

[Shri Som Nath Chatterjee]

The Janata Party, with the help of the Indira Congress and the other Congress, as the Prime Minister said, is going to introduce this Constitution Amendment Bill expressly nullifying what the Constituent Assembly did. There is no justification for it, according to us. The basis of the proposed Constitution Amendment is blackmail, pure and simple. It is an abject, shameful and despicable surrender to obscurantist and communalist elements. This is what is happening. Therefore, I submit, this Bill is not only against the spirit of the Constitution but the question of legislative competence is also very much involved.

We know, it will be said that this is a question of exercise of the constituent power. When the Constitution has been there for so many years, when the Constituent Assembly, the founding fathers of the Constitution, adopted a particular provision, after the deliberation, rejecting an amendment to include it in the Concurrent List, without any justification, today, this very balance is being sought to be disturbed. Therefore, we say that this Bill should not be allowed to be introduced. They are not entitled to introduce this Bill. We submit that we cannot decide to change the basis of distribution of powers in this country on the basis of the present or future of the bovine species. When the problems of human population are not being solved today, when the problems of Harijans and Scheduled Castes and Scheduled Tribes are not being solved, when the minorities are being subjected to several discriminatory treatments and difficulties today, we do not find any hartal or any hunger strike. So, I request the Government not to be a party to the betrayal of the Constitution-making in country and to stop this calculated attack on the States' rights and to withdraw the Bill.

The Prime Minister said, when he was making that statement in the House, that he was not worried about the Opposition. The Prime Minister took up that attitude because he has

now found the support from the Indira Congress and the other Congress. Therefore, he said he does not need our support. But this will be opposed tooth and nail not only in this House but also by the people outside in this country. Just for the sake of one individual who has taken up a peculiar attitude—there are so many other urgent problems in the country—to thrust the will of one person over the heads of the people of other States will be resisted. I request the Prime Minister not to hasten the process of disintegration of this country in this manner.

With these words, I oppose the introduction of this Constitution Amendment Bill.

MR. SPEAKER: Mr. Saugata Roy

11.55 hrs.

RE, ALLEGED DISCOURTEOUS BEHAVIOUR OF CERTAIN DISTRICT OFFICIALS AT ALIGARH WITH SOME MEMBERS OF PARLIAMENT

श्री अर्जुन सिंह मजोरिया : अध्यक्ष महोदय, सब से पहले आप हमारा निवेदन सुनिये आप ने इस मामले को बहुत साधारण तौर पर, लाइटली लिया है (व्यवधान)

श्री मनी राम बागड़ी (मथुरा) : राज्य सभा ने काल एटेंशन मान लिया है, आप भी कृपा करें

MR. SPEAKER: There is no Call Attention.

श्री मनीराम बागड़ी : राज्य सभा में मान लिया गया है राज्य सभा में काल-एटेंशन आ रहा है, लोक-सभा में नहीं आ रहा है, इस का क्या मतलब है . . .

MR. SPEAKER: I have called for the comments of the Home Minister.

श्री विनायक प्रसाद यादव (सहरसा) : होम मिनिस्टर क्लीकटर से पूछेंगे जब कि वह खुद इस में पार्टी है . . .

श्री अर्जुन सिंह मजोरिया : आप उन अधिकारियों का समर्थन कर रहे हैं जिन्होंने धमकाया किया है। आप नौकरशाहों का समर्थन कर रहे हैं

श्री विनायक प्रसाद दाबब : आज पालिया-
मेण्ट का अन्तिम दिन है, इस पर ध्यानाकर्षण मोशन
लिया जाता चाहिये ।

अध्यक्ष महोदय : पालियामेण्ट का अन्तिम दिन
नहीं है, सेशन का अन्तिम दिन है ।

SHRI HARIKESH BAHADUR
(Gorakhpur): You are not understand-
ing, Sir.

MR. SPEAKER: I understand. I
have called for the comments of the
Home Minister.

SHRI SHYAMANANDAN MISHRA
(Begusarai): The day before yesterday
when this matter was raised in the
House, the entire House felt very much
concerned about it, and the hon. De-
puty-Speaker was pleased to say that
necessary steps would be taken in the
matter. The House has not yet been
acquainted with what steps have been
taken in the matter.

MR. SPEAKER: I have told them.
You were absent.

