

Agricultural and Processed Food Products Export Development Authority, subject to the other provisions of the said Act."

*The motion was adopted.*

15.42 hrs.

#### MOTION RE : REPORT OF SELECT COMMITTEE—EXTENSION OF TIME

SHRI AMAR ROY PRADHAN (Coochbehar) : Sir, I beg to move :

"That this House do extend up to the last week of the Budget Session, 1997, the time for presentation of the Report of the Select Committee on the Bill to provide for the inclusion of Koch-Rajbongshi community in the list of Scheduled Tribes in relation to the State of Assam (excluding autonomous districts)."

MR. SPEAKER : The question is :

"That this House do extend up to the last week of the Budget Session, 1997, the time for presentation of the Report of the Select Committee on the Bill to provide for the inclusion of Koch-Rajbongshi community in the list of Scheduled Tribes in relation to the State of Assam (excluding autonomous districts)."

*The motion was adopted.*

15.42½ hrs.

MR. SPEAKER : The House shall now take up Private Member's Business - Bills for introduction.

#### HIGH COURT OF GUJARAT (ESTABLISHMENT OF PERMANENT BENCHES AT SURAT AND RAJKOT) BILL\*

SHRI KASHI RAM RANA (Surat) : Sir, I beg to move for leave to introduce a Bill to provide for the establishment of permanent Benches of the High Court of Gujarat at Surat and Rajkot

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the establishment of permanent

\* Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 22.11.96

Benches of the High Court of Gujarat at Surat and Rajkot."

*The motion was adopted.*

SHRI KASHI RAM RANA : I introduce the Bill.

15.43 hrs.

#### BAN ON COW SLAUGHTER BILL\*

[English]

SHRI KASHI RAM RANA (Surat) : Sir, I beg to move for leave to introduce a Bill to prohibit the slaughter of cow and its progeny.

MR. SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to prohibit the slaughter of cow and its progeny."

SHRI G.M. BANATWALLA (Ponnani) : Mr. Speaker, Sir, my friend and the hon. Member, Shri Kashi Ram Rana has been pleased to move a motion seeking leave of this House to introduce a Bill in order to impose a blanket ban not only on the slaughter of cows but also on all the progeny of the cows.

15.43 hrs.

(Mr. Deputy-Speaker in the Chair)

I rise to oppose the motion. I must point out that the Bill is outside the legislative competence of this House and is also highly unconstitutional in character. I must remind my friend and the hon. Member, Shri Kashi Ram Rana and the House that the subject matter of the Bill is in the exclusive jurisdiction of the States. The Bill seeks to place a total and blanket ban, as I said, not only on the slaughter of cows but also on its progeny, the bulls, bullocks and so on.

Mr. Deputy-Speaker, Sir, there is no slaughter of cows. The question mainly, is about the bulls, bullocks and so on. Therefore, I rise to oppose the Bill. As we all know, in the Constitution, we have the Seventh Schedule, which gives three Lists : List I, List II and List III. List I gives us the subjects under the Union, that is Parliament; List III gives us the concurrent subjects. This item, the subject matter of the Bill does not appear in List I, that is the Union List and it does not appear in List III, namely, the Concurrent List.

The subject matter of the Bill appears in List-II which is the list of subjects falling within the exclusive jurisdiction of the States. Therefore, I must emphasis upon this House that we should not go into this question contemplated by the subject matter of the Bill and leave it to the wisdom of the various States.

Mr. Deputy-Speaker, Sir, I may point out that on 1st May, 1954 the then Attorney-General, Shri M.C.

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Settlewad, had appeared in this House. He was summoned; he came to this House and guided us on the subject matter of the slaughter of cows and its progeny and so on. At that time, the Attorney-General stated in this very House, the Lok Sabha, on 1st May, 1954 that this subject matter was not within the jurisdiction of the Parliament. He said clearly, categorically and in most unequivocal terms that the subject matter was within the exclusive jurisdiction of the States. Therefore, we have the opinion of the Attorney-General on record who had come to this House on the 1st of May, 1954.

I am sure even the States in their wisdom will not come forward with such Bills. But that is a different matter. I do not want to go into the merits of the Bill. At this stage we do not go into the merits and demerits of the Bill. I am only pointing out with all the emphasis that I have, that the Bill is not within the legislative jurisdiction of this particular House.

One another point which I would mention, without going into the details because of the constraints of the rules, is that the Bill is totally unconstitutional in nature. At the introduction stage we do not go into the details. But I may point out that the Supreme Court has consistently laid down that a total blanket ban cannot be imposed.

The Supreme Court has been consistent from the very beginning in this particular matter. For example, take *Mohammad Hanif Qureshi's case*, *Mohammad Hanif Qureshi Vs. The State of Bihar* AIR 58, 23 April, 1958. On 23rd April, 1958 the Supreme court held and I quote :

"That a total ban on the slaughter of she buffaloes, bulls and bullocks after they ceased to be capable of yielding milk or of breeding or working as draught animals cannot be supported as reasonable in the interest of the general public and is invalid."

That was the Supreme Court's verdict in the year 1958 and since then the Supreme Court has been consistent in its verdict.

