

MR. DEPUTY SPEAKER: Bills for introduction. Shri Balasaheb Vikhe Patil—absent. Dr. Vasant Kumar Pandit.

HINDU MARRIAGE (AMENDMENT) BILL*

(Amendment of Sections 4 and 13)

DR. VASANT KUMAR PANDIT (Rajgarh): Sir, I beg to move for leave to introduce a Bill further to amend the Hindu Marriage Act, 1955.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Hindu Marriage Act, 1955."

The motion was adopted.

DR. VASANT KUMAR PANDIT: I introduce the Bill.

BANNING OF REGIONAL AND COMMUNAL PARTIES IN INDIA BILL

SHRI B. V. DESAI (Raichur): Sir, I beg to move for leave to introduce a Bill to provide for banning all regional and communal parties functioning all over India.

MR. DEPUTY-SPEAKER: There are two hon. Members who have opposed introduction of the Bill.

Motion moved:

"That leave be granted to introduce a Bill to provide for banning all regional and communal parties functioning all over India."

Shri Banatwalla.

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

leave to introduce the Bill. I very much appreciate and share the concern and anxiety shown by the hon. Member in the cankerous development of bigoted fanaticism in our country. Indeed, humanity hangs her head in shame when we have unabashed, I should say, naked dance of the devil. It is time we should call a halt to all these things. Therefore, in so far as the hon. Member-in-charge of the Bill has expressed his concern and his anxiety to deal with the cankerous development. I said, of bigoted fanaticism in our country, I think no one can differ from him.

But what I beg to submit before the House is that this matter needs an indepth study and cannot be simply dismissed on the basis of certain platitudes that have unfortunately become current in our country.

There are various factors that have to be taken into account. It is another kind of political fanaticism to fail discriminate between the good and the bad and try to deal with all of them in the same manner. It should be realised that there is nothing wrong in any association or any party trying to serve the interests of a region or a community and it cannot be simply assumed that an effort to satisfy the interests of a region or a community is necessarily at variance or in conflict with the national interest. That cannot simply be assumed away like that India indeed is a multi-lingual, multi-religious and multi-cultural society. The future progress of our country lies in a balanced development of all regions and of all communities. Any imbalances certainly mar the solidarity of our country. A balanced development of all regions and a balanced development of all communities that are there in our country welds the entire country into one. Therefore, it would be

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wrong to assume that every effort that goes to build a region or every effort that goes in the interests of a region or community is necessarily at variance or in conflict with the national interest.

There is not a single dictum or tenet of political science that prohibits any association or union to satisfy the needs of a region or community. Indeed, in our own Constitution, Articles 19, 29 and 30—I will not take you into a long discussion at this particular stage—they all guarantee the fundamental right to form unions and associations and a blanket imposition of a ban without a realistic appraisal of the situation and without a realistic discrimination of the evil and the good forces at work is certainly destructive of a secular democracy.

I must here point out to this august House that in the 12th meeting of the Law Commission of all the Commonwealth Countries which was held in Australia long back it was decided that no blanket ban or such type of restrictions can be placed on a union or association merely because it might have a basis in a particular region or a particular community. Our then Law Minister, Mr. A. K. Sen referred to this decision and endorsed this decision while he was speaking in Singapore on 17th July, 1961. That is the thing. He himself pointed out that a ban would be a political fanaticism destructive of a secular democracy. I, therefore, submit that there is need to understand the whole situation...

MR. DEPUTY-SPEAKER: ...and request Mr. B. V. Desai...

SHRI G. M. BANATWALLA: That I will do. I will convince him. I have appreciated his sentiments. I must convince him that he is on a wrong path led away by platitudes which are current and which have become a fashion these days...

MR. DEPUTY-SPEAKER: How can you say that he is on the wrong path. He is not in the path which is right.

SHRI G. M. BANATWALLA: Thank you, Mr. Deputy Speaker.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): That is your view.

MR. DEPUTY-SPEAKER: I simply put it the other way what he said just now.

SHRI G. M. BANATWALLA: He is obsessed only by those parties which may be called communal or regional or anything like that...

SHRI MOOL CHAND DAGA (Pali): On a point of order, Sir. Rule 72 says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit brief statements from the Member...

Sir, if he wants to oppose the introduction, well and good. But, there should be a brief statement.

MR. DEPUTY-SPEAKER: I uphold your point of order that there should be a brief statement.

SHRI G. M. BANATWALLA: Mr. Deputy-Speaker, Sir, you allow me to speak at length and then you will understand how brief I was.