SHRI SHYAMANANDAN MISHRA:
The day before yesterday the matter
was raised, and we thought that, dur-
ing this intervening period, some steps
must have been taken by the Chair in
this matter. Today the Hon. Member
was compelled to give a notice of
breach of privilege against those offi-
cials, having waited for two clear days.
The entire House thinks that it is an
affront to its dignity and honour.
When it has affected the dignity and
honour of seven Members of this
House, the entire House feels insulted
and humiliated. Therefore, we thought
that the Chair would ask the Govern-
ment to take immediate steps in the
matter and apprise the House about
it.

MR. SPEAKER: So far as the privi-
lege notice is concerned, it was given
to met at 10.20 A.M. today (*Interrup-
tions*) I can only answer about the
notice given to me. So far as the other
thing is concerned it is for the Gov-
ernment to do, it is not my job.

SHRI SHYAMNANDAN MISHRA:
The hon. Deputy-Speaker had assured
the House that he would be taking
necessary steps in the matter.

MR. SPEAKER: He has done that.
He has informed the Home Minister.

SHRI SHYAMNANDAN MISHRA:
What has happened during the last
two days? The House ought to know
what has been done in the last two
days. Today the House is adjourning
sine die. Should not the House have
been informd about it? (*Interruptions*)
Somebody from the Government Ben-
ches should tell us what has been
done in the matter.

MR. SPEAKER: So far as my office
is concerned, we have sent the entire
proceedings to the Government for
immediate action.

SHRI SHYAMNANDAN MISHRA:
What has the Government done in this
matter in the last two days? The
Chair had said that he was going to take
necessary action... (*Interruptions*).

PROF. P. G. MAVALANKAR (Gan-
dhinagar): This matter has been raised
by several of our colleagues. There
are two points which are rather funda-
mental. One is, the question of time.
Today is the last day. Even if you
have called for information, if the in-
formation does not come before
6.30 p.m. today, if you cannot take a
decision, the matter gets lapsed.

12.00 hrs.

The second point, which is more im-
portant, is this. When, not one Mem-
ber but several Members of this House
are openly saying on the floor of the
House that there was an affront on
them you must take what they say on
their face value and accept them as
speaking the truth. What is it that
you are looking into? This is not
something which must await a report
from the Government. My point is
that Members of Parliament are saying
something, that a wrong has been done
to them. You can ask the government
and ask for information if there was
police firing or lathi-charge or using
of tear-gas or for other details, but

[Prof. P. G. Mavalankar]

when Members of Parliament, not one but seven of them, are coming in the House and on oath they say on the floor of the House that they have been insulted and their dignity has been affronted, what is it that you are locking into?

(Interruptions)

MR. SPEAKER: Please first hear me.

श्री उपसेन (देवरिया) : अध्यक्ष महोदय, हाउस प्राफ़ कामन्स में ऐसी कन्वेंशन है कि सदन में जो सदस्य कहता है, उस को सही मान लिया जाता है। आप भी इसे सही मानिये।

MR. SPEAKER: So far as I am concerned ..(Interruptions) Mr. Ugrasen I am not allowing. I am on my legs. You must know something of the parliamentary etiquette.

So far as I am concerned, two days before this matter was raised and immediately under the direction of the Deputy Speaker, the entire proceedings were sent to the Government. So, my part comes in to-day when the privilege notice is given..(Interruptions) Up till then it is the government's concern. Government will take action and I do not come into the picture. The privilege notice came today at 10.20 a.m....

(Interruptions)

SHRI KRISHAN KANT (Chandigarh): My point of order is this. Will you ask the government to inform this House before the House rises to-day as to what action they have taken on the note sent by you? This is what I want from you. This is a simple thing. I want your ruling on that.

(Interruptions)

SHRI VAYALAR RAVI (Chirayinkil): There was a convention. When an hon. Member—who was sitting at that time in the Opposition—was insulted in Nagpur two years back, Shri Chavan was the Home Minister at that time He came and reported to the

House and the Speaker who was concerned with the dignity of the House and the Parliament and the Members immediately admitted a privilege motion, that officer was summoned before the House and he was warned and that was how the dignity of the House and the dignity of the Member was protested. You are the Speaker and you depend on the government and not on the Member. I want to know—are you believing the Members or the government? This is the thing I want to know.

MR. SPEAKER: So far as the privilege motion is concerned, it came to me only at 10.20 a.m. to-day.

SHRI K. GOPAL (Karur): Any statement made by a member—you have to believe. You have to depend on the member, you cannot depend on the Police Officer.

