

CONSTITUTION (AMENDMENT)  
BILL, 1987\*

[English]

(Amendment of Tenth Schedule)

SHRIMATI BASAVARAJESWARI  
(Bellary) : I beg to move for leave to intro-  
duce a Bill further to amend the Constitution  
of India.

MR. DEPUTY SPEAKER : The ques-  
tion is :

“That leave be granted to introduce  
a Bill further to amend the Constitu-  
tion of India ”

*The motion was adopted.*

SHRIMATI BASAVARAJESWARI :  
Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT)  
BILL, 1987\*

[English]

(Insertion of new Articles 23A,  
23B and 23C)

SHRIMATI BASAVARAJESHWARI  
(Bellary) : I beg to move for leave to intro-  
duce a Bill further to amend the Constitution  
of India.

MR. DEPUTY SPEAKER : The ques-  
tion is :

“That leave be granted to introduce a  
Bill further to amend the Constitution  
of India.”

*The motion was adopted.*

SHRIMATI BASAVARAJESWARI :  
Sir, I introduce the Bill.

15.34 hrs.

PROVIDING OF FREE MEDICAL  
AND TECHNICAL EDUCATION  
BILL, 1987\*

[English]

SHRIMATI BASAVARAJESWARI  
(Bellary) : I beg to move for leave to intro-  
duce a Bill to provide free medical and  
technical education to all students and for  
matters connected therewith.

MR. DEPUTY SPEAKER : The ques-  
tion is :

“That leave be granted to introduce a  
Bill to provide free medical and techni-  
cal education to all students and for  
matters connected therewith.”

*The motion was adopted.*

SHRIMATI BASAVARAJESWARI :  
Sir, I introduce the Bill.

15.35 hrs.

PROHIBITION OF USE OF RELIGIOUS,  
COMMUNAL, REGIONAL AND SECTO-  
RAL NOMENCLATURES FOR POLITI-  
CAL PARTIES AND PREVENTION OF  
MISUSE OF RELIGIOUS PLACES  
BILL, 1987\*

[English]

SHRIMATI BASAVARAJESWARI  
(Bellary) : I beg to move for leave to intro-  
duce a Bill to prohibit the use of religious,  
communal, regional and sectoral names for  
political parties and to prevent the misuse of  
religious places.

MR. DEPUTY SPEAKER : Motion  
moved :

“The leave be granted to introduce a  
Bill to prohibit the use of religious,  
communal, regional and sectoral  
names for political parties and to pre-  
vent the misuse of religious places.”

\*Published in Gazette of India Extraordi-  
nary, Part II, Section 2, dated 13.3.  
1987.

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ordinary, Part II, Section 2, dated 13.3.  
1987.

MR. DEPUTY SPEAKER : Mr. Banatwalla wants to oppose the introduction.

(Interruptions)

SHRI SHANTARAM NAIK (Panaji) : Why ? On what ground ?

(Interruptions)

MR. DEPUTY SPEAKER : He wants to oppose. He wants to make a brief statement. He has a right to oppose. Under rule 72 he can make a brief statement.

SHRI SHANTARAM NAIK : Under rule 376 I am asking on what grounds of rule 72 he is opposing ?... (Interruptions)

SHRI G. M. BANATWALLA (Ponnani) : The Bill seeks *inter alia* to prohibit the use of religious, communal, regional and sectoral names of the political party. I submit that the Bill is in violation of the provisions of the Constitution...

SHRI SHANTARAM NAIK : I am on a point of order. If it is in violation, this House at this stage, cannot decide it. It is only for the courts to decide it as and when it becomes an Act. Only two grounds are available (Interruptions)

MR. DEPUTY SPEAKER : No point of order. I am not allowing you. After his speech you can say whatever you want to say.

SHRI G. M. BANATWALLA : I said that this Bill is in violation of the provisions of the Constitution especially Article 19 which gives every citizen the right to form association and union.. (Interruptions)

MR. DEPUTY SPEAKER : Just make a brief statement.

SHRI G. M. BANATWALLA : The Supreme Court has also observed in *Madras vs V. G. Row* (1952) S.C.R. 597 that the curtailment of the right to form associations and unions would have serious reactions in the religious, political and economic fields.

