarkar, Shri Matilal	Sivasubramanian, Shri S.
Sarma, Dr. Arun Kumar	Soni, Shrimati Ambika
Selvan, Shri Thanga Tamil	Soz, Prof. Saif-ud-Din
Sharda, Shrimati Savita	Suri, Shri Lalit
Sharma, Shri Anil	Swaraj, Shrimati Sushma
Sharmah, Shri Dwijendra Nath	Thakur, Shri Ekanath K.
Shourie, Shri Arun	Thakur, Dr. Prabha
Shukla, Shri Rajeev	Trivedi, Shri Dinesh
Shunmugasundaram, Shri R.	Vanga Geetha, Shrimati
Sibal, Shri Kapil	Varma, Prof. R.B.S.
Siddiqui, Shri Shahid	Vasan, Shri G.K.
Singh, Shri Arjun	Verma, Shri Vikram
Singh, Shri Birabhadra	Vijayaraghavan, Shri A.
Singh, Shri Dara	Vora, Shri Motilal
Singh, Shri Jaswant	Yadav 'Ravi', Dr. Ramendra Kumar
Singh, Dr. Karan	Yadav, Shri Vijay Singh
Singh, Rao Man	Zahidi, Shri Khan Ghufan
Singh, Dr. Manmohan	

**Noes: Nil**

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

THE DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill Clause 2.

***The House divided***

THE DEPUTY CHAIRMAN: Ayes: 175 Noes: Nil

**Ayes: 175**

Abrar Ahmed, Dr.	Chatterjee, Shri Prasanta
Agarwalla, Shri Parmeshwar Kumar	Chavan, Shri Prithviraj
Agniraj, Shri S.	Das, Dr. M.N.
Ahluwalia, Shri S.S.	Dasgupta, Dr. Biplab
Akhilesh Das, Dr.	Deora, Shri Murli
Alexander, Dr. P.C.	Dhindsa, Shri Sukh Dev Singh
Anand, Shri R.K.	Durga, Shrimati N.P.
Anil Kumar, Shri	Faguni Ram, Dr.
Apte, Shri B.P.	Faleiro, Shri Eduardo
Apte, Shri Devdas	Gautam, Shri Sangh Priya
Ashwani Kumar, Shri	Gnanadesikan, Shri B.S.
Azad, Shri Gandhi	Goenka, Shri R.P.
Azad, Shri Ghulam Nabi	Gowda, Shri H.K. Javare
Azmi, Shri Abu Asim	Goyal, Shri Vedprakash P.
Azmi, Maulana Obaidullah Khan	Gupta, Shri Prem Chand
Bagrodia, Shri Santosh	Gyamtsso, Shri Palden Tsering
Bairagi, Shri Balkavi	Hema Malini, Shrimati
Barot, Shri Jayantilal	Indira, Shrimati S.G.
Barupal, Shrimati Jamana Devi	Jaitley, Shri Arun
Basha, Shri S.M. Laljan	Jalan, Shri Bimal
Basu, Shri Nilotpal	Jamir, Shri C. Apok
Bhandary, Prof. Ram Deo	Joshi, Shri Kailash
Bhardwaj, Shri Hansraj	Judev, Shri Dilip Singh
Bhardwaj, Shri Suresh	Kadar, Shri M.A.
Bhattacharjee, Shri Karnendu	Kalmadi, Shri Suresh
Bhattacharya, Shri Jayanta	Kamaraj, Shri R.
Bhendia, Shri Jhumuk Lal	Kashyap, Shri Ramadhar
Bohidar, Ms. Pramila	Kasturirangan, Dr. K.
Bora, Shri Indramoni	Kaur, Shrimati Gurcharan
Cariappa, Shrimati Prema	Kaushal, Shri Swaraj
Chandran, Shri S.S.	Kaushik, Shri Rama Shanker

Keishing, Shri Rishang  
 Khan, Shri S.P.M. Syed  
 Kharshiing, Shri Robert  
 Kharwar, Shri Ghanshyam Chandra  
 Khuntia, Shri Ramachandra  
 Kidwai, Dr. A.R.  
 Kovind, Shri Ram Nath  
 Kshatriya, Prof. Alka Balram  
 Lath, Shri Surendra  
 Libra, Shri Sukhdev Singh  
 Mahajan, Shri Pramod  
 Mahajan, Shrimati Sumitra  
 Mahendra Prasad, Shri  
 Maheshwari, Shri P.K.  
 Maheshwari, Shrimati Sarla  
 Maitreyan, Dr. V.  
 Malik, Shri Harendra Singh  
 Manaklao, Dr. Narayan Singh  
 Manhar, Shrimati Kamla  
 Meena, Shri Moolchand  
 Meghe, Shri Datta  
 Mehta, Shri Lalitbhai  
 Mishra, Shri Dina Nath  
 Mishra, Shri Janeshwar  
 Misra, Shri Ranganath  
 Mitra, Dr. Chandan  
 Mukherjee, Shri Dipankar  
 Mukherjee, Shri Pranab  
 Mullana, Shri Faqir Chand  
 Murthy, Shri K.B. Krishna  
 Murthy, Shri M. Rajasekara  
 Naidu, Shri M. Venkaiah  
 Nandy, Shri Pritish

