

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTION

Eighty-first Report

SHRI G. LAKSHMANAN (Madras North) : I beg to present the Eighty-first Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

PUBLIC ACCOUNTS COMMITTEE

Two Hundred Eighteenth, Two Hundred Twenty Second and Two Hundred Twenty Third Reports

SHRI SUNIL MAITRA (Calcutta North East) : I beg to present the following Reports (Hindi and English versions) of the Public Accounts Committee :

- (1) Two Hundred and Eighteenth Report on Action Taken on Hundred and Thirty-third Report of the Committee regarding Local Printing of Inland Letter Cards and Construction of Staff Quarters at Anna Nagar.
- (2) Two Hundred and Twenty-second Report on Excesses Over Voted Grants and Charged Appropriations (1982-83) and Action Taken on Hundred and Sixty-sixth Report.
- (3) Two Hundred and Twenty-third Report on Paragraph 16 of the Advance Report of the Comptroller and Auditor General of India for the year 1981-82, Union Government (Railways) on Claims outstanding against a collaborator.

ESTIMATE COMMITTEE

Eighty-eighth Report and Minutes

SHRI BANSI LAL (Bhiwani) : I beg to present the Eighty-eighth Report (Hindi

and English versions) of the Estimates Committee on the Ministry of Education and Culture—Indian Institute of Advanced Study, Simla and Minutes of the sittings of the Committee relating thereto.

MR. SPEAKER : Shri Narasimha Rao,

SHRI A K. ROY : I have got a point of order on this.

MR. SPEAKER : No point of order here at this time.

12.44 hrs.

CONSTITUTION (FIFTY-SECOND AMENDMENT BILL

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER : I have got notices from the members who want to oppose the introduction of this Bill. Their names are : Shri Ram Vilas Paswan, Prof. Madhu Dandavate, Shri Sunil Maitra, Prof. Rup Chand Pal, Shri Harikesh Bahadur, Shri Giri and Shri Satyasadhan Chakraborty.

Shri Paswan.

SHRI A.K. ROY : My point of order is this. It is true that you have no time. The House is very tight, but still for such type of important bill, we received its copy at 9 O'clock.

MR. SPEAKER : Out of order. The whole House has decided about it with me. It is all right.

SHRI SATYASADHAN CHAKRABORTY : The Constitution (Fifty-second Amendment) Bill did not come before the BAC. (*Interruptions*).

MR. SPEAKER : The BAC report has already been adopted by the House.

SHRI RAJESH PILOT : My colleague, Shri Rajesh Singh has said that I have alleged against** which I have not done. I have just quoted from the newspaper.

MR. SPEAKER : I have already decided about it. Why do you want to raise it again ?

Motion moved :

"that leave be granted to introduce a Bill further to amend the Constitution of India."

Mr. Paswan.

श्री रामविलास पासवान (हाजीपुर) : अध्यक्ष जी, यह जो संविधान का संशोधन करने के लिये 52वां अमेंडमेंट बिल, आर्टीकल 3 का संशोधन करने के लिये, हमारे सामने रखा गया है, मैं इसका विरोध करता हूँ। मैं विरोध क्यों करता हूँ—सबसे पहले बात तो यह है कि आज सवेरे ही यह हम लोगों को सकुंलेट किया गया। मैं समझता हूँ इनको किसी भी माननीय सदस्य ने पढ़ा भी नहीं होगा और यदि किसी माननीय सदस्य ने पढ़ा है तो उठकर कह दें कि हमने पढ़ा है। सिवाय होम मिनिस्टर के किसी ने नहीं पढ़ा है। मेरा ख्याल है पार्लियामेंट्री मिनिस्टर ने भी नहीं पढ़ा है...

श्री बूटा सिंह : मैंने पढ़ा है।

श्री रामविलास पासवान : किसी ने नहीं पढ़ा है। इतनी जल्दबाजी में इतना इम्पार्टेंट बिल कांस्टीट्यूशन को अमेंड करने के लिये हम लोगों के सामने लाया गया है... ..

श्री सतीश अग्रवाल : बूटा सिंह जी ने कहा है कि उन्होंने पढ़ा है। क्या पढ़ा है बतलाइये ?

