

Sixteenth Loksabha

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Title: Regarding Constitution (One Hundred and Twenty-Third Amendment) Bill, 2017 Amendment made by Rajya Sabha.

HON. SPEAKER: Hon. Members, before we take up Item No. 22, that is, consideration of Rajya Sabha Amendment to the Constitution (One Hundred and Twenty-Third Amendment) Bill, 2017, I have to inform that there is a minor printing mistake in the Government Amendment to the Bill printed in today's revised List of Business.

... (*Interruptions*)

HON. SPEAKER: At Page 7, below "Clause 1", "2017" has been misprinted as "201".

... (*Interruptions*)

HON. SPEAKER: Members are requested to read it as "2017".

... (*Interruptions*)

HON. SPEAKER: This is the only thing.

... (*Interruptions*)

12.36 hrs

(At this stage, Shri E.T. Mohammad Basheer and some other hon. Members came and stood on the floor near the Table.)

HON. SPEAKER: Now, Shri N. K. Premachandran.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN (KOLLAM): Madam Speaker, this is the first time in the legislative history of the Indian Parliament that the Government is moving an alternate amendment to the amendment carried out by the Council, that is, the Rajya Sabha. ... (*Interruptions*) It has never happened before to my information or knowledge. ... (*Interruptions*)

HON. SPEAKER: Please go to your seat.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN : So, I raise a Point of Order under ... (*Interruptions*)

HON. SPEAKER: The House stands adjourned to meet again at 12.45 pm.

... (*Interruptions*)

12.36 ½ hrs

The Lok Sabha then adjourned

till Forty-Five Minutes past Twelve of the Clock.

12.48 hrs

The Lok Sabha re-assembled at Forty Eight Minutes past Twelve of the Clock.

(Hon. Speaker in the Chair)

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, this is a very important issue. I want a reply from the Prime Minister on this issue. This is very important. Hon. Prime Minister should come and make a statement because such things are happening throughout the country. ... (*Interruptions*) I would request through you, Madam, the hon. Prime Minister to make a statement. ... (*Interruptions*)

माननीय अध्यक्ष : आप क्या कहना चाहेंगे?

...(व्यवधान)

HON. SPEAKER: I can understand that. But Maharashtra Government is doing something.

... (*Interruptions*)

माननीय अध्यक्ष : बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : जब ज्यूडिशियल इंकवायरी की घोषणा हो चुकी है, तो ऐसा नहीं करते हैं। आप लोग बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : प्लीज़, बैठिए।

...(व्यवधान)

माननीय अध्यक्ष : आपने बोल दिया न! अब क्या बोलना चाहेंगे?

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे: मैडम, यह बहुत ही इम्पोर्टेंट इश्यू है। इसमें प्राइम मिनिस्टर को इंटरफियर करना चाहिए और उनको अपनी बात रखनी चाहिए कि वे क्या चाहते हैं।...(व्यवधान)

HON. SPEAKER: Shri Premachandran.

SHRI N.K. PREMACHANDRAN (KOLLAM): My point of order is there, Madam. ... (*Interruptions*) My point of order is under Rule 100 (2) of the Rules of Procedures and Conduct of Business in Lok Sabha. ... (*Interruptions*) This is the first time in the legislative history of Indian Parliament that the Government is moving an alternate amendment to the amendment carried out by the Upper House, Rajya Sabha. ... (*Interruptions*) It has never happened before to my information and knowledge. Here, in this case, you may kindly see Lok Sabha has passed the Constitution 123rd Amendment Bill, 2017 and transmitted it to Rajya Sabha for its concurrence. ... (*Interruptions*)

What is the amendment in Clause 3? ... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA) : The Prime Minister is here. You can call him and ask him to appoint a sitting Judge of the Supreme Court to enquire into this. This is very important because it is not one incident. It is a failure of the Government. It is a failure of the Maharashtra Government. ... (*Interruptions*)

माननीय अध्यक्ष : बैठिए। आपका बोलना हो गया न।

...(व्यवधान)

SHRI N.K. PREMACHANDRAN : What is the amendment made by the Rajya Sabha? ... (*Interruptions*)

HON. SPEAKER: I am not allowing him. आपका कहना हो गया। अब मैं बिल लेना शुरू कर दी हूँ।

...(व्यवधान)

HON. SPEAKER: You please go to your seat now.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN : Clause 3 is the heart and soul of the Bill. ... (*Interruptions*) I cannot understand the rationale of legislative wisdom of the Elders by deleting Clause 3 and returning to this House. ... (*Interruptions*)

My point of order is whether the proposed amendment is an alternative amendment. According to me, the answer is 'no' because the Government is reproducing the same section of the original Bill with minor changes, which were deleted by the Rajya Sabha. Hence, I seek a specific ruling on this point of order. ... (*Interruptions*)

12.52 hrs

(At this stage, Shri Mallikarjun Kharge and some other

hon. Members left the House.)

HON. SPEAKER: Hon. Members, a point of order has been raised that the new clause 3 being now proposed by the Government in place of amendment made by the Council for omission of clause 3 does not fall within the meaning of amendment alternative to the amendment made by Rajya Sabha. In regard to Bills returned by Rajya Sabha with amendments, sub-rule (2) of Rule 100 of the Rules of Procedure provides that three types of amendments to an amendment made by Rajya Sabha can be moved in Lok Sabha. The first being amendment relevant to the subject matter of an amendment made by Rajya Sabha, the second being amendment consequential upon an amendment made by Rajya Sabha and the last being an amendment alternative to an amendment made by Rajya Sabha. In the instant case, the Rajya Sabha has returned the Bill with an amendment seeking omission of a clause from the Bill. Hon. Members would appreciate that to an amendment seeking omission of a clause, no amendment or consequential amendment can be moved since there is no text before us for agreeing or disagreeing to such amendment. The dictionary defines the word “alternative” as “available as another possibility or choice”. The Government has proposed that in place of omission of clause from the Bill, the same clause be restored with some changes. In a way, the Government has proposed another choice in place of clause being omitted. In my opinion, therefore, the amendment tabled by the hon. Minister for restoring clause 3 with some changes falls within the category of amendment alternative to the amendment made by Rajya Sabha.

I, therefore, rule out the point of order.

... (*Interruptions*)

HON. SPEAKER: I have given the ruling now.

... (*Interruptions*)