Naqvi, Shri Mukhtar Abbas  
 Narayanan, Shri P.G.  
 Narayanasamy, Shri V.  
 Nirupam, Shri Sanjay  
 Pachouri, Shri Suresh  
 Panda, Shri B.J.  
 Pandey, Shrimati Chandra Kala  
 Parmar, Shri Kripal  
 Parmar, Shri Raju  
 Patel, Dr. A.K.  
 Patel, Shri Ahmed  
 Patel, Shri Keshubhai S.  
 Perumal, Shri C.  
 Pillai, Shri K. Chandran  
 Pillai, Shri Thennala G. Balakrishna  
 Poojary, Shri Janardhana  
 Pradhan, Shri Satish  
 Prasad, Shri Abhay Kant  
 Prasad, Shri Ravi Shankar  
 Punj, Shri Balbir K.  
 Rai, Shri Lajpat  
 Raikar, Shrimati Bimba  
 Rajagopal, Shri O.  
 Ramachandraiah, Shri C.  
 Rao, Dr. Dasari Narayana  
 Rao, Shri K. Kalavenkata  
 Rao, Shri K. Rama Mohana  
 Ravi, Shri Vayalar  
 Kawat, Shri Harish  
 Rebello, Miss Mabel  
 Reddy, Shri Ravula Chandra Sekar  
 Reddy, Dr. T. Subbarami  
 Rizvi, Dr. Akhtar Hasan



[18 December, 2003]

RAJYA SABHA

Roy, Shri Jibon  
Roy, Shri Tarini Kanta  
Samadani, Shri M.P. Abdussamad  
Samal, Shri Man Mohan  
Sankaralingam, Prof. M.  
Sarkar, Shri Matilal  
Sarma, Dr. Arun Kumar  
Selvan, Shri Thanga Tamil  
Sharda, Shrimati Savita  
Sharma, Shri Anil  
Sharmah, Shri Dwijendra Nath  
Shourie, Shri Arun  
Shukla, Shri Rajeev  
Shunmugasundaram, Shri R.  
Sibal, Shri Kapil  
Siddiqui, Shri Shahid  
Singh, Shri Arjun  
Singh, Shri Birabhadra  
Singh, Shri Dara  
Singh, Shri Jaswant  
Singh, Dr. Karan  
Singh, Rao Man  
Singh, Dr. Manmohan  
Singh, Shrimati Maya

Singh, Shri Raj Nath  
Singh 'Lalan', Shri Rajiv Ranjan  
Singh, Shri Uday Pratap  
Singhal, Shri B.P.  
Singhvi, Dr. L.M.  
Sinha, Shri Shatrughan  
Sivasubramanian, Shri S.  
Soni, Shrimati Ambika  
Soz, Prof. Saif-ud-Din  
Suri, Shri Lalit  
Swaraj, Shrimati Sushma  
Thakur, Shri Ekanath K.  
Thakur, Dr. Prabha  
Trivedi, Shri Dinesh  
Vanga Geetha, Shrimati  
Varma, Prof. R.B.S.  
Vasan, Shri G.K.  
Verma, Shri Vikram  
Vijayaraghavan, Shri A.  
Vora, Shri Motilal  
Yadav 'Ravi', Dr. Ramendra Kumar  
Yadav, Shri Vijay Singh  
Zahidi, Shri Khan Ghufra

**Noes: Nil**

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

*Clause 2 was added to the Bill.*

**THE DEPUTY CHAIRMAN:** Now, we shall take up Clause 3 of the Bill.

The question is:

*"That Clause 2 stands part of the Bill."*

***The House divided***

THE DEPUTY CHAIRMAN: Ayes: 175 Noes: Nil

AYES: 175

Abrar Ahmed, Dr.	Cariappa, Shrimati Prema
Agarwalla, Shri Parmeshwar Kumar	Chandran, Shri S.S.
Agniraj, Shri S.	Chatterjee, Shri Prasanta
Ahluwalia, Shri S.S.	Chavan, Shri Prithviraj
Akhilesh Das, Dr.	Das, Dr. M.N.
Alexander, Dr. P.C.	Dasgupta, Dr. Biplab
Anand, Shri R.K.	Deora, Shri Murl
Anil Kumar, Shri	Dhindsa, Shri Sukh Dev Singh
Apte, Shri B.P.	Durga, Shrimati N.P.
Apte, Shri Devdas	Faguni Ram, Dr.
Ashwani Kumar, Shri	Faleiro, Shri Eduardo
Azad, Shri Gandhi	Gautam, Shri Sangh Priya
Azad, Shri Ghulam Nabi	Gnanadesikan, Shri B.S.
Azmi, Shri Abu Asim	Goenka, Shri R.P.
Azmi, Maulana Obaidullah Khan	Gowda, Shri H.K. Javare
Bagrodia, Shri Santosh	Goyal, Shri Vedprakash P.
Bairagi, Shri Balkavi	Gupta, Shri Prem Chand
Barot, Shri Jayantilal	Gyamtso, Shri Palden Tsering
Barupal, Shrimati Jamana Devi	Hema Malini, Shrimati
Basha, Shri S.M. Laljan	Indira, Shrimati S.G.
Basu, Shri Nilotp	Jaitley, Shri Arun
Bhandary, Prof. Ram Deo	Jalan, Shri Bimal
Bhardwaj, Shri Hansraj	Jamir, Shri C. Apok
Bhardwaj, Shri Suresh	Joshi, Shri Kailash
Bhattacharjee, Shri Karnendu	Judev, Shri Dilip Singh
Bhattacharya, Shri Jayanta	Kadar, Shri M.A.
Bhendia, Shri Jhumuk Lal	Kalmadi, Shri Suresh
Bohidar, Ms. Pramila	Kamaraj, Shri R.
Bora, Shri Indramoni	Kashyap, Shri Ramadhar

