

join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee”

MR. CHAIRMAN: Motion moved:

“That the Bill further to amend the Representation of the People Act, 1951 be referred to a Joint Committee of the House consisting of 15 members, 10 from this House, namely:-

- (1) Shri Lal Krishna Advani
- (2) Shri E. Ahmed
- (3) Shri Pawan Kumar Bansal
- (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

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 16 the August, 1993;

that in other respect the Rules Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as

the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee”

CONSTITUTION (EIGHTIETH AMENDMENT) BILL

*Motion to Refer the Bill to joint Committee*

AND

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

*Motion of Refer the Bill to the Joint Committee*

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Chairman Sir, the hon. Home Minister had a proposal to constitute a single committee in place of the existing two committees set up for two Bills. Hence I have given one amendment. We want to increase the number of Members. I would like to read the amendment if you permit.

(i) for “ consisting of 15 members, 10 from this House”.

*substitute-* “ consisting of 30 members, 20 from this House.”

(ii) after “ (10) Kum. Vimla Verma” insert

(11) Shri Rasheed Masood

(12) Shri Bhogendra Jha

(13) Shri Sobhanadreeswara Rao  
Vadde

(14) Shri Ebrahim Sulaiman Sait

[English]

(15) Shri Guman Mal Lodha

SHRI RAM NAIK (Bombay North): I beg to move:

(16) Shri P.G. Narayan

*That the motion was adopted*

(17) Shri Jangbir Singh

for "by the 16th August, 1993;"

(18) Shri Mohan Rawale

*substitute* "By the first week of the Winter Session, 1993:" (3)

(19) Smt. Dil Kumari Bhandari

(20) Shri Abdul Ghafoor

[Translation]

(iii) for " and 5 from Rajya Sabha,"

My amendment is that the presentation of the report, should by the first week of Winter Session, 1993.

2. That in the motion,-

for "by the 16th August, 1993;"

*substitute* " by the first day of the next session;"

4. for " names of 5 members"

*substitute* " names of 10 members"

Mr. Chairman Sir, in my view this Bill has sounded a death knell for democracy. It was announced by the Prime Minister on 15 the August from the ramparts of Red Fort that such a Bill be brought and it was repeated by him in Tirupati. For a whole year the Government was thinking over the nature and scope of this Bill and I would like to quote a Sanskrit *Shaloka* in the context of this Bill. "*Vinayakam Prakurvano, rachaya maas vanaram*" It means that someone wanted to create Ganapati but when he finished the work he saw to his dismay that he had created a monkey instead. After thinking for a whole year, the Government has presented a monkey here. There is need for improvement in it and this cannot be done in fifteen days. Hence I have proposed in the amendment presentation of this report by the first week of the next session.

[Translation]

SHRI SOMNATH CHATTERJEE  
(Bolpur): Additional

SHRI SOMNATH BIHARI VAJPAYEE:  
Yes, I would like that it should be 10 members so that the total number of Members is 30.

SHRI SURYA NARAYAN YADAV  
(Sahasra): In this also you have left out (JD  
(A).

SHRI ATAL BIHARI VAJPAYEE: My amendment is that ten members from Rajya Sabha should be included and instead of 16th August I have submitted that the report should be presented on the first day of the next session.

I would like to draw your attention towards another important thing be religion. There is need to define the term 'dharma' if it is used in Hindi.

[English]

MR. CHAIRMAN: That is not your

amendment.

[*Translation*]

SHRI RAM NAIK: I am telling why such a long period is required. In my view, it will take approximately three to four months, as defining 'dharma' is not less around a task than the religious war between Kaurvas and Pandavas. You have to explain the involvement of Muslims, Hindus and Christians in religious wars. 'Dharma' is a separate concept when we say 'Dharma Chakra Pravartnaya' Hence, this committee has to study deeply the concept of 'dharma' and it cannot be done within 10-15 days. So I urge upon the Government to extend the time of both the committees upto the first week of the next session. With this, I move my amendment.

[*English*]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Mr. Chairman, Sir, I quite appreciate the views expressed by the Leader of the Opposition. When this Bill was being introduced, in the initial stage itself, some hon. Members had raised the point that it should be referred to the Joint Select Committee. They should be given fifteen days' times so that within that period they will be able to complete their job.

