

Gratuity Act so that the factory owner may not be able to deny the payment of Gratuity fund to the workers. A separate fund will be created for this purpose and it will be treated as money deposited under LIC so that if the industry becomes sick or is closed at the time of the retirement of a worker, the concerned worker will not be a loser but will get gratuity and he will not have to face any difficulty after retirement. These are all commendable and progressive steps. This commendable work has been done in a very short time. Never before such a good work has been done. But the expectations of the workers are still high and there is much work to do. I think the Ministry will do good work under his leadership.

The main issue before us is to remove unemployment and make employment available to the people. We will have to provide jobs to about 48 lakh unemployed youths during the 7th Five Year Plan. We cannot achieve this target by providing jobs or getting the people employed in industries only. For this we will have to introduce the scheme of 'self employment' and for making it a success we will have to improve the facilities in training centres like I.T.Is. It is shocking to note that only an allocation of Rs. 17 crores has been made for providing more facilities in such training centres. How can we bring about modernization with such a meagre allocation. The Ministry has great responsibility to bring about necessary improvements in the working of the Ministry. If we do not increase allocation in consonance with the responsibility, we will not be able to the needful.

The workers have great expectations from the Government. The workers contribute a lot towards strengthening the economy of the country. A sum of Rs. 15,500 crores towards the provident fund of the workers is deposited in the security of the Government and is invested in the economy of the country. Out of this amount Rs. 13,500 crore under the Employees Provident Fund Scheme and Rs. 2,000 under the Coal Mines Provident Fund Scheme are deposited with the Government. Public Sector Bonds are issued and people are asked to invest their money in these bonds for which they would be paid interest at the rate of 15 per cent 16 per cent and 17 per cent and they would not be asked to disclose

their source of income. They would also be granted exemption from payment of income tax. Even the black marketeers are proposed to be paid interest at the rate of 15 to 17 per cent and the poor workers, who have made a huge contribution of Rs. 15,500 crores in the economy of the country from their hard earned money have never been paid interest at this rate. After so much hesitation an arrangement has now been made to pay them only 11 per cent interest, but I am of the view that payment of 11 per cent interest is not enough and this rate of interest will have to be increased. I would, therefore, like to suggest that workers should be paid at least the same rate of interest i.e. 15 to 17 per cent on their hard earned money which is being paid on the Public Sector Bonds. Workers' interest should not be ignored.

[English]

MR. DEPUTY SPEAKER : You may please continue on Monday next.

MR. DEPUTY SPEAKER : The House will now take up Private Members' Business. Bills for Introduction.

[English]

PROHIBITION OF RELIGIOUS, COMMUNAL AND SECTORAL POLITICAL PARTIES BILL*

SHRI THAMPAN THOMAS (Mavelikara) : I beg to move for leave to introduce a Bill to provide for prohibition of the formation of religious, communal and sectoral political parties.

MR. DEPUTY SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to provide for prohibition of the formation of religious, Communal and sectoral political parties."

SHRI G. M. BANATWALLA (Ponnani) : Mr. Deputy Speaker, Sir, I rise to oppose

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[Shri G. M. Banatwalla]

this motion for leave to introduce the Bill, I submit that the Bill is a politically tainted Bill.

MR. DEPUTY SPEAKER : What is the objection that you have ?

SHRI G. M. BANATWALLA : That is the objection I am raising.

MR. DEPUTY SPEAKER : You have only to mention the grounds; do not give a detailed speech.

SHRI G. M. BANATWALLA : You have not even heard me. I have only spoken one sentence and you have started sermonising me.

MR. DEPUTY SPEAKER : You have to go according to the rules. Do not make a speech.

SHRI G. M. BANATWALLA : Please give me a single instance where I have flouted the rules in this House. I yield to none in my objective to eradicate communalism which is prejudicial to communal harmony or the unity and integrity of our country and the democratic system, but the present Bill does not take this particular point into consideration. The mover of the Bill will be satisfied if only a particular type of organizations are banned from entering the political field, but there may be organizations not entering the political field and yet they may be preaching communal disharmony and hatred... *(Interruptions)*. I am not going into the details of it.

SHRI SHANTARAM NAIK (Panaji) : Is he challenging the competence of the Parliament... *(Interruptions)*.

SHRI G. M. BANATWALLA : Yes, I am coming to that... *(Interruptions)*. My notice is there in his hands and I am developing that point.

Even the so-called secular parties will be following policies which are prejudicial to communal harmony, unity and integrity of the country. Therefore, banning of parti-

cular types of political parties irrespective of the policy that they may pursue is defective and in violation of the constitutional provisions. It also shows that the Bill is politically tainted and motivated not by considerations of the unity and integrity of the country, but solely motivated with considerations of political expediency. As I have given you in my notice, I submit, that the Bill is in violation of Article 19 of the Constitution which guarantees the Fundamental Right to form associations. It is also violative of various other provisions of the Constitution. Even the Supreme Court... *(Interruptions)*.

SHRI SHANTARAM NAIK : On merits no objection can be raised at this stage. He can raise objections at the introduction stage only on the ground of competence... *(Interruptions)*. He has started arguing on the substance of the Bill.