श्री बूटा सिंह : मैं अभी बतला सकता हूँ, आप बैठ जाइए।

12.45 hrs.

[MR. DEPUTY SPEAKER in the Chair]

I am going to read from the Statement of Objects and Reasons of the Constitution (Fifty-second Amendment) Bill.

श्री रामविलास पासवान : मैं कह रहा था कि जब पार्लियामेंट्री अफेअर्स मिनिस्टर को ही मालूम नहीं है तो सदन के दूसरे सदस्यों को क्या मालूम होगा। इतने इम्पार्टेंट ईशू को इतने हल्के ढंग से लाना, मैं समझता हूँ उचित नहीं है।

उपाध्यक्ष महोदय, यह आर्टिकल 33 को अमेंड करने के लिये लाया गया है और आप जानते हैं कि आर्टिकल 12 से 35 तक फंडामेंटल राइट्स के अन्तर्गत आते हैं, संविधान द्वारा जो मौलिक अधिकार दिये गये हैं उसके तहत इनको रखा गया है। मैं आर्टिकल 33 आप को पढ़ कर सुनाता हूँ —

"संसद विधि द्वारा अवधारण कर सकेगी कि इस भाग द्वारा प्रदत्त अधिकारों में से किसी को, सशस्त्र बलों या लोक व्यवस्था बनाये रखने का भार-साधन करने वाले बलों के सदस्यों को लागू होने में, किस परिमाण तक निबन्धित या निराकृत किया जाय ताकि उनके कर्तव्यों का उचित पालन और उनमें अनुशासन बना रहना सुनिश्चित रहे।"

यह वास्तव में भार्मी के लिये रखा गया था, लेकिन अब सरकार इसको ग्राम लोगों पर धीरे-धीरे लागू करना चाहती है, उनपर पंजा जमाना चाहती है। आप को मालूम है—इसी सदन में नेशनल सिविलिटी एक्ट को अमेंड किया गया, उसको और अधिक कड़ा बनाया गया। आपको यह भी मालूम है कि टैरोरिस्ट एक्ट बनाया गया। अब यह कांस्टीट्यूशन अमेंडमेंट करके दूसरे लोगों के मौलिक अधिकारों को भी आप समाप्त करने जा रहे हैं। यह किन लोगों पर लागू होगा, यह स्टेटमेंट आफ आब्जेक्ट्स एण्ड गोजन्स में दिया है—

- (i) the members of the Forces charged with the protection of property belonging to, or in the charge or possession of, the State; or
- (ii) persons employed in any bureau or either organisation established the State for purposes of intelligence or counter intelligence; or
- (iii) persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation.

इसका मतलब है कि अमेंशियल सर्विसेज के नाम पर सरकार लोगों के मौलिक अधिकारों को खत्म करना चाहती है। यह वह सरकार है जिसने इमरजेंसी के समय लोगों के जाने के अधिकार को छीना था। "राइट टू लिब" को जिसने खत्म किया था और उसका परिणाम सरकार को भुगतना पड़ा था। अब सरकार इमरजेंसी न लगाकर उसको दूसरे रूप में लाना चाहती है। सरकार आज डरी हुई है। आज सरकार का जूडिशरी पर फेथ नहीं रहा है, पार्लि-

यामेंट पर फेथ नहीं रहा है, लेजिस्लेटिव ब्रांच पर फेथ नहीं रहा है, जूडिशरी ब्रांच पर फेथ नहीं रहा है इसलिए सरकार एग्जीक्यूटिव को मजबूत करना चाहती है। एग्जीक्यूटिव को मजबूत करने का मतलब है भारत सरकार और उसकी प्रधान मंत्री। इसलिए एक आदमी के लिए एग्जीक्यूटिव को हैड बनाया जा रहा है। लोगों के मौलिक अधिकारों के साथ संसार में कहीं भी इस तरह से खिलवाड़ नहीं किया गया है। कांस्टीट्यूशन की किताब में दूसरे देशों का भी वर्णन है। लेकिन इस तरह का कानून कहीं पर नहीं है। विदेशों में फोर्स को भी फंडामेंटल राइट्स दिए गए हैं। यहां पर फोर्स को फंडामेंटल राइट्स देने के बजाए दूसरे लोगों के भी फंडामेंटल राइट्स छीनने के लिए यह किया है। इसके द्वारा लोगों के मौलिक अधिकारों का हनन किया जा रहा है, इसलिए मैं इसका विरोध करता हूँ।