After the new system had been introduced, normally; the Bill is referred to the Standing Committee which would go into the different Clauses which are contained in this Bill. Since it was the wish of some of the hon. members that this is a Bill on which they would like to have a wider kind of discussion and they wanted some time for discussing it in the Joint Select Committee, we gave them time and we said that this Bill should be passed within this Session itself. I quite agree with the hon. Leader of the Opposition that if some more Members are accommodated, it would be better. I have no objection

in agreeing to this proposal, provided, the Leader of the Opposition gives me an undertaking that this Bill would be passed during this Session itself. If that is agreed to, I have no objection in expanding even the number of Members. But I cannot agree for postponing the submission of the Report of the Committee till the first week of the next Session. That will go against the very reason as to why we are trying to bring about this Bill.

Sir, if the hon. Leader of the Opposition is prepared to concede that within 15 days' time- I will also give a concession for two or three more days viz. up to 16th August-they will submit the Report to the House so that we succeed in passing this Bill, that would be better. This is the only request I am making to the Leader of the Opposition.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Chairman, Sir, the committee will give due consideration to the desire of the Government but you cannot bind a committee to present a report within a stipulated time and I also do not want to bind the committee. (*Interruptions*)

[*English*]

SHRI SIB. CHAVAN: Then, Sir, I cannot agree.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: There is no need to link the two issues, that of constitution of the committee and fixing the time limit. Do you think that we will accept the committee which consists of six member from congress party alone. You are not giving proper representation to even the Bhartiya Janata Party. We will have to decide whether to participate in the proceedings of the committee or not.

[English]

DR. CHANDRA JEET YADAV (Azamgarh): Mr. Chairman Sir, please do to decide in haste. It is a serious matter. In my view, the hon. Home Minister has brought it in a haste but you please do not decide it in a hurry. You please obtain the opinion of the House through voting. It is really a serious matter. I think that the objections raised by hon. Atal Bihari Vajpayee on the very first day and during the presentation of amendment, are quite appropriate. So I would like to say that outcome of this Bill will be disastrous. It seems that the hon. Home Minister has not gone through this Bill due to paucity of time. I would like to say that it is not proper way to amend the Constitution. As per objectives, described by the Home Minister while presenting the Bill, I would like to point out that the word 'communalism' and the name of the party has not been used anywhere in this Bill. This Bill is going to provide absolute powers to bureaucracy and there may be danger of dictatorship. It has dangerous clauses which would restrict every agitation or movement whether it is social or fighting for one's rights. One day, we were discussing it informally, and Pilotji said that he had not seen it and Sunil Dutji said that this Bill will restrict him from participating in activities of Trade Unions in Bombay. This Bill provides that one group cannot work against the interests of other group. I would like to say that I am against one class in the society which has ruled this country for centuries in the name of religion, caste system and social justice. I think that there is a need to establish a new system, so we have to revolt against this class peacefully. But this Bill will impose restriction on every organisation, association, persons, and on such discussions, meetings and seminars.

Mr. Chairman Sir, you please do not decide it in haste, as it is a matter of the Constitution amendment, an amendment in

Peoples. Representation Act. It is not a matter or a joke. If it is not taken seriously the outcome will be disastrous. It has been proposed that there would be 15 members in the Committee and the quorum would constitute of 5 members. This means that the recommendations of a majority of three members would be accepted. The Government has not considered the serious consequences it can lead to. I would request the hon. Home Minister not to make haste in the matter. He has accepted the amendment of increasing the number of Members of the Committee to 30 but binding the committee with a time limit may not beyond. If you in a great hurry, the next Session may be called early in October. We would agree to it. But this Bill should be brought after deep and serious study otherwise we will not be able to support it.

SHRI LAL K. ADVANI: (Gandhi Nagar): Mr. Chairman Sir, I am not discussing the objective of this Bill. The Rules provide that when a motion of reference is made to the Select Committee one can speak about the contents of the Bill also.

Why the established conventions for the constitution of Select Committees are being violated? The hon. Minister of Home Affairs has to give any answer to this query. If a Select Committee is constituted from one House, comprise 30-35 Members as per the guidelines compiled by Kaul and Shakder. They further state that

[English]

It represents a microcosm of the House.