Kasturirangan, Dr. K.  
 Kaur, Shrimati Gurcharan  
 Kaushal, Shri Swaraj  
 Kaushik, Shri Rama Shanker  
 Keishing, Shri Rishang  
 Khan, Shri S.P.M. Syed  
 Kharsiing, Shri Robert  
 Kharwar, Shri Ghanshyam Chandra  
 Khuntia, Shri Ramachandra  
 Kidwai, Dr. A.R.  
 Kovind, Shri Ram Nath  
 Kshtriya, Prof. Alka Balram  
 Lath, Shri Surendra  
 Libra, Shri Sukhdev Singh  
 Mahajan, Shri Pramod  
 Mahajan, Shrimati Sumitra  
 Mahendra Prasad, Shri  
 Maheshwari, Shri P.K.  
 Maheshwari, Shrimati Sarla  
 Maitreyan, Dr. V.  
 Malik, Shri Harendra Singh  
 Manaklao, Dr. Narayan Singh  
 Manhar, Shrimati Kamla  
 Meena, Shri Moolchand  
 Meghe, Shri Datta  
 Mehta, Shri Lalitbhai  
 Mishra, Shri Dina Nath  
 Mishra, Shri Janeshwar  
 Mishra, Shri Ranganath  
 Mitra, Dr. Chandan  
 Mukherjee, Shri Dipankar  
 Mukherjee, Shri Pranab

Mullana, Shri Faqir Chand  
 Murthy, Shri K.B. Krishna  
 Murthy, Shri M. Rajasekara  
 Naidu, Shri M. Venkaiah  
 Nandy, Shri Pritish  
 Naqvi, Shri Mukhtar Abbas  
 Narayanan, Shri P.G.  
 Narayanasamy, Shri V.  
 Nirupam, Shri Sanjay  
 Pachouri, Shri Suresh  
 Panda, Shri B.J.  
 Pandey, Shrimati Chandra Kala  
 Parmar, Shri Kripal  
 Parmar, Shri Raju  
 Patel, Dr. A.K.  
 Patel, Shri Ahmed  
 Patel, Shri Keshubhai S.  
 Perumal, Shri C.  
 Pillai, Shri K. Chandran  
 Pillai, Shri Thennala G. Balakrishna  
 Poojary, Shri Janardhana  
 Pradhan, Shri Satish  
 Prasad, Shri Abbay Kant  
 Prasad, Shri Ravi Shankar  
 Punj, Shri Balbir K.  
 Rai, Shri Lajpat  
 Raikar, Shrimati Bimba  
 Rajagopal, Shri O.  
 Ramachandraiah, Shri C.  
 Rao, Dr. Dasari Narayana  
 Rao, Shri K. Kalavenkata  
 Rao, Shri K. Rama Mohana  
 Ravi, Shri Vayalar

Rawat, Shri Harish	Singh, Rao Man
Rebello, Miss Mabel	Singh, Dr. Manmohan
Reddy, Shri Ravula Chandra Sekar	Singh, Shrimati Maya
Reddy, Dr. T. Subbarami	Singh, Shri Raj Nath
Rizvi, Dr. Akhtar Hasan	Singh 'Lalan', Shri Rajiv Ranjan
Roy, Shri Jibon	Singh, Shri Uday Pratap
Roy, Shri Tarini Kanta	Singhal, Shri B.P.
Samadani, Shri M.P. Abdussamad	Singhvi, Dr. L.M.
Samal, Shri Man Mohan	Sinha, Shri Shatrughan
Sankaralingam, Prof. M.	Sivasubramanian, Shri S.
Sarkar, Shri Matilal	Soni, Shrimati Ambika
Sarma, Dr. Arun Kumar	Soz, Prof. Saif-ud-Din
Selvan, Shri Thanga Tamil	Suri, Shri Lalit
Sharda, Shrimati Savita	Swaraj, Shrimati Sushma
Sharma, Shri Anil	Thakur, Shri Ekanath K.
Sharmah, Shri Dwijendra Nath	Thakur, Dr. Prabha
Shourie, Shri Arun	Trivedi, Shri Dinesh
Shukla, Shri Rajeev	Vanga Geetha, Shrimati
Shunmugasundaram, Shri R.	Varma, Prof. R.B.S.
Sibal, Shri Kapil	Vasan, Shri G.K.
Siddiqui, Shri Shahid	Verma, Shri Vikram
Singh, Shri Arjun	Vijayaraghavan, Shri A.
Singh, Shri Birabhadra	Vora, Shri Motilal
Singh, Shri Dara	Yadav 'Ravi', Dr. Ramendra Kumar
Singh, Shri Jaswant	Yadav, Shri Vijay Singh
Singh, Dr. Karan	Zahidi, Shri Khan Ghufra

**Noes: Nil**

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

*Clause 3 was added to the Bill.*

[18 December, 2003] RAJYA SABHA

THE DEPUTY CHAIRMAN: Now, we shall take up Clause 4 of the Bill.

The question is:

“That Clause 4 stands part of the Bill.”

**The House divided**

THE DEPUTY CHAIRMAN: Ayes: 175 Noes: Nil

**Ayes: 175**

Abrar Ahmed, Dr.	Bhattacharya, Shri Jayanta
Agarwalla, Shri Parmeshwar Kumar	Bhendia, Shri Jhumuk Lal
Agniraj, Shri S.	Bohidar, Ms. Pramila
Ahluwalia, Shri S.S.	Bora, Shri Indramoni
Akhilesh Das, Dr.	Cariappa, Shrimati Prema
Alexander, Dr. P.C.	Chandran, Shri S.S.
Anand, Shri R.K.	Chatterjee, Shri Prasanta
Anil Kumar, Shri	Chavan, Shri Prithviraj
Apte, Shri B.P.	Das, Dr. M.N.
Apte, Shri Devdas	Dasgupta, Dr. Biplab
Ashwani Kumar, Shri	Deora, Shri Murli
Azad, Shri Gandhi	Dhindsa, Shri Sukh Dev Singh
Azad, Shri Ghulam Nabi	Durga, Shrimati N.P.
Azmi, Shri Abu Asim	Faguni Ram, Dr.
Azmi, Maulana Obaidullah Khan	Faleiro, Shri Eduardo
Bagrodia, Shri Santosh	Gautam, Shri Sangh Priya
Bairagi, Shri Balkavi	Gnanadesikan, Shri B.S.
Barot, Shri Jayantilal	Goenka, Shri R.P.
Barupal, Shrimati Jamana Devi	Gowda, Shri H.K. Javare
Basha, Shri S.M. Laljan	Goyal, Shri Vedprakash P.
Basu, Shri Nilotpai	Gupta, Shri Prem Chand
Bhandary, Prof. Ram Deo	Gyamtsso, Shri Palden Tsering
Bhardwaj, Shri Hansraj	Hema Malini, Shrimati
Bhardwaj, Shri Suresh	Indira, Shrimati S.G.
Bhattacharjee, Shri Karnendu	Jaitley, Shri Arun

