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LOK SABHA

JOINT COMMITTEE
ON

THE CONSTITUTION (EIGHTIETH
AMENDMENT) BILL, 1993

(Insertion of new article 24A, 28A, 102A and 191A &
amendment of article 329 and Ninth Schedule)

AND
THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 1993

EVIDENCE

*(Laid on the Table of Lok Sabha and Rajya Sabha
on 20 August, 1993)*

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JOINT COMMITTEE ON THE CONSTITUTION (EIGHTIETH AMENDMENT)
BILL, 1993 AND THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 1993

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Shri Pawan Kumar Bhatnagar — Chairman

Members

Left Side

1. Shri L.K. Advani
2. Shri B. Annadurai
3. Shri Suresh Chatterjee
4. Shri P. Chidambaram
5. Shri George Fernandez
6. Shri Narsi Lalun
7. Shri K.M. Mathew
8. Shri Vilas Muttemwar
9. Shri Vinod Verma
10. Shri Sharad Dighe
11. Shri K.P. Radhakrishnan
12. Shri Ashok Gehlot
13. Shri Digvijay Singh
14. Shri Rashid Mahmood
15. Shri Indrajit Gupta
16. Shri Abdul Ghaloor
17. Shri Gurnam Lal Lodha
18. Shri Jawant Singh
19. Shri Chandrajog Yadav

Right Side

20. Shri Mohd. Arif
21. Shri Chaturanga Mishra
22. Shri Satya Prakash Mishra
23. Shri Sikandar Bakht
24. Shri K. K. Dharwadkar
25. Shri Madan Bhatia
26. Shri Sushilkumar Shinde
27. Shri Ramachandran Pillai
28. Shri Subramanian Swamy
29. Shri Manoj Patil

**JOINT COMMITTEE ON THE CONSTITUTION (EIGHTIETH
AMENDMENT) BILL, 1993 AND THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) BILL, 1993**

COMPOSITION OF THE COMMITTEE

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

Lok Sabha

2. Shri L.K. Advani
3. Shri E. Ahmed
4. Shri Somnath Chatterjee
5. Shri P. Chidambaram
6. Shri George Fernandes
7. Shri Nurul Islam
8. Shri K.M. Mathew
9. Shri Vilas Muttemwar
10. Kumari Vimla Verma
11. Shri Sharad Dighe
12. Shri K.P. Reddiah Yadav
13. Shri Ashok Gehlot
14. Shri Digvijay Singh
15. Shri Rasheed Masood
- *16. Shri Indrajit Gupta
17. Shri Abdul Ghafoor
18. Shri Guman Mal Lodha
19. Shri Jaswant Singh
20. Shri Chandrajeet Yadav

Rajya Sabha

21. Mufti Mohd. Sayeed
22. Shri Chaturanan Mishra
23. Shri Satya Prakash Malaviya
24. Shri Sikander Bakht
25. Shri R. K. Dhawan
26. Shri Madan Bhatia
27. Shri Sushilkumar Sambhajirao Shinde
28. Shri Ramachandran Pillai
29. Shri Subramanian Swamy
30. Shri Mentay Padmanabham

* Appointed w.e.f. 12.8.1993 vice Shri Bhogendra Jha resigned on 5.8.1993.

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri S.C. Gupta — *Joint Secretary*
3. Shri R.K. Chatterjee — *Deputy Secretary*
4. Shri Ram Kumar — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri N.N. Vohra — *Secretary*
2. Shri P.P.R. Nair — *Special Secretary*
3. Shri T.N. Srivastava — *Joint Secretary*
4. Shri R. Balakrishnan — *Adviser*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

1. Dr. P.C. Rao — *Secretary (Department of Legal Affairs)*
2. Shri K.L. Mohanpuria — *Secretary (Legislative Department)*
3. Shri A.C.C. Unni — *Additional Secretary (Legislative Department)*
4. Shri B.S. Saluja — *Joint Secretary and Legislative Counsel (Legislative Department)*
5. Dr. S.C. Jain — *Joint Secretary and Legal Adviser (Department of Legal Affairs).*

JOINT COMMITTEE ON THE CONSTITUTION (EIGHTIETH
AMENDMENT) BILL, 1993 AND THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) BILL, 1993