SHRI K. P. UNNIKRISHNAN (Badagara): The basic question that arises is: do you accept the version of the Member made on the floor of the House or do you have any inherent right to verify what a member says on the floor of the House and particularly when he says that his basic rights have been infringed, is correct or not? Have you any such right? We think you have no such right.

MR. SPEAKER: I have never said that. This notice was given to me only to-day at 10.20 a.m....

(Interruptions)

SHRI K. GOPAL: He raised it on the floor of the House to-day because you did not take any action....

(Interruptions)

SHRI KANWAR LAL GUPTA (Delhi Sadar): Sir, I rise on a point of order under Rule 227. (Interruptions)

MR. SPEAKER: What is your point of order?

SHRI KANWAR LAL GUPTA:
It is under Rule 227. I rise on a point of order. Please permit me to speak. My point of order is this. Under Rule 227.... (Interruptions).

SHRI M. N. GOVINDAN NAIR (Trivandrum): My point of order is this. Not only Members but even you were insulted by their behaviour in this manner. That is my point. Things like that may happen in future also. Suppose something is brought to your notice by the Members of the House and you ask for information about those things so as to take action against these people. Are they not bound to report back to you? Here two days have passed and nothing has happened. Government is indifferent. You keep quiet. That is an insult not only to the House but also it is an insult to the very high position you are enjoying. This is just like a petition from anybody else in the country. If that is so, how can the House function properly? So, I want your ruling on that.

SHRI KANWAR LAL GUPTA:
Sir, I rise on a point of order. Under Rule 227—let me read it out—

“Notwithstanding anything contained in these rules....”

You will please read from Rule 222 onwards. Under Rule 227, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation and report. So, Sir, this is a serious matter and seven Members are involved in this; they were insulted by police officials, the Deputy Commissioner and all that. They have given you in writing—may be at 11 O’clock or after that or even now. It can be taken up at any time. You are the custodian of the Members’ privileges. And it is your duty to safeguard our rights. If you don’t do, no Member can function in this House. Anyway they had been asked to go somewhere and they are insulted in this manner. You are quite competent to refer, under Rule 227 this case to the Privileges Committee.

MR. SPEAKER: I understand your point. But, this is not a point of order. They must have at least given the notice so as to reach me at 10 A. M.

SHRI KANWAR LAL GUPTA:
It may be at any time. You may send it for investigation. So, I suggest that you refer the case to the Privileges Committee for investigation. That is only because to-day is the last day of the session. You must do this to-day. Are you ready to refer it to the Privileges Committee?

MR. SPEAKER: I will look into the facts as you mentioned.

SHRI JYOTIRMOY BOSU: Sir, I want to make one submission.

SHRI KANWAR LAL GUPTA:
What was your reply, Sir?

MR. SPEAKER: I don’t reply at all. I only hear.

SHRI KANWAR LAL GUPTA:
I rose on a point of order.

MR. SPEAKER: I will take appropriate action.

SHRI KANWAR LAL GUPTA:
What is that appropriate action?

You are Speaker and not a minister.

MR. SPEAKER: Undoubtedly.

SHRI KANWAR LAL GUPTA:
What is meant by appropriate action?

MR. SPEAKER: I have called for facts. I shall go through them and then pass orders.

SHRI KANWAR LAL GUPTA:
When will you pass the order?

MR. SPEAKER: Whatever action is to be taken it will be done to-day itself.

SHRI KANWAR LAL GUPTA:
Today is the last day.

MR. SPEAKER: It will be done today itself.

(Interruptions)

SHRI VASANT SATHE (Akola): There is no concrete allegation. How can you refer it to the Privileges Committee? (*Interruptions*)

इन्सल्ट हो गई, मैजिस्ट्रेट ने इन्सल्ट कर दी प्रलीगढ़ में यही कह रहे हैं न? रामलिंगम को मारा गया

Did anyone of you say anything? You cannot have double standards. Ramalingam, MP was beaten. He had a fracture. Did you utter a word? Has your M.P. been beaten? (*Interruptions*)

SHRI KANWAR LAL GUPTA: Sir, I raised a point of order. You kindly reply to that. You are authorised to refer the matter at any time to the Privileges Committee under Rule 227. I want your ruling.

12.12 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI JYOTIRMOY BOSU: Sir, in this Lok Sabha there is a clear precedent. A privileges motion was brought against the Chairman of Calcutta Port Trust under similar circumstances and the Speaker referred the Matter to the Privileges Committee. Privileges Committee is the judiciary of the House. It does not sit on judgement. They hear the witnesses and then submit a report. There should be no hesitation in sending the matter to the Privileges Committee.