[Translation]

So select Committee comprises 30-35 Members and so far as the question of a Joint Committee is concerned, they say:-

[Sh. Lal K. Advani]

[English]

As a rule it should be of 45 Members.

[Translation]

There should be 30 members from this House and 15 members from the other House.

[English]

This is the usual thing.

[Translation]

They explain the reasons thereof in the following words:-

[English]

The Composition of a Select Committee or a Joint Committee reflects the strength of the various parties and groups. It cannot be admitted; it cannot be of the kind that the Motion contains today.

[Translation]

Their representation is six whereas the strength of the ruling party is less than half in the House. So, they should have only 4 members not more than five at any rate. For the remaining five also, there should be a balance.

Shri Atal Bihari Vajpayee's suggestion for taking 20:10 members has been accepted but fixing a time limit amounts to restricting the committee's function and that too at Shri Vajpayee instance I can only say that reasonable time should be given as suggested by Shri Chandrajeet Yadav. The reasonable time would be the first day of next session.

It is very necessary that the session is summoned so early that we get a period of 20-25 days for discussion. In this connection:-

[English]

Select Committee is a question not merely of political expediency, it is a question of the traditions of the House.

[Translation]

For this, being the Speaker of the august House, you should ask the Government to reply.

[English]

established conventions, established traditions codified in the form of Kaul and Shakdhar, why should they be defaulted by the Government? The Government should not do so. The Government adhere to these traditions and accept the proposals made by the Leader of the Opposition.

SHRI SOMNATH CHATTERJEE (Bolpur): So far as the number of members in the Committee is concerned, I do not object to it. It can be increased. It may be doing either 30 plus 15 or 20 plus 10, I have no objection. A later date should be fixed during this Session and if the Committee feels that it cannot do it then we can always come to the House, there is no final bar. But we are keen that in this Session this Bill should be taken up for consideration. This is our submission.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir, I would like to make few submissions in this regard. When a proposal to introduce the Bill was mooted, we had opposed it giving detailed

reasons and I don't think there is any need to repeat all these points. We were already apprehensive of their intention. Our doubts were strengthened when they proposed 6 Members from their side and only 4 members from the majority side. I think that communalism is only a pretext to bring forward this Bill. It is a direct infringement of fundamental rights guaranteed by the Constitution. There is no need to repeat the intentions of the ruling party. Though stress is being laid on communalism, it is a clear case of infringement of fundamental rights. The intentions of the Government become very clear with their proposal; for the constitution of the Committee. They want to have majority representation in the Committee and introduce the Bill on the basis of the recommendation of their majority in the Committee. But it requires two-third majority as it is a Constitution (Amendment) Bill. The Government wants to get the Bill passed by making this sort of manipulations and violate out fundamental rights. Their thinking is wrong. The amendment moved by Atliji to increase the strength of the Committee should be accepted by the Government by increasing the number of Members. The Government should not lay down any condition for this. This is my submission to the Government. There are certain rules for setting up a committee. A committee had been set up to go into the securities scam. It was given three months time. Since the Committee required more time, it has since taken one year. There should be no such bargaining dream. The dream of a swadeshi nation through agriculture sector. Now, the Government has launched a mini-daity scheme, under which small farmers of villages can earn their livelihood by keeping 1-2 cows. but the multi-national companies have captured their market. Mr. Chairman, Sir, therefore, I would like to say that mainly agricultural country like India should formulate schemes for the welfare of agricultural labourers, so that their standard of living could be improved that if the Government

does not agree to extend the time, we will accept the proposal to increase the number. This is a very serious matter. While sticking to the rules for the formation of the Committee, we expect that you will also help us by asking them to give up the intentions with which they have moved the Bill.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda): Members from all the political parties should be taken in it. This is wrong.

[*English*]

MR. CHAIRMAN: I think there is so much difference, that if the expanded committee is being agreed upon, the time limit which the Home Minister is suggesting may be accepted because that is not final. If it is not practicable, if the Committee has not completed the report, the House also gives extension of time. I do not think that there is any difference of opinion on this.