Witnesses Examined

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1.	Shri P.G. Narayanan, MP (Lok Sabha) Leader, AIADMK Parliamentary Group in Lok Sabha	17.8.1993	3
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RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE CONSTITUTION (EIGHTIETH AMENDMENT) BILL, 1993 AND THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1993

Tuesday, the 17 August, 1993 from 09.00 to 10.45 hours in Committee Room No. 63, Parliament House, New Delhi

PRESENT

Shri Pawan Kumar Bansal—*Chairman*

MEMBERS

Lok Sabha

2. Shri L.K. Advani
3. Shri E. Ahamed
4. Shri Somnath Chatterjee
5. Shri P. Chidambaram
6. Shri George Fernandes
7. Shri Nurul Islam
8. Shri K.M. Mathew
9. Shri Sharad Dighe
10. Shri K.P. Reddiah Yadav
11. Shri Ashok Gehlot
12. Shri Indrajit Gupta
13. Shri Abdul Ghafoor
14. Shri Guman Mal Lodha
15. Shri Jaswant Singh
16. Shri Chandrajeet Yadav

Rajya Sabha

17. Mufti Mohd. Sayeed
18. Shri Chaturanan Mishra
19. Shri Satya Prakash Malaviya
20. Shri Sikander Bakht
21. Shri R.K. Dhawan
22. Shri Madan Bhatia
23. Shri Sushilkumar Sambhajirao Shinde
24. Shri Ramachandran Pillai

25. Shri Subramanian Swamy
26. Shri Mentay Padmanabham

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri S.C. Gupta — *Joint Secretary*
3. Shri R.K. Chatterjee — *Deputy Secretary*
4. Shri Ram Kumar — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri N.N. Vohra — *Home Secretary*
2. Shri P.P.R. Nair — *Special Secretary*
3. Shri T.N. Srivastava — *Joint Secretary*
4. Shri R. Balakrishnan — *Advisor*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

1. Dr. P.C. Rao — *Law Secretary, Department of Legal Affairs*
2. Shri A.C.C. Unni — *Additional Secretary, Legislative Department*
3. Shri B.S. Saluja — *Joint Secretary and Legislative Counsel, Legislative Department.*
4. Dr. S.C. Jain — *Joint Secretary and Legal Adviser, Department of Legal Affairs*

WITNESSES EXAMINED

1. Shri P.G. Narayanan, M.P., Leader, AIADMK Group in Lok Sabha
2. REPRESENTATIVES OF THE SHIROMANI AKALI DAL (LONGOWAL)
 1. Shri Onkar Singh Thapper, General Secretary
 2. Shri R.S. Sodhi, Adviser
 3. Shri Gurdeep Singh Dua
 4. Shri Nanak Singh.

1. SHRI P.G. NARAYANAN, M.P., Leader AIADMK Group in Lok Sabha.

(The witness was called in and he took his seat)

MR. CHAIRMAN: On behalf of the members of this Committee, I welcome you to this sitting. Mr. Narayanan, as you know, is the Leader of the AIADMK Party in Lok Sabha and we thought of requesting him to be with us today.

Mr. Narayanan, before I proceed — I am sure you know it — I would like to read Direction 55 of the Speaker:

“The proceedings of the Committee shall be treated as confidential and it shall not be permissible for a Member of the Committee or any one who has access to its proceedings to communicate, directly or indirectly, to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.”

I would also like to mention briefly Direction 58 also. It says: “Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the members of Parliament.”

I am sure you have gone through the two Bills. What is your reaction to it?

SHRI P.G. NARAYANAN: Mr. Chairman, Sir, at the outset, I oppose this Bill because I fear that this Bill is against the spirit of democratic set up. If this Bill becomes a law, anybody can be disqualified on ground of religion, on a complaint made before elections and during elections. I consider that this provision is a dangerous one. There is no safety for contesting candidates. Moreover, any party, any organisation can be disqualified on grounds of religion. This I consider is a dangerous provision. By this Bill, the ruling party is armed with a powerful weapon. It can crush or throttle all opposition parties. We have already a law that if anybody creates an ill-will, he can be punished under the penal code. There is no need for this law at present.