SHRI VASANT SATHE: No, No. There is no case.

तुम चमचागिरी करते हो ।

You are making a joke of the Privileges Committee in this House. (*Interruptions*)

SHRI JYOTIRMOY BOSU: Sir, My submission is that sending a matter to the Privileges Committee does not mean conviction by a court of law. Therefore, when seven members have come out with a statement

without any contradiction in it, the Chair should not hesitate to send the matter to the Privileges Committee otherwise it will be difficult for us to function if bureaucracy takes an upper hand.

MR. DEPUTY-SPEAKER: Mr. Bosu and Mr. Sathe, please cooperate. The other day this point was raised, in this House and I said that 'I will go into the whole matter and whatever is to be done will be done.' That is what I had said.

SHRI KANWAR LAL GUPTA: What have you done?

MR. DEPUTY-SPEAKER: We have sent the entire proceedings to the Minister. We have sent the entire proceedings of the House for action, and I hope that action is being taken, in respect of whatever action is to be taken.

SHRI KANWAR LAL GUPTA: Sir, this is the last day. We demand that Government should make a statement on your reference to them.

MR. DEPUTY-SPEAKER: Meanwhile Mr. Harikesh Bahadur gave a Breach of Privilege Motion in the morning just as the hon. Speaker was about to come into the House. (*Interruptions*) I have not said it is not permissible or any such thing. Hon. Speaker wanted to go through the Motion and I suppose he is going through the Motion, and he will take appropriate action on that.

So now let us proceed with the Business of the House.

SHRI KANWAR LAL GUPTA: What appropriate action?

MR. DEPUTY-SPEAKER: Let him at least have the opportunity to go through the note.

AN HON MEMBER: He has already gone into it.

SHRI SHYAMNANDAN MISHRA: Mr. Deputy Speaker, Sir you have two issues to grapple with. The first is that the information was conveyed to the Home Minister and the House had been waiting for the last two

days to hear something from the Government on this matter. The House has not heard anything about it so far and the House is going to adjourn *sine die* this evening. The House has a clear duty in this matter. The Chair will of course realise that there is a sense of urgency about the whole matter. We cannot go and sit quietly in our homes for the next two months waiting for the Government action to be taken in this matter. We want to be informed about the steps that Government has taken in the matter. When some hon. Members raised this issue some two days back they thought that probably executive action would be taken expeditiously and there may not be any need for a breach of privilege machinery to be set in motion. But now that they have not heard anything from the Government they have given time to set in motion this machinery of breach of privilege. If the Chair also finds that there has not been any action taken in the matter, the Chair has a clear duty to set in motion this machinery of breach of privilege. Unless we are assured that the Chair also takes the matter in a spirit of urgency we will not allow this matter to rest where it has been allowed to rest. Let there be no doubt about it. So, Sir, the Government must come forward and tell this House whatever action they have taken in the matter. It surprises me, and not only surprises me, but it shocks me, that the Government sits tongue-tied. Nobody from the side of the Government is saying anything with regard to this matter. We are all agitating about the matter for the last 1/2 an hour. I don't know for what purpose we have got the Government in power if the Government is not defending the honour and dignity of this House. Then, in that case, we really don't know what is the Government here for.

MR. DEPUTY-SPEAKER: Mr. Mishra, I understand your agitation.

SHRI KANWAR LAL GUPTA: Let me quote the rule. Please see rule 223.

MR. DEPUTY-SPEAKER: There is no need to quote, Mr. Gupta.

SHRI KANWAR LAL GUPTA: Sir, please see Rule 223. It is very clear.

A Member wishing to raise a question of privilege shall give notice in writing to the Secretary General 'before the commencement of the sitting of the House.' He has given the notice before the sitting of the House.

MR. DEPUTY-SPEAKER: It is all right. You are only repeating the rule. You also know and I also know. Mr. Gupta, nobody is disputing that rule. There is no use repeating that. There is no objection regarding that rule.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, the matter was raised in this House two days before and the Home Minister assured the House that we would go into this question. I checked up and find that the proceedings which have been sent to the Home Ministry, as indicated by you, have not reached us. I assure you that we will go into the matter thoroughly.... (Interruptions).