[*English*]

MR. CHAIRMAN: The point is, if what is expanded is acceptable, ultimately as it is a Constitution (Amendment) Bill unless there is a two-thirds majority in the House it cannot be passed and the other Bill depends only upon the first Constitution (Amendment) Bill.

I would like to clarify.

MR. CHAIRMAN: Therefore, instead of asking for deletion, if he does not press for Amendment No.3 then, I think that a way out can be found out.

SHRI S.B. CHAVAN: The first point I want to respond relates the misgivings which have been expressed by hon. members. Shri George Fernandes and Shri Chandra Jeet Yadav. In spite of the fact that on the

[Sh. S.B. Chavan]

other day I had made it absolutely clear, that we are proposing to use it only for misuse of religious for political purposes. As regards the rest of the provisions certainly the Committee can delete what is not required. I have stated that, on that day itself. But still Shri George Fernandes goes on saying as if we are interest in taking away the fundamental rights of the citizens of this country. I do not think that it is correct.

[Translation]

SHRI SURYA NARAYAN YADAV (Sahasra): He could have brought it after revision. What he says is not correct. This is the difference.

SHRI GEORGE FERNANDES: They had four days in hand. By then they could have revised it.

• SHRI S. B. CHAVAN: If I had done that, why you were heehed. That is why a JPC is being set up in which your services would be required.

SHRI GEORGE FERNANDES: Please bring it after revision, there would be no need to set up a Committee.

[English]

PROF. PREM DHUMAL (HAMIRPUR): You withdraw the Bill and bring another bill. That is o. k.

SHRI S. B. CHAVAN: 'Misuse of religion for political purposes'; that is the only main aim of this Bill.

SHRI SOMNATH CHATTERJEE: That should be the main and only object.

[Translation]

SHRI SURYA NARAYAN YADAV: Please make your intentions clear.

SHRI S. B. CHAVAN: Our intention is very clear but your intentions have turned ill, for which we can do nothing. You are trying to view things in a distorted way which we do not mean at all. Our purpose is that for the continuance of politics, communalism should not be used in it. We do not have any other motive. We find that many armies are being raised which try to silence the voice of the poor. You delete all other provisions, I have no objection, then my intentions would be clear to you. Please withdraw your 2nd amendment. If committee feels after its sitting that more time is required, it can think of further extension. But one thing I must say that it will be our all out effort to have the Bill passed during this session.

[English]

MR. CHAIRMAN: Are you in agreement with that?

All right, then I will put it to vote. Shall I put all the amendments together to vote, or one by one?

[Translation]

SHRI ATAL BIHARI VAJPAYEE: What about the Constitution of the Committee.

SHRI S. B. CHAVAN: I agree to your proposal.

SHRI ATAL BIHARI VAJPAYEE: There is no need to have an understanding with me. There are other hon. Member also in the House.

SHRI S. B. CHAVAN: I accept the amendments brought by you.

SHRI ATAL BIHARI VAJPAYEE: Kindly tell the names. Members of which parties are participating in it. Please postpone this motion. You can bring it in the evening or tomorrow.

SHRI S. B. CHAVAN: Are the names which you have given acceptable to me. Do you accept them or not?

SHRI S. B. CHAVAN: Think codly. I was surprised that Shri Vajpayee ji had proposed the name of Shri Sulaiman Sait. This is a good thing. We welcome it.

SHRI ATAL BIHARI VAJPAYEE: Whose name?

SHRI S. B. CHAVAN: When you proposed the name of Shri Sulaiman Sait, I said that it is worth welcoming. A good atmosphere is being created.

SHRI ATAL BIHARI VAJPAYEE: I have given his name because there are only two members of the Muslim League in the House who have taken interest in this matter.....

SHRI CHANDRA JEET YADAV (Azamgarh): You have given his name deliberately.

SHRI ATAL BIHARI VAJPAYEE: Yes, I have given his name deliberately. One Member of the Muslim League is already in the Committee so take the other Member also.

SHRI CHANDRA JEET YADAV: You have given his name after a careful thought.

SHRI ATAL BIHARI VAJPAYEE: If you have accepted the names given by me it is a good thing.

