

[Sh. P. M. Sayeed)

such guarantee. Limited regulation by the State in this regard has been provided in the Constitution on the grounds of public order, morality and health. This is, however, subject to judicial review. In view of the aforesaid, it may be stated that there is an inbuilt protection in the Constitution itself as regards the right to freedom of religion and, therefore, it may not be necessary to provide any special procedure for legislation as suggested in the proposed amendments to proviso to article 107.

Therefore, I oppose this Bill.

MR. DEPUTY SPEAKER : Dr. laxminarayan Pandeya. Absent.

Before I put the motion for consideration to the vote of the House, this being a Constitution (amendment) Bill, voting has to be by Division. Let the lobbies be cleared.

Now the lobbies have been cleared.

SOME HON. MEMBERS : Sir the Mover of the Bill is not there.

SHRI PAWAN KUMAR BANSAL : The Mover of the Bill is not there. There is no need of a division. Let it be put to voice vote.

MR. DEPUTY-SPEAKER : All right, let it be by voice vote.

I shall now put the motion for consideration to the vote of the House. The question is :

" That the Bill further to amend the

Constitution of India, be taken into consideration. "

The motion was negatived.

15.50 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Omission of Article 44, etc.) by Shri Bhagwan Shankar Rawat

[English]

MR. DEPUTY-SPEAKER : We can take up the next item, item No. 17. The next item on the Agenda is the motion for consideration of the Constitution (Amendment) Bill, 1992 (Omission of Article 44, etc.) by Shri Bhagwan Shankar Rawat.

The Bill seeks to amend the Constitution with a view to securing a Uniform Civil Code for the citizens throughout the territory of India.

The House will recall that on 10th December, 1993, a Resolution by Shrimati Sumitra Mahajan which also sought framing of a Uniform Civil Code was negatived by the House.

Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha provides that " a motion shall not raise a question substantially identical with one on which the House has given a decision in the same Session". I find that provisions of the Bill by Shri Bhagwan Shankar Rawat are substantially identical to the Resolution of Shrimati Sumitra Mahajan which was negatived by the House. The consideration

* Motion to Consider the Bill was barred under Rule 338 of the Rules of procedure and conduct of Business in Lok Sabha since the motion was identical with the Resolution moved by Shrimati Sumitra Mahajan in the same session and negatived by the House.

of the Bill is, therefore, barred under the above rule.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, in any case, the hon. Member is not present here.

15.52 hrs.

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

Amendment of section 51, etc.) by Shri
P. P. Kaliaperumal

[English]

MR. DEPUTY-SPEAKER : The next item on the Agenda, that is, the code of Civil Procedure (Amendment) Bill, 1992 (Amendment of section 51, etc.) by Shri P. P. Kaliaperumal can now be taken up for consideration.

Shri P. P. Kaliaperumal to move

SHRI P. P. KALIAPERUMAL
(Cuddalore) : Sir, I beg to move :

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

Mr Deputy-Speaker, Sir, the object of this Bill is to provide immunity from imprisonment to the indebted persons-in legal phraseology they are termed judgement-debtors-for their failure to discharge the decretal debts or in other words their contractual obligation.

Section 51 of the Code of Civil Procedure empowers the courts of execution to execute the decrees and especially the money-decrees by three modes. The first

mode is by attachment and sale of property. The second mode is by sale without attachment of the property of the judgement-debtors and the third mode is by arrest and detention of the judgement debtors in prison. These are the three modes enumerated under Section 51 of the Civil Procedure Code for execution of the money-decrees. The other provisions relating to arrest and detention of judgement-debtors are section 55, 56, 57, 58 and 59 and rules 11/ 11A 21, 30, 37, 38, 39 and 40 of Order 21 and Rule 37 of the Civil Procedure Code. The present Bill seeks to delete the provisions of the Civil Procedure Code for arrest and detention of the judgement-debtors. The *raison d'être* of the amendment are : Article 21 of the Constitution of India which has been described or applauded as the Magna Carta of India guarantees the right to life and right to property;

I quote Article 21 of the Constitution. It says :

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

The expression 'personal liberty' in Article 21 has been interpreted as 'right of an individual to be free from restriction, free from physical restraint. The reach and ambit of the meaning of the expression 'personal liberty' is wider and is extensive. Article 21 is embedded in Part-III of the Constitution of India which part enumerates the Fundamental Rights. Article 19(1) (d) also guarantees freedom of movement. I quote Article 19(1). It says:

" All citizens shall have the right :-

(a) to freedom of speech and expression;