So, in my opinion, this Bill is not necessary.

SHRI P. CHIDAMBARAM: Shri Narayanan, there are really two aspects to the Bill and frankly speaking....

SHRI P.G. NARAYANAN: I am answerable to the Chairman only.

SHRI P. CHIDAMBARAM: Can we not ask any questions, Mr. Chairman?

MR. CHAIRMAN: Shri Narayanan, I have permitted Shri Chidambaram to ask his question.

SHRI P. CHIDAMBARAM: To tell you frankly, I am not quite clear, how this Bill will become operational when a law is made. I think, there are serious difficulties and we will discuss it later. But, what I would like to know is this: Is your opposition to a pre-election disqualification as such or is your opposition to the procedure of the machinery for such a disqualification? As I see, this Bill, the objective of the Bill is to disqualify a person who commits a, b and c, before polling takes place, what I call in shorthand, a pre-election disqualification. That is what the Constitution Amendment Bill wants to do. It says the procedure will be laid down by Parliament later. Is your opposition to the very concept of pre-election disqualification or is your opposition to the machinery or the difficulty of implementing such a disqualification? What is your opposition to? Is it to the concept or to the implementation part of it?

SHRI P.G. NARAYANAN: My opinion is that there need not be any change in the present electoral system.

SHRI SOMNATH CHATTERJEE: Shri Narayanan, I believe your reaction/response is based on the Bill as it has been introduced in the House. Have you been informed of certain amendments that the Government have proposed?

SHRI P.G. NARAYANAN: Yes.

SHRI SOMNATH CHATTERJEE: You have been informed.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): I do not think that he has got your question properly. Kindly repeat it.

SHRI SOMNATH CHATTERJEE: Is your objection to the provisions of the Bill as it has been introduced in the House? Are you aware that the Government have proposed certain amendments?

SHRI P.G. NARAYANAN: At the introductory stage itself, I opposed this Bill.

SHRI SOMNATH CHATTERJEE: Have you been informed that the Government have proposed certain amendments here in this Select Committee, which have been circulated to the Members of the Select Committee? Are you aware of it?

SHRI P.G. NARAYANAN: No.

SHRI SOMNATH CHATTERJEE: You are not aware. In the Bill, the proposed provision, that is, the insertion of new article 35A in the constitution refers to race, place of birth, residence, language, caste or community which will altogether be omitted. Do you know that?

SHRI CHATURANAN MISHRA: He said that he has not got any copy of the amendments moved by the Government. In view of this, I suggest that the Government amendments may be given to him.

MR. CHAIRMAN: They have already been given to him. Shri Narayanan, Shri Somnath Chatterjee is referring to the amendment moved by the Government where certain items have been taken out.

SHRI P.G. NARAYANAN: Yes.

MR. CHAIRMAN: Would you like to respond to this question of Shri Somnath Chatterjee?

श्री अब्दुल गफ्फूर: उन कागजों का क्या हुआ?

सभापति महोदय: गफ्फूर साहब, एक बार कह दिया है कि वह कागज भेज दिया, उसके बाद वे कागज तो आ गये हैं।

You may kindly see the amendment moved by the Government.

SHRI P.G. NARAYANAN: That means by simple majority in the Parliament the ruling party can ban any other party from contesting elections.

SHRI E. AHAMED: In the original Bill there were two grounds for banning any organisation. In the amendment that the Government has proposed, the second ground—that is the ground of caste, language, place of birth, etc.—has been deleted. Now the only ground for disqualification that remains is religion. Is it on the basis of this word religion alone that you say that it shall not be passed or is there any other reason.

SHRI P.G. NARAYANAN: I consider that even this provision is dangerous.

MR. CHAIRMAN: Thank you Mr. Narayanan.

(The witness then withdrew)

2. SHIROMANI AKALI DAL (Longowal).

Spokesmen:

(1) Shri Onkar Singh Thappar—General Secretary,

(2) Shri R.S. Sodhi—Adviser

(3) Shri Gurdeep Singh Dua .

(4) Shri Nanak Singh

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: I welcome you to this sitting of the Joint Committee on the Constitution (Eightieth Amendment) Bill, 1993 and the Joint Committee on the Representation of the People (Amendment) Bill, 1993. The Committee would like to have your views on the provisions of these two Bills. You may express your views freely and frankly which will be helpful to the Committee in arriving at its conclusion.