SHRI SURYA NARAYAN YADAV (Sahasra): Shri Vajpayee has played the role of the Leader of Opposition very well. The ruling party has failed in its duty.

SHRI MADAN LAL KHURANA (South Delhi): Now you have accepted it.

SHRI S. B. CHAVAN: Mr. Speaker, Sir, he has not accepted what I said.....

SHRI MADAN LAL KHURANA: We accept it....

SHRI S. B. CHAVAN: Shri Vajpayeeji does not accept it.

SHRI MADAN LAL KHURANA: He has accepted and it is for hon. Speaker....

SHRI ATAL BIHARI VAJPAYEE: I accept the names mentioned here.

SHRI S. B. CHAVAN: No Congress (I) Member figures in the list given by you. After hearing you, I thought that the names of Congress (I) Member would certainly figure in it but not even a single Congress (I) member's name has figured in it.

[English]

SHRI SOMNATH CHATTERJEE: Mr. Chairman, Sir, may I suggest one thing? Let the Home Minister come with a revised list at 5.30 p. m. today..(Interruptions)

SHRI S. B. CHAVAN: We can revise the names if he is prepedated for this kind of a thing. I will again come to the House at 5.30 p.m. today after revising the names.

MR. CHAIRMAN (SHRI SHARAD DIGHE): At that time. I hope, he will not press for hid amendment no.2.

SHRI S. B. CHAVAN: Sir, he has to take a decision on that.

SHRI ATAL BIHARI VAJPAYEE (LUCKNOW): Do not make it conditional. I will not accept any condition.

MR. CHAIRMAN: Then, it comes to the same thing.

SHRI ATAL BIHARI VAJPAYEE: You have the majority. If you want you can accept it. The hon. Home Minister has

[Sh. Atal Bihari Vajpayee]

accepted that if the committee is of the conclusion that the time should be extended, then it can be done.

SHRI S. B. CHAVAN: Time and again I have said that if the Committee would emphasize that a particular Bill should be passed in the current session, it would be done. If the Committee feels that it is impossible to report on some points of the Bill in the current Session in such a situation they can present the facts before the House and we can go accordingly.

SHRI S. B. CHAVAN: Sir, at 5.30 p.m. I will give you the revised names.

MR. CHAIRMAN: This discussion is postponed till 5.30 p. m.

*(Interruptions)*

SHRI BASUDEB ACHARIA (BANKURA): When is the Minister going to make a statement?

MR. CHAIRMAN: The Home Minister is going to make a statement at 3.45 on police firing in Calcutta.

SHRI SOMNATH CHATTERJEE (BOLPUR): What about the statement on Election Commission?.....*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): We are meeting with the hon. Speaker at 4.30 p.m. today. I am ready with my statement. But I thought it is better we discuss and then I make it...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: Once you announced that the statement will be made at 3.30 p.m. then you should make it...*(Interruptions)*

SHRI H. R. BHARDWAJ: I have already given a notice. I am ready with my statement...*(Interruptions)*

SHRI BASUDEB ACHARIA: Then you make that statement.

SHRI H. R. BHARDWAJ: I have got a message from the hon. Speaker that we have to meet at 4.30 p.m with the leaders of the Opposition. I will make the statement after that...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: You should have informed about this to the House.

SHRI H. R. BHARDWAJ: I am just informing the House.

SHRI SOMNATH CHATTERJEE: It is only after our prodding, you are informing to the House.

SHRI H. R. BHARDWAJ: The statement is ready. I am prepared to make this statement even now. But the Speaker...*(Interruptions)*

SHRI CHANDRA JEET YADAV (AZAMGARH): It is all right. The Speaker has called for a meeting at 4.30 p.m. I hope, it will be made today.

DELHI MUNICIPAL CORPORATION  
(AMENDMENT) BILL

[*Translation*]

SHRI MOHAN SINGH (Deoria): Mr. Chairman, Sir, we are discussing the Delhi Municipal Corporation (Amendment) Bill. Last time, when I was speaking on this Bill I had welcome the provisions of reservation for Scheduled Castes and Women in the Bill. But alongwith it, I would also like to suggest that provisions of reservation has been made for most backward communities in the local bodies through a constitutional amendment but it is a matter of surprise as to why the Government has not made provision of