PROF. MADHU DANDAVATE (Rajapur) : Mr. Deputy Speaker, Sir, my objection at the very introduction stage of this Bill arises out of the fact that when our House is very busy in important subjects like developments in Andhra and other subjects like Sri Lanka, very surreptitiously this Bill has been brought in an irregular manner. If you carefully go through the Explanatory Memorandum that has been submitted to the Speaker, it says that this is the memorandum for consideration of the Speaker as to why the Constitution (Amendment) Bill, 1984 is sought to be introduced without making available to the Members copies thereof in advance as required under Direction 19(b) of the Directions of the Speaker. So, the very fact that they have submitted this Explanatory Memorandum, clearly shows that without circulating to the Members of this House a copy of the Bill in advance, they are trying to bring forward the Bill and the explanation given

[Prof. Madhu Dandavate]

is : 'Of late, there has been a growing tendency among the employees of certain organisations to adopt agitational methods in their dealings with the Government. This has seriously affected the efficiency and can undermine the security of the State. The situation requires to be remedied without delay. It is, therefore, necessary to have the proposed Amendment Bill passed at the earliest. For the above reasons and in view of the short time available during the current session of the Parliament, it is requested that the Director 19(b) of the Directions of the Speaker may be relaxed in respect of this Bill in order to permit this Bill being introduced in the current session. So, the normal procedure and the Speaker's Direction are required to be waived so that in the exigency of the situation, the Bill might be introduced and ultimately passed. Those of us who are engaged in the organisation of the employees, in government institutions, in various types of organisations, feel that clearly as mentioned in the Explanatory Memorandum, in order to prevent certain agitational activities among the Government employees and Government organisations, this particular Bill is sought to be brought. One may ask us the question : do you not want sensitive government institutions and services to be protected ? We want it. In different parts of the world they are protected. But, how do they do it ? For instance, in a country like the United Kingdom, what they have done is, in those services which they consider to be very sensitive and essential, they have provided an alternative form of machinery for settlement of disputes, so that without going through agitation, without being required to go through strikes, these employees might be able to adjudicate their demands and they will be able to settle them expeditiously, without going through the *modus operandi* of agitations and strikes. We do not provide any other alternative avenues for the immediate settlement of the disputes of employees engaged in such organisations, of which mention is made in the entire Bill. Without providing such an outlet for the settlement disputes, we are, however, trying to curb the agitation by

trying to curb their fundamental rights, as adumbrated in Part III of the Constitution.

Unfortunately, as the Bill was not circulated, many Members of this House who were engaged in trade union movement could not raise their opposition, because their attention was not drawn to this disastrous Bill, which is sought to be brought in by the backdoor. Therefore, in order that the details of the Bill could be properly circulated and there could be enough time for the trade union organisations to go through the Bill, I would insist that at the introduction stage itself we should oppose this Bill. If better sense prevails on the Home Minister, in that case, at the introduction stage itself he can announce that "we are prepared to withdraw the Bill for better consideration by the trade union organisations of this Bill" and, if necessary it may be brought later on. Therefore, I oppose the Bill at the introduction stage.

SHRI A.K. ROY (Dhanbad) : Sir, I rise on a point of order under rule 72. As you know, if a member wants to oppose the Bill, he has to give notice. The parliamentary papers of today, we got only at 9 O'Clock in the morning. I do not know whether the delay in the supply of the Bill, as in the case of the train, is intentional or not. We got them at 9 O'Clock in the morning. After that, we could not get enough time to give notice before 10 O'Clock. This is an important Bill. That is why I am drawing attention to the proviso to rule 72, which says :

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon :"

In view of the circumstances, I would request you to exercise your discretion and allow a full discussion on this Bill.

MR. DEPUTY-SPEAKER : I am not permitting it.

SHRI AMAL DATTA : Why ?

MR. DEPUTY-SPEAKER : I am not permitting it. I need not give the reasons.