MR. CHAIRMAN: Before you start, I may point out that in accordance with the provisions contained in Direction 58 of the Directions by the Speaker, your evidence shall be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence given by you should be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the members of Parliament.

MR. CHAIRMAN: I am sure you have gone through the two Bills. You may briefly give your reaction to the Committee.

SHRI ONKAR SINGH THAPPER: We received this letter. But we could not go through the details of the Bill. I contacted Shri Barnala. He said that he was busy till 20th of August in connection with Sant Longowal's death anniversary which is being observed in the village Longowal. If you could extend the time, Shri Barnala can come over here.

MR. CHAIRMAN: I am sorry, that will not be possible for us because we have fixed the time frame for the Committee.

लेकिन जैसी आपकी राय हो, उसके हिसाब से अपने व्यूज बता दें ताकि क्लोज 2-3 के बारे में सवाल किये जायेंगे।

श्री ओंकार सिंह थापर: यह बिल जो धर्म को राजनीति से अलग करने के लिये लाया गया है, इस देश की मेजोरिटी नेशनल पार्टी मानेगी। हमारी पार्टी अकाली दल ने मुल्क की आजादी के लिये अपनी कुर्बानी दी। उस समय बहुत बड़ी बातें की गयीं लेकिन जब मुल्क आजाद हुआ तो इनके लिए कुछ नहीं किया गया। इसलिये अकाली दल ने सिखों के वेलफेयर के लिये बहुत काम किया। हमारी पार्टी आतंकवाद, आतंकवादियों तथा हिंसा के खिलाफ है। हम यह चाहते हैं कि हमारे मुल्क की जो नेशनल पार्टी है, इसके बारे में जो फैसला लें लेकिन रीजनल पार्टी, जो मानिस्टीज की हैं, उसे क्लोज-3 से दूर रखा जाये। ऐसा करने से जो रीजनल पार्टी है, वे टोटली बैन हो जाती हैं। इसका नतीजा यह होगा कि जो राष्ट्र की मुख्य धारा में जुड़ने का काम कर रही हैं, वे फिर अलग पड़ जायेंगी। हम नहीं चाहते कि जो हाल 1984 के दंगों में हुआ, वह फिर हो। उस समय तो यह अकाली दल ने काम किया कि सिखों को राष्ट्र की मुख्य धारा में लाने का काम किया, नहीं तो यह देश डिसइंटिग्रेट हो जाता। लेकिन फिर भी इस मानिस्टीज कम्युनिटी को इन्साफ नहीं मिला। इसलिये हम निवेदन करना चाहते हैं कि रीजनल पार्टी और स्पेशियली अकाली दल को इस बिल के दायरे से बाहर रखा जाये।

दूसरी मेरी राय है कि धर्म और राजनीति का अंतर स्पष्ट होते हुए भी कुछ लोग धर्म की आड़ में राजनीति करते हैं, उसका नाज़ायज फायदा उठाते हैं जोकि साम्प्रदायिकता का खुला नमूना है। इसलिये राजनीति को अलग करने के लिए जोर लगाना चाहिये ताकि देश में फैल रही साम्प्रदायिकता और घृणा को रोका जा सके।

MR. CHAIRMAN: Would any hon. Member like to ask any questions?

SHRI SOMNATH CHATTERJEE: Mr. Chairman, may I ascertain which clause of the Bill, according to our friends, will be contrary to the interests of the minorities or will be contrary to the interests of the political party to which the hon. friends belong? Which portion of the Bill are they apprehensive of and why? That is what we are trying to find out.

SHRI R. S. SODHI: Mr. Chairman, the clause that we apprehend to be causing problems is clause 35A of this Constitution (Eightieth Amendment) Bill. As far as the wording is concerned, that is exceedingly good. But then, when anybody is propagating his religion and the religion propagated is within Article 25, in that event, whether merely on the grounds of religious appeal to ask and canvass for votes or whatever it is.....

MR. CHAIRMAN: That is a separate one. The question of appealing on the grounds comes under Article 102A. Propagation of one's religion is already provided for in the Constitution. We are not tinkering with that Constitutional provision at all in any way.