Jalan, Shri Bimal  
 Jamir, Shri C. Apok  
 Joshi, Shri Kailash  
 Judev, Shri Dilip Singh  
 Kadar, Shri M.A.  
 Kalmadi, Shri Suresh  
 Kamaraj, Shri R. Suresh  
 Kashyap, Shri Ramadhar  
 Kasturirangan, Dr. K.  
 Kaur, Shrimati Gurcharan  
 Kaushal, Shri Swaraj  
 Kaushik, Shri Rama Shanker  
 Keishing, Shri Rishang  
 Khan, Shri S.P.M. Syed  
 Kharsiing, Shri Robert  
 Kharwar, Shri Ghenshyam Chandra  
 Khutia, Shri Ramachandra  
 Kidwai, Dr. A.R.  
 Kovind, Shri Ram Nath  
 Kshatriya, Prof. Alka Balram  
 Lath, Shri Surendra  
 Libra, Shri Sukhdev Singh  
 Mahajan, Shri Pramod  
 Mahajan, Shrimati Sumitra  
 Mahendra Prasad Shri  
 Maheshwari Shri P.K.  
 Maheshwari Shrimati Sarla  
 Maitreya, Dr. V.  
 Malik, Shri Harendra Singh  
 Manaklao, Dr. Narayan Singh  
 Manhar, Shrimati Kamla  
 Meena, Shri Moolchand  
 Meghe, Shri Datta  
 Mehta, Shri Lalitbhai  
 Mishra, Shri Dina Nath

Mishra, Shri Janeshwar  
 Misra, Shri Ranganath  
 Mitra, Dr. Chandan  
 Mukherjee, Shri Dipankar  
 Mukherjee, Shri Pranab  
 Mullana, Shri Faqir Chand  
 Murthy, Shri K.B. Krishna  
 Murthy, Shri M. Rajasekara  
 Naidu, Shri M. Venkaiah  
 Nandy, Shri Pritish  
 Naqvi, Shri Mukhtar Abbas  
 Narayanan, Shri P.G.  
 Narayanasamy, Shri V.  
 Nirupam, Shri Sanjay  
 Pachouri, Shri Suresh  
 Panda, Shri B.J.  
 Pandey, Shrimati Chandra Kala  
 Parmar, Shri Kripal  
 Parmar, Shri Raju  
 Patel, Dr. A.K.  
 Patel, Shri Ahmed  
 Patel, Shri Keshubhai S.  
 Perumal, Shri C.  
 Pillai, Shri K. Chandran  
 Pillai, Shri Thennala G. Balakrishna  
 Poojary, Shri Janardhana  
 Pradhan, Shri Satish  
 Prasad, Shri Abhay Kant  
 Prasad, Shri Ravi Shankar  
 Punj, Shri Balbir K.  
 Rai, Shri Lajpat  
 Raikar, Shrimati Bimba  
 Rajagopal, Shri O.  
 Ramachandraiah, Shri C.  
 Rao, Dr. Dasari Narayana

[18 December, 2003]

RAJYA SABHA

Rao, Shri K. Kalavenkata	Singh, Dr. Karan
Rao, Shri K. Rama Mohana	Singh, Rao Man
Ravi, Shri Vayalar	Singh, Dr. Manmohan
Rawat, Shri Harish	Singh, Shrimati Maya
Rebello, Miss Mabel	Singh, Shri Raj Nath
Reddy, Shri Ravula Chandra Sekar	Singh, 'Lalan', Shri Rajiv Ranjan
Reddy, Dr. T. Subbarami	Singh, Shri Uday Pratap
Rizvi, Dr. Akhtar Hasan	Singhal, Shri B.P.
Roy, Shri Jibon	Singhvi, Dr. L.M.
Roy, Shri Tarini Kanta	Sinha, Shri Shatrughan
Samadani, Shri M.P. Abdussamad	Sivasubramanian, Shri S.
Samal, Shri Man Mohan	Soni, Shrimati Ambika
Sankaralingam, Prof. M.	Soz, Prof. Saif-ud-Din
Sarkar, Shri Matilal	Suri, Shri Lalit
Sarma, Dr. Arun Kumar	Swaraj, Shrimati Sushma
Selvan, Shri Thanga Tamil	Thakur, Shri Ekanath K.
Sharda, Shrimati Savita	Thakur, Dr. Prabha
Sharma, Shri Anil	Trivedi, Shri Dinesh
Sharmah, Shri Dwijendra Nath	Vanga Geetha, Shrimati
Shourie, Shri Arun	Varma, Prof. R.B.S.
Shukla, Shri Rajeev	Vasan, Shri G.K.
Shunmugasundaram, Shri R.	Verma, Shri Vikram
Sibal, Shri Kapil	Vijayaraghavan, Shri A.
Siddiqui, Shri Shahid	Vora, Shri Motilal
Singh, Shri Arjun	Yadav 'Ravi', Dr. Ramendra Kumar
Singh, Shri Birabhadra	Yadav, Shri Vijay Singh
Singh, Shri Dara	Zahidi, Shri Khan Ghufuran
Singh, Shri Jaswant	

**Noes: Nil**

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

*Clause 4 was added to the Bill*

THE DEPUTY CHAIRMAN: Now, we shall take up Clause 5 of the Bill.