SHRI AMAL DUTTA : Why are you not permitted it ? (*Interruptions*)

MR. DEPUTY-SPEAKER : I need not give the reasons...(*Interruptions*)

SHRI A.K. ROY : Is it your subjective satisfaction or...(*Interruptions*)

MR. DEPUTY-SPEAKER : Do not bring in extraneous things.

SHRI INDRAJIT GUPTA (Basirhat) Sir, have you understood Shri Roy's point ? This morning we were informed telephonically by the Lok Sabha Secretariate—at least I received a telephone call that the parliamentary papers would reach our residence late due to some technical difficulties. That package of papers came to us late today. Therefore, there was not enough time to study those papers and give notice that they want to oppose this Bill at the introduction stage. You can verify that.

PROF. MADHU DANDAVATE : When the Governors are using their discretion, why don't you use your discretion and allow him ?

MR. DEPUTY-SPEAKER : When was it sent ?...

I understand that it was because of the delay in printing. Since Shri Roy has made a request, I permit him as a special case.

SHRI CHITTA BASU : That should be extended to us. (*Interruptions*):

MR. DEPUTY-SPEAKER : No, this is not correct. He has made a request...

(*Interruptions*) This is not the correct way. He has raised the point, I am satisfied and I am permitting him as a special case (*Interruptions*) I am allowing-only Shri Roy.

(*Interruptions*)

PROF. AJIT KUMAR MEHTA : Sir, I have also received the papers late. Therefore, I too should be permitted.

MR. DEPUTY-SPEAKER : He has represented and I am permitting him as a special case.

SHRI SUNIL MAITRA ; (Calcutta North-East) : Sir, this is another piece of pernicious legislation that has been brought by the government in order not to extend the democratic rights, but in order to abridge the rights already conferred on us. Sir the policies of the Government have been creating resentment among the masses. The Armed Forces, para-military forces, Government employees, semi-government employees and the vast mass of the people are the targets of certain ruthless policies of the government of India. The net result of it is that enormous mass of the people are becoming restless. If the government had been serious, then it would have devised some way in order to hear the grievances of the people, in order to listen to the resentment of the people in various segments and tried to find some avenues whereby some mutual discussion would have taken place and the grievances would have been redressed. But instead of finding avenues, the Government are trying to amend the Constitution for the 52nd time to see to it that the rights already conferred on the people are abridged.

Sir, Article 33 was only limited to the Armed Forces. Now, its scope is being expanded. Now, not only the Armed Forces, but also the Government employees working in the tele-communication system and working in other government institutions are being sought to be brought under the perview of this Amendment of the Constitution. But, Sir, let

[Shri Sunil Maitra]

this government understand that this will not solve the problems.

Sir, this government till today is not realising that it is sitting on the top of a live volcano.

Sir, fifteen days just before the Session started, I have had the misfortune of taking the Public Accounts Committee on tour...

MR. DEPUTY-SPEAKER : Why give details of all this as if there is a general discussion ? You see there are eight hon. Members to speak and I have allowed Shri Roy also. Hon. Members who know the rules, am I to teach the rules to them ?

SHRI SUNIL MAITRA : You give me a few minutes time, Sir.

MR. DEPUTY-SPEAKER : You are going into the details of the Bill. You see the Minister will reply only on the Constitutional and legal propriety. Whatever you have got to speak you speak after the Bill is introduced.

SHRI SUNIL MAITRA : Sir, a gentleman told me that unfortunately during the Punjab disturbance something has happened which never happened in this country, that is, the Brigadier was shot by the soldiers. This is unfortunate. Has the government ever thought over it ? Why has this happened ? Have you taken measures to see whether our armed forces have got some resentment ? Have you devised avenues to talk to them, to hear their grievances ? Today, not only the Armed forces, but also you are bringing in vast section of the government employees and semi-government employees within the scope of this Bill in order to abridge their Fundamental Rights. Therefore, on this score I oppose the introduction of this Bill.

SHRI P. V. NARASIMHA RAO : Mr. Deputy-Speaker, Sir, with your per-

mission if you give me one minute, I will be saving a lot of time.

I would like to say at this stage that the enactment of this Bill will not hamper the redressal of genuine grievances of the personnel serving in each of the organisations as alternative forums for genuine welfare activities and redressal of their grievances already exist in the shape of staff councils, the institution of holding open sammelans, welfare centres, and while we are discussing—we will be discussing the Bill if there are any suggestions coming from the hon. Members, I would be prepared to welcome them and consider them. Since they have said that this is one of the main impediments which is the reason why they are opposing it, I am placing this before the House.