SHRI R. S. SODHI: That is fine.

MR. CHAIRMAN: This new article 35A has been amended; so, you can refer to the new amendment.

SHRI R. S. SODHI: Even the amendment in the second para at 102(a) to my mind would greatly undermine the party's position. Although our party believes in secularism as such, once we approve the text of article 25 it would affect our party.

MR. CHAIRMAN: What Somnathji observed was that this already exists in the Electoral Law.

SHRI R. S. SODHI: If it already exists, then what is the necessity of bringing it into the Constitution?

SHRI SOMNATH CHATTERJEE: What is there in the Representation of People Act, 1951 is the same thing. But that is, if such a propaganda is made, after the elections it can be a subject matter of election petition for invalidating that election. Here clause 4 of the Bill contemplates that if that is done during the election campaign, a process can be initiated before the election itself. That is the only difference. Therefore even the pre-election events can be brought about before the election takes place.

I wanted to know only one thing, whether the word Akali is a religious one or not.

SHRI R. S. SODHI: No.

SHRI SOMNATH CHATTERJEE: Then there is nothing in either of these two Bills to affect them. That is the end of the matter as far as they are concerned and they are totally safe.

SHRI R. S. SODHI: However, you can interpret this article in some other way also and anybody can stand up and say that we are misusing the religion.

MR. CHAIRMAN: Care will be taken while framing the rules. It cannot be at the whims of anybody. It just cannot be arbitrary. There is a separate section for this in the Representation of the People Act.

SHRI R. S. SODHI: It is the conduct of a person during the election campaign which will give rise to this. Even before the election, if he attempts to do anything, he will be stopped; he will be stopped at the threshold itself. But, if he makes an appeal during the process of election, then, the consequences will follow.

MR. CHAIRMAN: The Law Minister will explain the situation.

SHRI H. R. BHARDWAJ: Mr. Sodhi, you know that already section 123 of Representation of the People Act contains this provision which we are incorporating in Article 102. This is a new disqualification provision which is being created, that if anybody, after he takes oath to be chosen as a candidate and if he starts taking recourse to the religious practice and use of religion, then we are not helpless. Today, we are not helpless. Today, if a person wants to enter Parliament by using the religious symbol, you have to wait till the elections are over; and you can file an election petition. Now, we are providing to cover the period from the day he takes oath in the name of God or an affirmation, till the result is declared. We will not allow these things to go on like this. We will have a machinery which will go after this; that machinery will be quasi-judicial machinery consistent with the scheme of 324 and 329; and there, the complaint can be filed straightway. So, if a person is using the religion or religious practice or religious symbol, action can be taken against him. It will not be arbitrary; it will be under that form of authority which may be a district judge or a tribunal or it may be any other officer which we will have to discuss and decide. We do not want to be a mere spectator of all these things. If he indulges in such things, one way of setting it right is by way of election petition which is there now. Today, we are introducing this, for the interim period so that the aggrieved party or anybody can go to the competent authority and that person can be summoned and said that this was the allegation against him and we wanted to take action against him. That authority will be determined by the law which the Parliament will make. Here we are adding in article 102 of the Constitution another disqualification for the interim period so that there is a measure to deal with those people who want to enter the gates in that way.

MR. CHAIRMAN: The decision of that tribunal will always be open to challenge in an election petition.

श्री अब्दुल गफूर: अकाली लोगों का मसला जरा टेढ़ा मालूम होता है। इन्होंने कहा कि ये माइनरटीज में हैं, ठीक है लेकिन इनके दिमाग से पूछिये कि ये क्या सोचते हैं? क्या अकालियों को अकाल तख्त का रिज़ोल्यूशन मानना है?

In that case, if they believe, what is the opinion of the ruling party regarding Akali Dal? Are they communal? Or is it a political party just like CPI, CPM, Congress, etc.

SHRI H.R. BHARDWAJ: Akali Dal is not a communal party. It is a highly secular party. But where *hukamnama* is issued, they are disqualified as happened in Shri Harcharan Singh Brar's case.

SHRI. R.S. SODHI: We are not saying that Akali Party is a communal party. We are giving you an opinion whereby the provision of this amendment can be used in a manner so as to thwart the normal process of law. That is why we are here. Let me be very very clear that I am not communal.