The question is:

"That Clause 5 stand part of the Bill."

**The House divided.**

THE DEPUTY CHAIRMAN: Ayes : 175 Noes : Nil

**Ayes: 175**

Abrar Ahmed, Dr.	Bhendia, Shri Jhumuk Lal
Agarwalla, Shri Parmeshwar Kumar	Bohidar, Ms. Pramila
Agniraj, Shri S.	Bora, Shri Indramoni
Ahluwalia, Shri S.S.	Cariappa, Shrimati Prema
Akhilesh Das, Dr.	Chandran, Shri S.S.
Alexander, Dr. P.C.	Chatterjee, Shri Prasanta
Anand, Shri R.K.	Chavan, Shri Prithviraj
Anil Kumar, Shri	Das, Dr. M.N.
Apte, Shri B.P.	Dasgupta, Dr. Biplab
Apte, Shri Devdas	Deora, Shri Murli
Ashwani Kumar, Shri	Dhindsa, Shri Sukh Dev Singh
Azad, Shri Gandhi	Durga, Shrimati N.P.
Azad, Shri Ghulam Nabi	Faguni Ram, Dr.
Azmi, Shri Abu Asim	Faleiro, Shri Eduardo
Azmi, Maulana Obaidullah Khan	Gautam, Shri Sangh Priya
Bagrodia, Shri Santosh	Gnanadesikan, Shri B.S.
Bairagi, Shri Balkavi	Goenka, Shri R.P.
Barot, Shri Jayantilal	Gowda, Shri H.K. Javare
Barupal, Shrimati Jamana Devi	Goyal, Shri Vedprakash P.
Basha, Shri S.M. Laljan	Gupta, Shri Prem Chand
Basu, Shri Nilotpal	Gyamtsso, Shri Palden Tsering
Bhandary, Prof. Ram Deo	Hema Malini, Shrimati
Bhardwaj, Shri Hansraj	Indira Shrimati S.G.
Bhardwaj, Shri Suresh	Jaitley, Shri Arun
Bhattacharjee, Shri Karnendu	Jalan, Shri Bimal
Bhattacharya, Shri Jayanta	Jamir, Shri C. Apok



Joshi, Shri Kailash  
 Judev, Shri Dilip Singh  
 Kadar, Shri M.A.  
 Kalmadi, Shri Suresh  
 Kamaraj, Shri R.  
 Kashyap, Shri Ramadhar  
 Kasturirangan, Dr. K.  
 Kaur, Shrimati Gurcharan  
 Kaushal, Shri Swaraj  
 Kaushik, Shri Rama Shanker  
 Keishing, Shri Rishang  
 Khan, Shri S.P.M. Syed  
 Kharshiing, Shri Robert  
 Kharwar, Shri Ghanshyam Chandra  
 Khuntia, Shri Ramachandra  
 Kidwai, Dr. A.R.  
 Kovind, Shri Ram Nath  
 Kshatriya, Prof. Alka Balram  
 Latha, Shri Surendra  
 Libra, Shri Sukhdev Singh  
 Mahajan, Shri Pramod  
 Mahajan, Shrimati Sumitra  
 Mahendra Prasad, Shri  
 Maheshwari, Shri P.K.  
 Maheshwari, Shrimati Sarla  
 Maitreya, Dr. V.  
 Malik, Shri Harendra Singh  
 Manaklao, Dr. Narayan Singh  
 Manhar, Shrimati Kamla  
 Meena, Shri Moolchand  
 Meghe, Shri Datta  
 Mehta, Shri Lalitbhai  
 Mishra, Shri Dina Nath  
 Mishra, Shri Janeshwar  
 Misra, Shri Ranganath

Mitra, Dr. Chandan  
 Mukherjee, Shri Dipankar  
 Mukherjee, Shri Pranab  
 Mullana, Shri Faqir Chand  
 Murthy, Shri K.B. Krishna  
 Murthy, Shri M. Rajasekara  
 Naidu, Shri M. Venkaiah  
 Nandy, Shri Pritish  
 Naqvi, Shri Mukhtar Abbas  
 Narayanan, Shri P.G.  
 Narayanasamy, Shri V.  
 Nirupam, Shri Sanjay  
 Pachouri, Shri Suresh  
 Panda, Shri B.J.  
 Pandey, Shrimati Chandra Kala  
 Parmar, Shri Kripal  
 Parmar, Shri Raju  
 Patel, Dr. A.K.  
 Patel, Shri Ahmed  
 Patel, Shri Keshubhai S.  
 Perumal, Shri C.  
 Pillai, Shri K. Chandran  
 Pillai, Shri Thennala G. Balakrishna  
 Poojary, Shri Janardhana  
 Pradhan, Shri Satish  
 Prasad, Shri Abhay Kant  
 Prasad, Shri Ravi Shankar  
 Punj, Shri Balbir K.  
 Rai, Shri Lajpat  
 Raikar, Shrimati Bimba  
 Rajagopal, Shri O.  
 Ramachandraiah, Shri C.  
 Rao, Dr. Dasari Narayana  
 Rao, Shri K. Kalavenkata  
 Rao, Shri K. Rama Mohana