SHRI INDRAJIT GUPTA : If you help us, it will help the debate. I would like in that case to give suggestions if he could tell us which are the rights which they intend to curb for these people, which are the rights on which they want to put some curbs so far as these categories of people are concerned. They only we can give suggestions.

SHRI P. V. NARASIMHA RAO : This is the Introduction stage.

MR. DEPUTY-SPEAKER : He will come after that. He will reply after that. That is why he assured. Now, Mr. Sudhir Kumar Giri will speak. It is only Introduction stage and the Minister has also given you a helping hand. Any suggestion made, he will welcome it. That is what he said.

AN HON. MEMBER : You are not helpful.

MR. DEPUTY-SPEAKER : I am very helpful specially to you because you are my good friend.

SHRI SUDHIR GIRI (Contai) : Mr. Deputy-Speaker, Sir, I oppose the introduction of this Bill.

Please go through Article 33 of the Constitution which says :

"Parliament may, by law, determine to what extent any of the rights conferred by this part (i. e., Part III) shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of the duties and the maintenance of discipline among them."

Sir, the founding fathers while including this provision in the Constitution had in their mind that the restrictive law should be applicable only to the Armed Forces and the Forces charged with the maintenance of public order. That is, I think, the police forces. But this Bill is going to expand the ambit of this provision.

Sir, our forefathers had to fight a long battle to achieve these Fundamental Rights. They sacrificed their life and after this battle and sacrifices these rights had been achieved, the Government is going to curb these rights. What are the causes ? I feel the capitalist system of our country is facing a crisis. Every capitalist system of development in any country has its own inherent inconsistencies which leave the Government or the Administration to face the crisis in every way. In our country also I find that the crisis has deepened. For this reason the people of the country are agitating. While the people have been conscious of their rights and preserving those rights in their favour, the Government is going to curb those rights. I think the Government feels that it will not be possible for it to maintain law and order in the country by application of CRP Forces. That is why the Government is expanding the ambit of the Constitution so that in respect of the people who will voice their demands for the realisation of their rightful gains, the Government is going to choke them. I therefore, oppose the introduction of this Bill at this stage.

SHRI HARIKESH BAHADUR (Gorakhpur) : This Government came into power in 1980. Since then have been continuously bringing several measures to abrogate fundamental rights of the citizens, of various sections of society. Their fundamental rights are being attacked by several legislations which have been brought before this House. This is another attack on the fundamental rights of our people, a section of them. That is why I strongly oppose it at the introduction stage.

There are several other points which I would like to make here. Whatever may be the intention, the entire country will feel that this bill has been brought before the House with the criminal intention of the Government. By abrogating the fundamental rights of the citizens, the Government is not going to serve the purpose basically. They are going to attack the democratic fabric. The Government has already misused military, para-military and police forces. We have been observing it. By this amendment in the Constitution they want to make it very legitimate. Now, through this process they will misuse it very badly. It is a danger for every citizen of this country. That is why I oppose it. Whatever assurance is given by the Home Minister, I would like to say Government has lost its credibility completely. We are not going to accept any of his assurances.

PROF. RUP CHAND PAL (Hooghly) : I rise to oppose the Bill even at the stage of introduction.

To-day morning at about 9 a.m. when we received the packet, I asked the man who came to deliver the packet 'why delay', he said it might be for technical reasons. I found such a Bill. I could not understand—why such a hurry ?

In the explanation given in the Memorandum, it has been stated : "That the situation required to be remedied without delay". Could the Government not wait for 24 hours ? Could two days time not be given for study of the Bill ?

SHRI P. V. NARASIMHA RAO : That is not in my hand. It is the allocation of work. I did not object to giving more time within the Session so long as it is to be passed.

PROF. RUP CHAND PAL : You are a part of the Government. Your representatives are there in the BAC.

MR. DEPUTY SPEAKER : That is all right. He is not responsible for it. If this has been brought, it is not within his hands.

(Interruptions)

PROF. RUP CHAND PAL : I am not satisfied by the arguments given by the hon. Minister. Not only the Government is interested in national Security, in national interest, the opposition is equally interested in both these.