The Supreme Court further observed that to over-ride a basic freedom guaranteed to

the citizen, the provision needs to be viewed as reasonable only in very exceptional circumstances and within the narrowest limits, and cannot receive judicial approval as a general pattern of reasonable restrictions on fundamental rights.

There are so many provisions there according to which the Bill is in conflict. And the Bill is not to amend the Constitution itself. This Bill is in conflict with the provisions of the Constitution. The Bill also provides for that there should not be any misuse of the places of religious worship. There can be no doubt about that. There can be no controversy that no places of worship should be misused. I very much appreciate that the sentiment of the Hon. Member is to deal effectively with dangerous communalism that challenge the integrity of the country, communal harmony, solidarity and so on. But the provisions of the Bill are totally misdirected except of course that the places of worship should not be misused, but no ban can be imposed on the fundamental rights of the citizens to form associations with any name that they may prefer as reflecting the ideology of their party. We have several minority organisations here which cannot be called communal by any criterion of the word 'communal'. I said, I very much appreciate the sentiment of the Hon. Member to deal effectively with dangerous communalism, but then the Bill is mis-directed. At this stage, I will not go into the merits or demerits of the Bill. I have pointed out the constitutional invalidity of the Bill. I know, you cannot rule on this subject. The Hon. Member, perhaps, does not know that. He should know it. And I have not risen to ask your ruling also. I want to make an appeal to the Hon. Member to withdraw the Bill, in view of the constitutional infirmities. In case she fails to withdraw, I have to appeal to the House to keep in view the constitutional infirmities of the Bill and to reject the motion for leave to introduce the same.

[Translation]

\*SHRIMATI BASAVARAJESWARI (Bellary) : Mr. Deputy Speaker, Sir, this Bill is in full conformity with the provisions of our Consti-

\*The speech was originally delivered in Kannada.

[Shrimati Basavarajeswari]

tution. All the facts mentioned in my Bill are according to law. Strangely, enough Hon. Member Shri Banatwalla has said that my Bill is against the Constitution. I cannot understand his argument at all.

I have framed this Bill keeping all the provisions of the Constitution in view. Only after a thorough study, I have presented this Bill to this august House. In fact, in the statement of objects and reasons I have made it amply clear that it is according to our Constitution.

The present situation in the country is really alarming. Political discussions are being held in places of worship. Arms and other weapons are stored and terrorists are being trained in the places of worship.

In the name of Dharma and in the name of God so many disturbing things are happening in the country. There is a steep increase in the number of atrocities on women. In the name of religion, some people have gone to the extent of asking a Government to resign which is duly elected and represent the people.

Looking at these disturbing situations one would feel that our nation's unity and integrity are in danger. Keeping these facts in mind and after careful consideration of all the aspects, I have drafted my Bill. The Bill is all right in every respect and hence I request the leave of the House be granted to introduce the Bill.

[English]

SHRI SHANTARAM NAIK : Sir, I would say that notice has been given...  
(Interruptions)

MR. DEPUTY SPEAKER : No, you cannot.

SHRI SHANTARAM NAIK : Sir, you had promised when I objected...

(Interruptions)

MR. DEPUTY SPEAKER : You had raised a Point of Order. That is why I said that there is no Point of Order.

SHRI SHANTARAM NAIK : Sir, he was not speaking under Rule 72 and he was allowed. Now I would say that ..  
(Interruptions)

MR. DEPUTY SPEAKER : You should have given in writing for that. Without that how can I allow ?

(Interruptions)

SHRI SHANTARAM NAIK : ..the Bill is within the scope of Article 246; it is within the provisions of Article 246 and it is within the Concurrent List Entry 28 of the Constitution of India... (Interruptions)

MR. DEPUTY SPEAKER : She has already explained why she is moving...

(Interruptions)

SHRI SHANTARAM NAIK : He is speaking something outside the scope of Rule 72. He has no right to speak under Rule 72.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill to prohibit the use of religious, communal, regional and sectoral names for political parties and to prevent the misuse of religious places."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The Member may now introduce the Bill.

SHRIMATI BASAVARAJESWARI : I introduce the Bill.

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15.48 hrs.

CONSTITUTION (AMENDMENT)  
BILL, 1987

(Amendment of article 19)

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.