What was put to me was that prior to the process of elections, to put an end to the continued abuse of a religion this measure is being brought. But going a step further, by the time the complaint is lodged at the threshold itself and decided when the election is over, are we not putting that candidate into a disadvantage there and then by merely lodging a complaint which has to be decided in its usual course?

MR. CHAIRMAN: We can only tell you that the Parliament would apply its mind fully to the law when it is enacted. More than that, we wanted your opinion on the provisions which are before us. You made the position about your party clear to us. You have also expressed your opinion that as such you do not find fault with 35A. We will be greatly benefited by what you said. We thank you for the same.

SHRI R.S. SODHI: I can understand what Mr. Chatterjee has said. After all, he does not subscribe to any religion nor does he want make any appeal. Further, there are others in the country who want to safeguard their interests.

MR. CHAIRMAN: We are always conscious and we do take into account about the press and the media. We are not motivated by any personal belief or faith.

SHRI R.S. SODHI: How about clause 5 of the Bill?

MR. CHAIRMAN: It is just the same as clause 4 of the Bill. One is for Parliament and the other is for State Legislatures.

The Witnesses then Withdrew.

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT
COMMITTEE ON THE CONSTITUTION (EIGHTIETH AMENDMENT)
BILL, 1993 AND THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 1993

Tuesday, the 17 August, 1993 from 1630 to 1930 hours in Committee
Room No. 62, Parliament House, New Delhi

PRESENT

Shri Pawan Kumar Bansal—*Chairman*

MEMBERS

Lok Sabha

2. Shri E. Ahamed
3. Shri Somnath Chatterjee
4. Shri P. Chidambaram
5. Shri George Fernandes
6. Shri K.M. Mathew
7. Shri Sharad Dighe
8. Shri K.P. Reddiah Yadav
9. Shri Digvijay Singh
10. Shri Indrajit Gupta
11. Shri Abdul Ghafoor
12. Shri Chandrajeet Yadav

Rajya Sabha

13. Mufti Mohd. Sayeed
14. Shri Chaturanan Mishra
15. Shri Satya Prakash Malaviya
16. Shri R.K. Dhawan
17. Shri Madan Bhatia
18. Shri Sushilkumar Sambhajirao Shinde
19. Shri Ramachandran Pillai
20. Shri Mentay Padmanabham

SECRETARIAT

- | | |
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| 2. Shri R.K. Chatterjee | — <i>Deputy Secretary</i> |
| 3. Shri Ram Kumar | — <i>Under Secretary</i> |

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| 3. Shri R. Balakrishnan | — | <i>Adviser</i> |

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Legislative Counsel</i> |
| 4. Dr. S.C. Jain | — | <i>Joint Secretary and Legal
Adviser</i> |

WITNESS EXAMINED

Shri Satish Pradhan, M.P. (Rajya Sabha), Leader,
Shiv-Sena Parliamentary Party.

SHRI SATISH PRADHAN, M.P. (Rajya Sabha)
Leader, Shiv Sena Parliamentary Party

(The witness was called in and he took his seat)

MR. CHAIRMAN: Shri Satish Pradhan, I welcome you to this Joint Committee on the Constitution (Eightieth Amendment) Bill, 1993 and the Representation of the People (Amendment) Bill, 1993. The Committee would like to have your views on these two Bills. You may express your views freely and frankly, which will be helpful to the Committee in arriving at a correct conclusion.

Before you start, I may point out that in accordance with the provisions contained in Direction 58 of the Directions by the Speaker, your evidence shall be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence given by you should be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the members of Parliament.

Hon. members are aware that Shri Satish Pradhan is a member of Shiv Sena in Rajya Sabha and the Leader of that Party in Rajya Sabha.

Shri Satish Pradhan, you may express your views.

SHRI SATISH PRADHAN: Sir, I received the invitation very late today in the afternoon.

Kindly go through the Preamble of the Constitution, which says:

“Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;...”

The word “worship” is there. We are bringing this Bill to separate politics from religion. I would like to bring to your notice that the word “worship” figures in the Preamble of the Constitution.