Very recently, we had such a Bill passed by the Madhya Pradesh Assembly and the Supreme Court gave almost the same ruling in that case also. Therefore, I have not gone into the merits and demerits of the Bill because that is not allowed at this particular stage. I must tell and I must implore upon the hon. Member, Shri Kashi Ram Rana, that the Bill is outside the legislative competence of this House. The Bill is totally unconstitutional.

I may, therefore, appeal to him to kindly withdraw the Motion that he has moved. Otherwise, Sir, I am constrained to oppose this Motion and appeal to the House not to grant its approbation to the Motion.

[Translation]

SHRI KASHI RAM RANA : Mr. Deputy Speaker, Sir, I would like to express my views on two points raised

by our old friend, Shri Banatwalla at the introduction stage of this Bill: I had already introduced a Bill of this nature during 10th Lok Sabha. I would like to refute the charge that this Bill is unconstitutional. I heard the judgement and court rulings quoted by Shri Banatwalla with due attention. It has also been mentioned in article 48 of the constitution but it is a national problem. It is being discussed all over the country so, I would like that the highest institution of the country-Lok Sabha should discuss this issues and a legislation should be enacted in this regard. I do not think this Bill to be unconstitutional. I would like to repeat it again that this Bill is a constitutional one. There is a mention in article 48 about this. It is our duty also to discuss this national problem in the House and enact a law in this regard.

Sir, many such laws have been enacted which have been challenged in the court. Many such Bills have been discussed and passed by the House. I would like to submit you that being a national problem, this matter reflects the sentiments of millions of people. Crores of people of the country, today, want that the slaughter of cows and bovine animals should be banned. This Bill, at present is at the introduction stage, so I would like that national debate should be held on this issue. There is no objection to it. I have introduced this Bill and would like it to be admitted.

SHRI ILIYAS AZMI (Shahabad) : Mr. Deputy Speaker, Sir, respecting the feelings with which our hon'ble friend Shri Kashi Ram Rana has introduced this Bill, it is clear that...*(Interruptions)*

MR. DEPUTY SPEAKER : Please listen to me for a while. One hon. Member has opposed this Bill and the mover of the Bill has already expressed his points. If I allow you, I will have to allow other Members also.

[English]

SHRI BASU DEB ACHARIA (Bankura) : Sir, if you allow him to make a submission, then you have to allow us also to speak...*(Interruptions)*

MR. DEPUTY SPEAKER : I am sorry; please sit down.

[Translation]

SHRI ILIYAS AZMI : I am neither opposing nor proposing. I shall finish my point within a minute.

[English]

SHRI BASU DEB ACHARIA : Sir, at this stage, nobody else should be allowed to speak, except the Mover of the Motion...*(Interruptions)*

MR. DEPUTY-SPEAKER : Yes, Now, nobody else can speak except the Mover of the Motion. So, please sit down.

[Translation]

SHRI ILIYAS AZMI : I shall finish my point within a minute.

MR. DEPUTY SPEAKER : Please sit down. In this situation a full discussion may take place.

[English]

Rule 72 says :

"The Speaker does not decide whether a Bill is constitutionally within the legislative competence of the House or not. The House also does not take a decision on the specific question of *vires* of a Bill."

SHRI RAMENDRA KUMAR (Begusarai) : Who will decide?

MR. DEPUTY-SPEAKER : I am telling you.

SHRI BASU DEB ACHARIA : The House will have to decide.

MR. DEPUTY-SPEAKER : Interpretation of Article 246 says :

"It is ultimately for courts to decide whether a legislation was within the competence of the Legislature or not."

(Interruptions)

MR. DEPUTY-SPEAKER : I have heard all of you.

(Interruptions)

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to prohibit the slaughter of cow and its progeny."

*The motion was adopted.*

SHRI KASHI RAM RANA : I introduce the Bill.

15.56 hrs.

### CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) BILL\*

(Amendment of the Schedule)

[English]

SHRI BASU DEB ACHARIA (Bankura) : I beg to move for leave to introduce a Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution (Scheduled Tribes) Order, 1950."

*The motion was adopted.*

SHRI BASU DEB ACHARIA : I introduce the Bill.

15.56 hrs.

### GOVERNMENT OF UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS BILL

[English]

SHRI BASU DEB ACHARIA (Bankura) : I beg to move for leave to introduce a Bill to provide for the creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the creation of a Legislative Assembly for the Union Territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto."

*The motion was adopted.*

SHRI BASU DEB ACHARIA : I introduce the Bill.

15.57 hrs.

### ACQUIRED IMMUNO DEFICIENCY SYNDROME (PREVENTIVE MEASURES) BILL \*

[English]

SHRI BASU DEB ACHARIA (Bankura) : I beg to move for leave to introduce a Bill to provide for the prevention of control of spread of Acquired Immuno Deficiency Syndrome.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the prevention of control of spread of Acquired Immuno Deficiency Syndrome."

*The motion was adopted.*

SHRI BASU DEB ACHARIA : I introduce the Bill.

15.57½ hrs.

### LAND ACQUISITION (AMENDMENT) BILL

(Amendment of Sections 11 and 23)

SHRI KASHI RAM RANA (Surat) : I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1984.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bi