SHRI G. M. BANATWALLA : For all the reasons stated by me, the Bill is in violation of Article 19 and other provisions of the Constitution... *(Interruptions)*.

SHRI G. G. SWELL (Shillong) : I rise on a point of order. I would like a clear ruling from you whether at the stage of introduction of the Bill we can discuss the merits of the Bill.

MR. DEPUTY SPEAKER : We cannot.

SHRI G. G. SWELL : Then, he is out of order. Please rule out. I have also sat in that chair. I know what is being done. You have to give a clear ruling... *(Interruptions)*. Sitting there and waving your fingers like that does not mean anything.

(Interruptions)

MR. DEPUTY SPEAKER : You please finish, Shri Banatwalla.

SHRI G. M. BANATWALLA : Sir, all these remarks that your moving your hands does not mean anything have come on record.

(Interruptions)

MR. DEPUTY SPEAKER : No, no. You forget all that. His argument is that you cannot discuss the merits and demerits of the Bill. That is what he is telling. I am also accepting that. This is my ruling. You cannot discuss the merits and demerits of the Bill now,

SHRI G. M. BANATWALLA : Whenever I do so, you please stop me. The point I am raising is that for various reasons that I have placed before you the Bill is in violation of Article 19 of the Constitution...

(Interruptions)

MR. DEPUTY SPEAKER : That is all. That is the point. You may stop with that.

SHRI G. M. BANATWALLA : Then there is the Supreme Court ruling also...

MR. DEPUTY SPEAKER : It is not necessary to quote it now.

SHRI G. M. BANATWALLA : Why not ? According to the Supreme Court observations in Madras versus V. G. Row (1952) SCR 597, over-riding a basic freedom guaranteed to the citizen cannot receive judicial approval as a general pattern of restriction on fundamental rights. In view of these observations I appeal to the mover of the Bill to withdraw his motion to seek leave for introduction of the Bill, though I have no hope of his seeing any reason in this particular thing, because it is moved as political expediency. Anyhow I appeal to him to withdraw the Bill, failing which I have to appeal to this House to throw the motion out.

SHRI RAJ KUMAR RAI (Ghosi) : Sir, he has the cheek to say all those things.

SHRI G. G. SWELL : He is speaking with his tongue in cheek !

(Interruptions)

SHRI THAMPAN THOMAS : My learned friend is objecting to the introduction of this Bill not on any technical ground but on a substantive basis, which can be

discussed in this House later. Secondly, the Preamble of our Constitution says that ours is a sovereign, socialist, secular, democratic republic. The very words are 'secular democratic republic' and we require a bill of this nature in our present context.

Moreover, the President in his Address to both the Houses of Parliament had promised that there would be action to curb communal activities in this country. The Prime Minister while replying in this House on 3rd March, pointed out that politics has to be delinked from communalism and that steps would be taken to that effect. In the Rajya Sabha also, the Prime Minister swore that such steps would be taken. Also, I need not go into the various aspects of the present conditions through which our country is passing now with growing communalism and all that in various parts of our country. So, I thought that this has to be a subject matter of discussion by this House and proper guidelines and proper methods have to be formulated by this House. That is why I brought forward this Bill before this House.

What is provided in Article 19 is freedom of association. That does not mean freedom to form political parties on a communal basis just like in Pakistan or elsewhere in the world. It is not permissible in this country. It never happened in this country that freedom is given to organise political parties on the basis of communalism. Article 19 provides only the guarantee to form association. Political parties have been a subject matter of discussion in this House and the sovereign powers of this House have been extolled even in the last session of this House when we brought out an amendment that defection from a political party to another is a subject matter of legislative competence of this House. Therefore I submit that it is within the legislative competence of this House to regulate a political party in the larger interests of the guarantees given in the Constitution. Therefore, this Bill is in order and this has to be discussed in detail in the present context. This is very much required.

MR. DEPUTY SPEAKER : The question is :

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

formation of religious, communal and sectoral political parties."

The motion was adopted.

SHRI THAMPAN THOMAS : I introduce the Bill.

15.40 hrs.

CONSTITUTION (AMENDMENT) BILL*

[English]

(Insertion of new articles 4A, 4B and 4C, etc.)

SHRI SHANTARAM NAIK (Panaji) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India"

The motion was adopted.

SHRI SHANTARAM NAIK : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

[English]

(Amendment of Eighth Schedule)

SHRI SHANTARAM NAIK (Panaji) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India"

The motion was adopted.

SHRI SHANTARAM NAIK : I introduce the Bill.

15.41 hrs.

PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) BILL*

[English]

(Amendment of Section 2)

SHRI SHRIPATI MISHRA (Machhlishahr) : I beg to move for leave to introduce a Bill to amend the Prevention of Insults to National Honour Act, 1971.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill to amend the Prevention of Insults to National Honour Act, 1971"

The motion was adopted.

SHRI SHRIPATI MISHRA : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

[English]

(Substitution of new article for article 371)

SHRI BANWARI LAL PUROHIT (Nagpur) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India"

The motion was adopted.

SHRI BANWARI LAL PUROHIT : I introduce the Bill.

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