SHRI P. V. NARASIMHA RAO : Let us accommodate.

PROF. RUP CHAND PAL : All such measures you had mis-used in the past and you are going to misuse it to curb the trade union movement, the democratic aspirations...

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI VASANT SATHE) : That is a subjective assessment.

PROF. RUP CHAND PAL : You are going to expand the ambit, Mr. Author of the social revolution just look at it. It has been said :

“(e) persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau, or organisation.”

It has been stated :

“(c) the members of the Forces charged with the protection of pro-

perty belonging to, or in the charge or possession of, the State.”

It may be the property of Birla, it may be of Tata, which Government may be in charge of at a point of time. Suppose the employees are on strike as their demands are not met and if there is some force like “security force” who disagrees to attack employees you may apply this.

Yes, in 1979 I am telling you. (Interruptions.) In 1979, there was an agitation in the forces and after that some commissions and committees have been set up. These Commissions have gone into the question of the rights of these people and there are recommendations that these people should be given all these fundamental rights. (Interruptions.)

Can the hon. Minister assure us that this is never going to be used ? Can the hon. Minister assure us that this amendment is not going to be used in our country ?

MR. DEPUTY SPEAKER : You can ask for the assurance not at this stage. You can ask for at the discussion stage. It is better.

PROF. RUP CHAND PAL : They are having genuine grievances. Instead of paying heed to their grievances and listening to them, you are going to misuse it. I am opposing the introduction of this Bill. There is no hurry and the Government is moving in haste. (Interruptions) You try to understand the implications. I think, Sathe Saheb has not gone through the Bill.

THE MINISTER OF CHEMICALS AND FERTILISERS (SHRI VASANT SATHE) : If they raise extraneous matters, I cannot help it. What can we do ?

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : Mr. Deputy Speaker, Sir, the Bill which seeks to amend the Constitution is different from

any other amending Bill. You know the Constitution is the fundamental law of the land. And to change the fundamental law of the land, certain procedures are adopted. In some case, 2/3rd majority is necessary. In some cases, even the opinion of the State is necessary. But it is also absolutely necessary that Members who are going to be for the amendment or against the amendment should study it, because it is not a temporary nature. It is going to be a permanent thing. You can change any law with a simple majority in Parliament. But special procedures are necessary for a change in the constitution.

MR. DEPUTY SPEAKER : Please conclude.

SHRI SATYASADHAN CHAKRABORTY : I have just started.

MR. DEPUTY-SPEAKER : Your Party Members, Shri Sudhir Giri, Prof. Rup Chand Pal and others have spoken the same thing.

SHRI SATYASADHAN CHAKRABORTY : Why should you be impatient ?

MR. DEPUTY SPEAKER : I am not impatient. I will be definitely helpful...

SHRI SATYASADHAN CHAKRABORTY : Tell me what is the "same thing" if you have understood well. Which Member has said that in the Constitutional amendment, special procedure is necessary ?

MR. DEPUTY SPEAKER : This is at the introduction stage. You can go into details afterwards. You can take more time later. (Interruptions.)

SHRI SATYASADHAN CHAKRABORTY : You are disturbing. I would appeal to you, "Please don't disturb". Allow me to submit.

MR. DEPUTY SPEAKER : I am not disturbing. I will intervene and I will guide you. I am not disturbing, I will guide you.

(Interruptions.)

MR. DEPUTY SPEAKER : This is not the way. As a chairman, should I not guide you ? Should I not intervene and guide you? That is what I am telling. At this stage, you can only make a statement.

(Interruptions)*

MR. DEPUTY SPEAKER : I am only speaking to Mr. Chakraborty. Why are all these hon. Members getting up as though he cannot defend himself ? Whatever the other hon. Members say will not go on record.

(Interruptions)*

MR. DEPUTY SPEAKER : Don't record all these things.

(Interruptions)

MR. DEPUTY SPEAKER : This has become their method of working in this House. I am so sorry to say that. Can't I guide any member ? If it not for you to get up and talk as you like. All of you please sit down. Why should other members get up and create confusion in the House ? This is not the way to do it. The whole world knows who disturbs whom. I am only intervening to guide the hon. Member.