Ravi, Shri Vayalar	Singh, Rao Man
Rawat, Shri Harish	Singh, Dr. Manmohan
Rebello, Miss Mabel	Singh, Shrimati Maya
Reddy, Shri Ravula Chandra Sekar	Singh, Shri Raj Nath
Reddy, Dr. T. Subbarami	Singh 'Lalan', Shri Rajiv Ranjan
Rizvi, Dr. Akhtar Hasan	Singh, Shri Uday Pratap
Roy, Shri Jibon	Singhal, Shri B.P.
Roy, Shri Tarini Kanta	Singhvi, Dr. L.M.
Samadani, Shri M.P. Abdussamad	Sinha, Shri Shatrughan
Samal, Shri Man Mohan	Sivasubramanian, Shri S.
Sankaralingam, Prof. M.	Soni, Shrimati Ambika
Sarkar, Shri Matilal	Soz, Prof. Saif-ud-Din
Sarma, Dr. Arun Kumar	Suri, Shri Lalit
Selvan, Shri Thanga Tamil	Swaraj, Shrimati Sushma
Sharda, Shrimati Savita	Thakur, Shri Ekanath K.
Sharma, Shri Anil	Thakur, Dr. Prabha
Sharmah, Shri Dwijendra Nath	Trivedi, Shri Dinesh
Shourie, Shri Arun	Vanga Geetha, Shrimati
Shukla, Shri Rajeev	Varma, Prof. R.B.S.
Shunmugasundaram, Shri R.	Vasan, Shri G.K.
Sibal, Shri Kapil	Verma, Shri Vikram
Siddiqui, Shri Shahid	Vijayaraghavan, Shri A.
Singh, Shri Arjun	Vora, Shri Motilal
Singh, Shri Birabhadra	Yadav, 'Ravi', Dr. Ramendra Kumar
Singh, Shri Dara	Yadav, Shri Vijay Singh
Singh, Shri Jaswant	Zahidi, Shri Khan Ghufan
Singh, Dr. Karan	

**Noes: Nil**

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

*Clause 5 was added to the Bill.*

THE DEPUTY CHAIRMAN: The question is:

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

### **The House divided**

THE DEPUTY CHAIRMAN: Ayes : 175 Noes : Nil

### **Ayes: 175**

Abrar Ahmed, Dr.	Bohidar, Ms. Pramila
Agarwalla, Shri Parmeshwar Kumar	Bora, Shri Indramoni
Agniraj, Shri S.	Cariappa, Shrimati Prema
Ahluwalia, Shri S.S.	Chandran, Shri S.S.
Akhilesh Das, Dr.	Chatterjee, Shri Prasanta
Alexander, Dr. P.C.	Chavan, Shri Prithviraj
Anand, Shri R.K.	Das, Dr. M.N.
Anil Kumar, Shri	Dasgupta, Dr. Biplab
Apte, Shri B.P.	Deora, Shri Murli
Apte, Shri Devdas	Dhindsa, Shri Sukh Dev Singh
Ashwani Kumar, Shri	Durga, Shrimati N.P.
Azad, Shri Gandhi	Faguni Ram, Dr.
Azad, Shri Ghulam Nabi	Faleiro, Shri Eduardo
Azmi, Shri Abu Asim	Gautam, Shri Sangh Priya
Azmi, Maulana Obaidullah Khan	Gnanadesikan, Shri B.S.
Bagrodia, Shri Santosh	Goenka, Shri R.P.
Bairagi, Shri Balkavi	Gowda, Shri H.K. Javare
Barot, Shri Jayantilal	Goyal, Shri Vedprakash P.
Barupal, Shrimati Jamana Devi	Gupta, Shri Prem Chand
Basha, Shri S.M. Laljan	Gyamtso, Shri Palden Tsering
Basu, Shri Nilotpal	Hema Malini, Shrimati
Bhandary, Prof. Ram Deo	Indira Shrimati S.G.
Bhardwaj, Shri Hansraj	Jaitley, Shri Arun
Bhardwaj, Shri Suresh	Jalan, Shri Bimal
Bhattacharjee, Shri Karnendu	Jamir, Shri C. Apok
Bhattacharya, Shri Jayanta	Joshi, Shri Kailash
Bhendia, Shri Jhumuk Lal	Judev, Shri Dilip Singh

Kadar, Shri M.A.  
 Kalmadi, Shri Suresh  
 Kamaraj, Shri R.  
 Kashyap, Shri Ramadhar  
 Kasturirangan, Dr. K.  
 Kaur, Shrimati Gurcharan  
 Kaushal, Shri Swaraj  
 Kaushik, Shri Rama Shanker  
 Keishing, Shri Rishang  
 Khan, Shri S.P.M. Syed  
 Kharshiing, Shri Robert  
 Kharwar, Shri Ghanshyam Chandra  
 Khuntia, Shri Ramachandra  
 Kidwai, Dr. A.R.  
 Kovind, Shri Ram Nath  
 Kshatriya, Prof. Alka Balram  
 Lath, Shri Surendra  
 Libra, Shri Sukhdev Singh  
 Mahajan, Shri Pramod  
 Mahajan, Shrimati Sumitra  
 Mahendra Prasad, Shri  
 Maheshwari, Shri P.K.  
 Maheshwari, Shrimati Sarla  
 Maitreya, Dr. V.  
 Malik, Shri Harendra Singh  
 Manaklao, Dr. Narayan Singh  
 Manhar, Shrimati Kamla  
 Meena, Shri Moolchand  
 Meghe, Shri Datta  
 Mehta, Shri Lalitbhai  
 Mishra, Shri Dina Nath  
 Mishra, Shri Janeshwar  
 Misra, Shri Ranganath  
 Mitra, Dr. Chandan  
 Mukherjee, Shri Dipankar