Sir, when we go through the Constitution, we get an idea that it has given us rights in regard to writing, talking and other things. If we accept this Bill, then there will be a control on our discussion, on our talking, on our writing and on everything. I strongly object to this.

Here, in the Bill, it is mentioned:

“Parliament or the Legislature of a State may, by law, provide that any association or body of individuals be banned, if it, by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote disharmony or feelings of enmity...”

This can be interpreted in many ways. I am afraid that tomorrow people may interpret according to their wish and will. And if that happens, it would be a very difficult thing.

If somebody says he is Hindu or Muslim or Christian, that can also be objectionable. Hindus say 'namaskar', Muslims say 'aslaam-alai-kum', Christians say 'good morning' or 'good afternoon' or whatever it is, even that can identify the religion of the people and that can also be objectionable in future.

गाय को हम भगवान के रूप में मानते हैं, यदि चुनाव के समय इसका नाम आ गया तो क्या इसको नहीं लिया जायेगा। क्या इस पर आपत्ति की जायेगी? इसी प्रकार सूअर की पूजा की जाती है। हम लोग शस्त्रों की पूजा करते हैं और हमारे सारे भगवान के हाथ में तरह तरह के शस्त्र हैं तो क्या उसके लिये आपत्ति की जा सकेगी और क्या वह चुनाव में नहीं लिया जायेगा? हम पंचभूत: पृथ्वी, वायु, चन्द्र, सूर्य आदि को भगवान के रूप में मानते हैं तो जब चुनाव के लिये जायेगा तो उसको तकलीफ होगी। इसलिये कि चुनाव सिम्बल नहीं लिया जा सकता? हमारे यहां वट वृक्ष की पूजा होती है और साथ ही आम, बड़, पीपल, नारियल, चावल की भी पूजा करते हैं तो क्या चुनाव के समय उनका प्रयोग नहीं करेंगे? आप संविधान संशोधन करने वाले हैं, हम चुनाव प्रचार के लिये जाते हैं तो वह नहीं कर सकेगें?

जब भी कोई आदमी पैदा होता है तो उसका नाम भगवान के ही नाम पर रखते हैं और यदि वह उम्मीदवार के रूप में जब नाम भरेगा तो भगवान के नाम पर उसका नाम होने पर वह चुनाव नहीं लड़ सकेगा? अब हमारे प्रधानमंत्री जी का नाम श्री नरसिंह राव है जो भगवान का नाम है। कांग्रेस पार्टी के प्रेज़ीडेंट होते हुये भी उनकी छवि आयेगी। कांग्रेस के दूसरे उम्मीदवार होंगे तो उनकी छवि पीड़ित होगी। हमारे होम मिनिस्टर का नाम भी.....

MR. CHAIRMAN: I will be grateful if you confine yourself to the provisions of the Bill.

SHRI SATISH PRADHAN: If you accept the Bill, it is going to work in that way. We have experienced it previously. I am saying because in future such interpretation should not come. Therefore, I said so.

मेरे पास एक कैसेट है जिसमें राजीव जी ने बताया था कि कांग्रेस का चुनाव निशान हाथ है, यही हाथ गुरु नानक का हाथ है, महात्मा बुद्ध का हाथ है, भगवान का हाथ है तो क्या हाथ का इस्तेमाल करके आप जब वोट मांगने जायेंगे तो यह गलत नहीं होगा? इसका नतीजा ठीक नहीं होगा। आपने संविधान संशोधन को करके जो सीट रिजर्व रखी है, उसको स्वीकार करने के बाद तकलीफ आने वाली है। आपको यह बात बताना चाहता हूं।

श्री चतुरानन मिश्रा: सभापति महोदय, मेरी समझ में अविश्वास प्रस्ताव में नहीं हो पाया, यह संशोधन करने से हो जायेगा तो प्रधानमंत्री की सदस्यता खतम हो जायेगी, क्या इनका यही कहना है?

श्री सतीश प्रधान: जो बिल का मतलब निकलता है, वह बता रहा हूं जब कोई आदमी चुनाव लड़ने जायेगा, उसको तकलीफ होगी।

MR. CHAIRMAN: Thank you very much Shri Pradhan for your contribution.

(The witness withdrew)

(The Committee then adjourned)

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