SHRI SATYASADHAN CHAKRABORTY : It is the duty of the Chair to intervene, but it is to intervene to help the member. I did not take much time. When I speak on something, I am to concentrate. I do not know how you speak.

MR. DEPUTY SPEAKER : Speak according to the rules. If you do not speak according to the rules, I will not permit.

*Not recorded.

SHRI SATYASADHAN CHAKRABORTY : I am raising a constitutional point. Sir, you are a wise man ; you should show your wisdom.

MR. DEPUTY SPEAKER : You are more wise than me. I know that.

SHRI SATYASADHAN CHAKRABORTY : No, Sir. The Chair is always wiser.

MR. DEPUTY SPEAKER : You are wiser than me.

SHRI SATYASADHAN CHAKRABORTY : I do not claim it to be. I want to learn from you.

MR. DEPUTY SPEAKER : Anyhow, you are a professor.

SHRI SATYASADHAN CHAKRABORTY : The Constitution has given certain fundamental rights to the people. They enjoy many other rights. But some rights are regarded as fundamental because, without these rights the democracy cannot function; the individuals cannot function. That is why these rights are enshrined in Part III of the Constitution so that these cannot be changed easily by any Government, by the whims of any Government. What is the Government doing today ? They are trying to take away these fundamental rights from Part III of the Constitution and making them subjected to the Parliamentary law passed by an ordinary majority, at the whims of any Government. So, I oppose this very strongly.

Take, for example, the member of the Armed Forces. What are the reasons for taking away their rights. I am in favour of discipline; I am in favour of order. The hon. Minister will have to explain what he actually understands by discipline and order. Is it the old British idea of law and order ? I oppose this because some categories of persons who enjoy certain freedoms which this Constitution guarantees, those persons are going to be deprived of those rights.

I oppose this because of other reasons also. The Government are taking these powers but they will not specify when they bring forward a Bill like this, what rights they are going to abrogate, what rights they are going to abridge. Certain categories of people, not even directly connected with law and order are going to be deprived of their rights. This is a dangerous thing. The hon. Minister should have mentioned in the Statement of Objects and Reasons that these are the rights they want to curtail or abrogate. They are taking a sweeping power and, in future, in an ordinary Bill they will enunciate all these things and pass it. That is why I feel it is a dangerous thing.

In conclusion, I thank you for your patience and I would only say that all the amendments and the laws have reference to certain things. There must be a cause of action. What is the cause of their action ? What has happened in the country ? Why are they raising para-military forces and also taking away the rights of the people ? Have you declared emergency anywhere ? Is the country passing through emergency ? In an emergency certain things can be done. But within declaring emergency, they are taking all the steps that emergency in the country warrants and that too when there is no attack from outside.

I oppose this Bill as undemocratic, unconstitutional and against all the fundamental laws of the country.

MR. DEPUTY SPEAKER : You have spoken according to the rules. Now Mr. A.K. Roy will speak.

SHRI A.K. ROY (Dhanbad) : Sir, at the introductory stage, we are to question the legislative competence and constitutional propriety of any Act. But when the constitution itself is questioned, then what should we do ?

If there is any law, we can judge that law whether it is in accordance with the Constitution or not. But, when the Constitution itself is in question, then how to apprise it ?

Here they are amending a very important Constitutional Section which was, if I know, not touched by any other amendment, not even by the 42nd Amendment nor by the 44th Amendment which is a massive amendment touching almost all the Sections. This Section 33 has not been touched by any of the amendments made to the Constitution so far. Such an important Section of the Constitution is now sought to be amended so summarily and so hurriedly.

This Amendment is not included even in the Business Advisory Committee. What made you to include in that not only all the para-military forces but all types of forces including CISF and other forces? It will have a very dangerous effect. It may create a suspicion as if we are losing reliance on our armed forces.

You have already annoyed the political opponents by amending National Security Act. You have annoyed the entire working class by ESMA. The biggest mistake you are going to commit is to express suspicion about our armed forces as if they are not reliable and as if you are to limit and abrogate the rights of the armed forces. That way, you are doing a great harm not only to the spirit of the Constitution but to the entire country at large. What are the reasons for your loss of reliance on all types of armed forces? How this suspicion suddenly arose in your mind within 24 hours. You must explain it. Unless you explain it, I think this legislation will be a very bad affair and at least in this particular present political situation which is surcharged with all sorts of tension, it will have a very bad effect.