Sir, the hon. Member is obsessed by only such parties which he may call communal and regional and which have representatives in Parliament and Legislatures. Only such parties he wants to ban. Perhaps he wants to fight a political battle. That is a different thing. But, I would like to say that this also excludes the rank of communal parties which apparently profess not to take part in politics also. For example, I may say this and it is my firm opinion that the R.S.S. which as such has no representatives in the State Legislatures

and Parliament is nothing but rank communal party which believes in bigoted fanaticism. There is also a question of administration faults and leanings of the administration. We have the report of the Jamshedpur Enquiry Committee. We have only made an exhibition of these reports. I ask: where is the implementation of the report? I therefore say that there is no dearth of laws to deal with the canker of the development of bigoted fanaticism as I said before; there is no dearth of law but there is dearth of willingness to deal with the situation. So much so, since the report of the Jamshedpur Enquiry Committee has been published, it is being used merely as an instrument for the purpose of exhibition rather than for the purpose of implementation in the national interests. I submit that the Bill is also *ultra vires* the Constitution and beyond the legislative competence of this House. It is misdirected and it fails to grapple with the situation and it is nothing but another expression of political fanaticism which cuts at the root of secular democracy.

I therefore oppose the introduction of this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): May I appeal to Shri B. V. Desai that in view of the sentiments expressed here, he may not press for the introduction of this Bill?

SHRI B. V. DESAI: I hope you will allow me to reply.

MR. DEPUTY-SPEAKER: You can reply. The request is also there.

SHRI C. T. DHANDAPANI (Pol-lachi): I have given another notice...

MR. DEPUTY-SPEAKER: Mr. Dhandapani, suppose, Dr. Desai concedes to the request made by the hon. Minister do you still want to make

a statement? He is going to withdraw this. Why should you make a statement?

SHRI P. VENKATASUBBAIAH: I have made an appeal to Shri Desai.

SHRI B. V. DESAI: May I make some observations?

MR. DEPUTY-SPEAKER: Mr. Dhandapani, he is going to withdraw. So, there need be no speech by you. Mr. Desai must be allowed to make his observations.

SHRI B. V. DESAI: Mr. Deputy-Speaker, Sir, actually I was very much impressed by my learned friend's arguments on this Bill. In fact, he is basically in agreement with me stating that all communal organisations which are at variance with the national interests of India should be, without any mercy, banned or action be taken. On this there is no two opinion. But, what he has brought before this august House is that those organisations which are purely communal or regional which will serve the interests of the regions and which are at variance with the national interests may be taken into consideration separately. That is what he meant. And I mean the same thing. I am not against that. Secondly, he tried to make a difference between R.S.S. and others I never meant that. I mean all communal parties and regional parties the interests of which are at variance with the national interests to-day. Any sensible and right thinking person today is exercised over this trend in the country and with this view I had brought this Bill. Actually I know what will be the fate of the Bill but nonetheless I wanted to see that this august House also thinks on these lines. Unless we think very seriously on these matters it is very difficult for all of us to see that our integrity is maintained. So, I would like to point out to Mr. Banatwalla that we never meant anything to any particular communal organisation which they can very well have under the

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constitution because our is a secular country and—I think—the only secular country in the world. But nonetheless under the cover of secularism we cannot allow this country to be torn into pieces. Sir, today unless we take cognizance of this, this august House will be held responsible for the disintegration of this country. That trend has to be stopped and it is only with that motive that I had brought this Bill. I knew my party would not like me to press for it yet I wanted to focus the attention of the House to the fact that such trend is there. With these observations, Sir, I withdraw the Bill.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House...

SHRI BAPUSAHEB PARULEKAR: Sir, I would like to seek a clarification from the hon. Minister. Without our being allowed to take part in the debate the Bill is being withdrawn. We were only made listeners. The hon. Minister has made the request and the Bill is being withdrawn. I would like to know from the hon. Minister whether they want regional and communal parties to function in this country?

MR. DEPUTY-SPEAKER: Does the hon. Member have leave of the House to withdraw his motion, seeking leave for introduction of a Bill to provide for banning all regional and communal parties functioning all over India?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: Leave is granted.

The motion was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Items 7, 8 and 9. Mr. George Fernandes is absent. Item 10.

INDIAN POST OFFICE (AMENDMENT) BILL*

(Amendment of Section 26)

SHRI BHOGENDRA JHA (Madhubani): I beg to move for leave to introduce a Bill further to amend the Indian Post Office Act, 1898.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Post Office Act, 1898."

The motion was adopted.

SHRI BHOGENDRA JHA: I introduce the Bill.

INDIAN TELEGRAPH (AMENDMENT) BILL*

(Amendment of Section 5)

SHRI BHOGENDRA JHA (Madhubani): I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Telegraph Act, 1885."

The motion was adopted.

SHRI BHOGENDRA JHA: Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER: Items 12, 13, 14 and 15: the concerned hon. Members are absent. Now, item 16.

INDIAN RAILWAY BOARD (REPEAL) BILL*

SHRI BHOGENDRA JHA (Madhubani): I beg to move for leave to introduce a Bill to repeal the Indian Railway Board Act, 1905.