SHRI VASANT SATHE: The question arises only when the matter requires intervention of the House. Let us see whether this matter requires intervention of the House, or it can be dealt with at the administrative level or departmental level. Now, what are the allegations? The allegations are that certain Members of Parliament went to inquire into the matter and they called on the District Magistrate. As the District Magistrate was smoking a cigarette, the M.Ps said: "You do not smoke; if you want to smoke, you can go out." The Magistrate said: "I go out." I do not understand what is the insult of the Members. Were they insulted.... (Interruptions). It would be like putting the whole Members of Parliament

[Shri Vasant Sathe]

against the administration which is very wrong thing to do. It is a superficial non-sensical matter.... (Interruptions)

MR. DEPUTY-SPEAKER: Mr. Saugata Roy.

श्री मनोहर लाल (कानपुर) : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।

उपाध्यक्ष महोदय : किस चीज पर व्यवस्था है ?

श्री मनोहर लाल : यह बहुत ही गम्भीर मामला है और मेरा व्यवस्था का प्रश्न नियम 222 का है।

उपाध्यक्ष महोदय : 222 को कोई बात नहीं है।

12.22 hrs.

CONSTITUTION (FIFTIETH AMENDMENT) BILL— Contd.

SHRI SAUGATA ROY (Barrack-pore): Mr. Deputy-Speaker, Sir, I rise to oppose the introduction of the Constitution (Fiftieth Amendment) Bill. This is a very serious and sensitive subject and I am raising this objection at the preliminary stage. In every Party, there are problems with regard to this Bill, there is difference of opinion.... (Interruptions). I am told that several members belonging to the ruling party, which has sought leave to introduce this Bill, are opposing the introduction of this Bill. This is a Bill which concerns the religious sentiments of the minorities in this country and the Government should have entered into larger consultations before bringing forward such a Bill. And it should have got consent from the concerned Governments.

As far as we in West Bengal are concerned, the Congress Party in West Bengal has always taken a stand that we do not support a ban on cow slaughter. All the previous Congress Chief Minister are on record as having said that. In Kerala, our party is a partner in the coalition Government; and that Government has taken a position that a total ban on cow slaughter is not necessary. Whatever stand the different parties may take when the Bill is to be voted, at this stage it must be put on record

that in a country where the secular structure of the country is often held in question, we have to bear in mind that any nibbling away at this stage, of the rights and any interference with the States affairs are bound to raise a controversial question. Secondly, in a country where people are already suffering from deficiency of protein, you cannot deprive any section of the population from the use of protein for their own development. Thirdly, in a country where two States are taking serious objection to a certain legislation, their view should not be over-ridden. That is why, at this preliminary stage I rise to point out to this Government the serious misgivings people have about this Bill, and I request the Minister to consider the withdrawal of this Bill from this House. (Interruption). The first sentence I said was that, because I have given notice for opposing the introduction of this Bill. (Interruptions).

I am opposing the introduction of the Bill. I have had my say that the Government should withdraw this Bill and should give fresh thought, and should enter into wider consultations with all parties and different state Governments before bringing forward such a Bill.

श्री मधु लिये (बांका) : उपाध्यक्ष महोदय, श्री बरनाला ने जो संविधान (संशोधन) विधेयक पेश किया है, मैं उसका विरोध करना चाहता हूँ।

यह जो विधेयक है, और उसका जो विषय है, उसका हमारी पार्टी के घोषणापत्र में कोई सम्बन्ध नहीं है। हमारे बग़ाव घोषणापत्र में ऐसी बहुत सी बातें हैं, जिनके बारे में अभी तक कानून नहीं बने हैं, और ऐसे क़ानून विषयों को ले कर.... (अवधान) विलुप्त! मैं अपनी बात कहूँगा। ऐसे क़ानून विषयों को ले कर संविधान में परिवर्तन लाने का जो विचार किया जा रहा है, और वह भी दबाव में, उसका मैं कभी भी सम्बंध नहीं कर सकता हूँ।

श्री विनोबा भावे के बारे में मेरे मन में आदर है, लेकिन जब इमर्जेंसी के दौरान लोकतंत्र को हत्या हुई, तो उसके विरोध में उन्होंने अग्रगण्य नहीं किया, बल्कि उन्होंने "अनुशासन पर्व" कह कर उसका स्वागत किया। और आज जनता पार्टी की सरकार पर दबाव डालने के लिए, और फिर्तवाराना विचारों को भड़काने के लिए, महात्मा गांधी के चेले जब इस तरह का काम करते हैं, तो हम लोगों को हिम्मत के साथ अपनी बात कहनी चाहिये, और आज मैं कहना चाहता हूँ।