Mukherjee, Shri Pranab  
 Mullana, Shri Faqir Chand  
 Murthy, Shri K.B. Krishna  
 Murthy, Shri M. Rajasekara  
 Naidu, Shri M. Venkaiah  
 Nandy, Shri Pritish  
 Naqvi, Shri Mukhtar Abbas  
 Narayanan, Shri P.G.  
 Narayanasamy, Shri V.  
 Nirupam, Shri Sanjay  
 Pachouri, Shri Suresh  
 Panda, Shri B.J.  
 Pandey, Shrimati Chandra Kala  
 Parmar, Shri Kripal  
 Parmar, Shri Raju  
 Patel, Dr. A.K.  
 Patel, Shri Ahmed  
 Patel, Shri Keshubhai S.  
 Perumal, Shri C.  
 Pillai, Shri K. Chandran  
 Pillai, Shri Thennala G. Balakrishna  
 Poojary, Shri Janardhana  
 Pradhan, Shri Satish  
 Prasad, Shri Abhay Kant  
 Prasad, Shri Ravi Shankar  
 Punj, Shri Balbir K.  
 Rai, Shri Lajpat  
 Raikar, Shrimati Bimba  
 Rajagopal, Shri O.  
 Ramachandraiah, Shri C.  
 Rao, Dr. Dasari Narayana  
 Rao, Shri K. Kalavenkata  
 Rao, Shri K. Rama Mohana  
 Ravi, Shri Vayalar  
 Rawat, Shri Harish

[18 December, 2003]

RAJYA SABHA

Rebello, Miss Mabel	Singh, Dr. Manmohan
Reddy, Shri Ravula Chandra Sekar	Singh, Shrimati Maya
Reddy, Dr. T. Subbarami	Singh, Shri Raj Nath
Rizvi, Dr. Akhtar Hasan	Singh 'Lalan', Shri Rajiv Ranjan
Roy, Shri Jibon	Singh, Shri Uday Pratap
Roy, Shri Tarini Kanta	Singhal, Shri B.P.
Samadani, Shri M.P. Abdussamad	Singhvi, Dr. L.M.
Samal, Shri Man Mohan	Sinha, Shri Shatrughan
Sankaralingam, Prof. M.	Sivasubramanian, Shri S.
Sarkar, Shri Matilal	Soni, Shrimati Ambika
Sarma, Dr. Arun Kumar	Soz, Prof. Saif-ud-Din
Selvan, Shri Thanga Tamil	Suri, Shri Lalit
Sharda, Shrimati Savita	Swaraj, Shrimati Sushma
Sharma, Shri Anil	Thakur, Shri Ekanath K.
Sharmah, Shri Dwijendra Nath	Thakur, Dr. Prabha
Shourie, Shri Arun	Trivedi, Shri Dinesh
Shukla, Shri Rajeev	Vanga Geetha, Shrimati
Shunmugasundaram, Shri R.	Varma, Prof. R.B.S.
Sibal, Shri Kapil	Vasan, Shri G.K.
Siddiqui, Shri Shahid	Verma, Shri Vikram
Singh, Shri Arjun	Vijayaraghavan, Shri A.
Singh, Shri Birabhadra	Vora, Shri Motilal
Singh, Shri Dara	Yadav 'Ravi', Dr. Ramendra Kumar
Singh, Shri Jaswant	Yadav, Shri Vijay Singh
Singh, Dr. Karan	Zahidi, Shri Khan Ghufan
Singh, Rao Man	

**Noes: Nil**

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

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

SHRI ARUN JAITLEY: Madam, I move:

*"That the Bill be passed."*

THE DEPUTY CHAIRMAN: The question is:

*"That the Bill be passed."*

The House divided.

THE DEPUTY CHAIRMAN: Ayes: 175 Noes: Nil

**Ayes: 175**

Abrar Ahmed, Dr.	Bora, Shri Indramoni
Agarwalla, Shri Parmeshwar Kumar	Cariappa, Shrimati Prema
Agniraj, Shri S.	Chandran, Shri S.S.
Ahluwalia, Shri S.S.	Chatterjee, Shri Prasanta
Akhilesh Das, Dr.	Chavan, Shri Prithviraj
Alexander, Dr. P.C.	Das, Dr. M.N.
Anand, Shri R.K.	Dasgupta, Dr. Biplab
Anil Kumar, Shri	Deora, Shri Murli
Apte, Shri B.P.	Dhindsa, Shri Sukh Dev Singh
Apte, Shri Devdas	Durga, Shrimati N.P.
Ashwani Kumar, Shri	Faguni Ram, Dr.
Azad, Shri Gandhi	Faleiro, Shri Eduardo
Azad, Shri Ghulam Nabi	Gautam, Shri Sangh Priya
Azmi, Shri Abu Asim	Gnanadesikan, Shri B.S.
Azmi, Maulana Obaidullah Khan	Goenka, Shri R.P.
Bagrodia, Shri Santosh	Gowda, Shri H.K. Javare
Bairagi, Shri Balkavi	Goyal, Shri Vedprakash P.
Barot, Shri Jayantilal	Gupta, Shri Prem Chand
Barupal, Shrimati Jamana Devi	Gyamtsso, Shri Palden Tsering
Basha, Shri S.M. Laljan	Hema Malini, Shrimati
Basu, Shri Nilotpal	Indira, Shrimati S.G.
Bhandary, Prof. Ram Deo	Jaitley, Shri Arun
Bhardwaj, Shri Hansraj	Jalan, Shri Bimal
Bhardwaj, Shri Suresh	Jamir, Shri C. Apok
Bhattacharjee, Shri Karnendu	Joshi, Shri Kailash
Bhattacharya, Shri Jayanta	Judev, Shri Dilip Singh
Bhendia, Shri Jhumuk Lal	Kadar, Shri M.A.
Bohidar, Ms. Pramila	Kalmadi, Shri Suresh

Kamaraj, Shri R.	Murthy, Shri K.B. Krishna
Kashyap, Shri Ramadhar	Murthy, Shri M. Rajasekara
Kasturirangan, Dr. K.	Naidu, Shri M. Venkaiah
Kaur, Shrimati Gurcharan	Nandy, Shri Pritish
Kaushal, Shri Swaraj	Naqvi, Shri Mukhtar Abbas
Kaushik, Shri Rama Shanker	Narayanan, Shri P.G.
Keishing, Shri Rishang	Narayanasamy, Shri V.
Khan, Shri S.P.M. Syed	Nirupam, Shri Sanjay
Kharshiing, Shri Robert	Pachouri, Shri Suresh
Kharwar, Shri Ghanshyam Chandra	Panda, Shri B.J.
Khuntia, Shri Ramachandra	Pandey, Shrimati Chandra Kala
Kidwai, Dr. A.R.	Parmar, Shri Kripal
Kovind, Shri Ram Nath	Parmar, Shri Raju
Kshatriya, Prof. Alka Balram	Patel, Dr. A.K.
Lath, Shri Surendra	Patel, Shri Ahmed
Libra, Shri Sukhdev Singh	Patel, Shri Keshubhai S.
Mahajan, Shri Pramod	Perumal, Shri C.
Mahajan, Shrimati Sumitra	Pillai, Shri K. Chandran
Mahendra Prasad, Shri	Pillai, Shri Thennala G. Balakrishna
Maheshwari, Shri P.K.	Poojary, Shri Janardhana
Maheshwari, Shrimati Sarla	Pradhan, Shri Satish
Maitreya, Dr. V.	Prasad, Shri Abhay Kant
Malik, Shri Harendra Singh	Prasad, Shri Ravi Shankar
Manaklao, Dr. Narayan Singh	Punj, Shri Balbir K.
Manhar, Shrimati Kamla	Rai, Shri Lajpat
Meena, Shri Moolchand	Raika, Shrimati Bimba
Meghe, Shri Datta	Rajagopal, Shri O.
Mehta, Shri Lalitbhai	Ramachandraiah, Shri C.
Mishra, Shri Dina Nath	Rao, Dr. Dasari Narayana
Mishra, Shri Janeshwar	Rao, Shri K. Kalavenkata
Misra, Shri Ranganath	Rao, Shri K. Rama Mohana
Mitra, Dr. Chandan	Ravi, Shri Vayalar
Mukherjee, Shri Dipankar	Rawat, Shri Harish
Mukherjee, Shri Pranab	Rebello, Miss Mabel
Mullana, Shri Faqir Cahnad	Reddy, Shri Ravula Chandra Sekar

Reddy, Dr. T. Subbarami	Singh, Shrimati Maya
Rizvi, Dr. Akhtar Hasan	Singh, Shri Raj Nath
Roy, Shri Jibon	Singh 'Lalan', Shri Rajiv Ranjan
Roy, Shri Tarini Kanta	Singh, Shri Uday Pratap
Samadani, Shri M.P. Abdussamad	Singhal, Shri B.P.
Samal, Shri Man Mohan	Singhvi, Dr. L.M.
Sankaralingam, Prof. M.	Sinha, Shri Shatrughan
Sarkar, Shri Matilal	Sivasubramanian, Shri S.
Sarma, Dr. Arun Kumar	Soni, Shrimati Ambika
Selvan, Shri Thanga Tamil	Soz, Prof. Saif-ud-Din
Sharda, Shrimati Savita	Suri, Shri Lalit
Sharma, Shri Anil	Swaraj, Shrimati Sushma
Sharma, Shri Dwijendra Nath	Thakur, Shri Ekanath
Shourie, Shri Arun	Thukur, Dr. Prabha
Shukla, Shri Rajeev	Trivedi, Shri Dinesh
Shunmugasundaram, Shri R.	Vanga Geetha, Shrimati
Sibal, Shri Kapil	Varma, Prof. R.B.S.
Siddiqui, Shri Shahid	Vasan, Shri G.K.
Singh, Shri Arjun	Verma, Shri Vikram
Singh, Shri Birabhadra	Vijayaraghavan, Shri V.
Singh, Shri Dara	Vora, Shri Motilal
Singh, Shri Jaswant	Yadav, 'Ravi', Dr. Ramendra Kumar
Singh, Dr. Karan	Yadav, Shri Vijay Singh
Singh, Rao Man	Zahidi, Shri Khan Ghufuran
Singh, Dr. Manmohan	

**Noes: Nil**

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

THE DEPTY CHAIRMAN: Hon. Members we delayed it only by less than an hour.

श्री एस.एस. अहलुवालिया (झारखंड): मैडम, नेक्स्ट बिल लेने से पहले लंच के लिए आधे घंटे के लिए एडजर्न कर दें।



[18 December, 2003]      RAJYA SABHA

THE DEPUTY CHAIRMAN: If the House so agrees, we can adjourn the House for half-an-hour for lunch.

SOME HON. MEMBERS: Okay, Madam.

THE DEPUTY CHAIRMAN: The House stands adjourned for half-an-hour for lunch.

The House then adjourned for lunch at forty minutes past two of the clock.

The House re-assembled after lunch at eleven minutes past three of the clock, THE VICE-CHAIRMAN (SHRI RAMA SHANKER KAUSHIK) in the Chair.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): लोक सभा से संदेश - माननीय महासचिव।

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### **MESSAGE FROM THE LOK SABHA**

#### **The Appropriation (No. 5) Bill, 2003**

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

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 5) Bill, 2003, as passed by Lok Sabha at its sitting held on the 17th December, 2003.

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

Sir, I lay a copy of the bill on the Table.