It is against the entire Constitutional propriety which demands that such type of legislation should be made calmly and coolly and with all discussion within the given time.

When the hon. Minister replies, even at the introductory stage, he should try to dispel the air of suspicion which this amendment carries.

SHRIMATI GEETA MUKHERJEE (Panskura) : I am on a points of order. Just now we have received a paper which contains an official amendment in the name of Shri P. C. Narasimha Rao, for circulation. It says that "Page 1 line 3 for 51 substitute 50th." Now, there is already on the Paper.....

MR. DEPUTY-SPEAKER : What is your point of order?

SHRIMATI GEETA MUKHERJEE : In the order paper there is one Constitution Fiftieth Amendment Bill which is listed; and there is also another Bill listed, Constitution Fifty-first Amendment Bill. Just now this amendment has been circulated. Now, what is happening to the original Fiftieth Amendment Bill?

MR. DEPUTY-SPEAKER : This is not with regard to the Bill about which you are now mentioning. When that comes up, you can raise it. This is different.

SHRIMATI GEETA MUKHERJEE : This is a serious point of order that I am raising. Now, what happens to the original Fiftieth Amendment Bill? Am I to support a plethora of Constitution Amendment Bills? What happens to the original Fiftieth Amendment Bill?

MR. DEPUTY-SPEAKER : When that item comes, you can take it up. That has nothing to do with this Bill.

SHRI AMAL DATTA (Diamond Harbour) : Sir, I want to speak...

MR. DEPUTY-SPEAKER : Your name is not here. The Minister will reply now.

SHRI AMAL DATTA : You must allow me to speak. I am opposing introduction of this Bill.

MR. DEPUTY-SPEAKER : I am not allowing him. His name is not here. The Minister will reply.

(Interruptions)

MR. DEPUTY-SPEAKER : I am not allowing him to speak. You cannot conduct the proceedings if this is the behaviour of the hon. Members. They are stalling the proceedings. They want to stall the proceedings. I am so sorry. I take a very serious note of this. Mr. Minister, you can reply. Whatever they are saying is not going on record. This is not the way. *(Interruptions)*. **

MR. DEPUTY-SPEAKER : They cannot take the law in their own hands. They must obey the Chair. I am not permitting them. Let them go on speaking. It is not going on record. I know their method of functioning. I am not permitting. Mr. Minister, you can reply.

SHRI P.V. NARASIMHA RAO : My difficulty is that whatever I am going to say also will not go on record because it is not being heard.

MR. DEPUTY-SPEAKER : That means, they do not want your reply. Do not record whatever they are saying. They are stalling the proceedings. I take a very serious note of this. Four Members from the Marxist Party have already spoken—Mr. Sunil Maitra, Mr. Sudhir Giri, Prof. Rup Chand Pal and Mr. Satyasadhan Chakraborty. And he is asking me to call him also. I am sorry. This is not the way. Mr. Samar Mukherjee has to look into it. Do not record whatever they say. If the hon. Members do not know the fundamental lesson that the Chair must be obeyed, we cannot function, we cannot conduct the proceedings. I am very sorry. Let them take away the time ; if they want to. *(Interruptions)*. **

MR. DEPUTY SPEAKER : I am sorry I cannot allow. There are 8 names. All the 8 have been allowed. Mr. A.K. Roy wanted to speak and as a special case he said that has not seen the letter or something like that. Mr. Indrajit Gupta intervened and I said all right. You should have raised that point at that time... *(Interruptions)*. I know the procedure. I allowed him.

SHRI P.V. NARASIMHA RAO : At this stage I would not like to go into any detailed aspects of the Bill. Those aspects can be considered when we take up the Bill for consideration.

There was only one objection which I thought I should meet even at this stage...

(Interruptions).

MR. DEPUTY SPEAKER : Mr. Amal Datta, I warn you. I can easily name you. I do not want to do that. Please sit down. You cannot stall the proceedings.

SHRI P.V. NARASIMHA RAO : As I said there was only one objection which I thought I should meet at this stage and that was that while certain powers are being taken, certain legislation is being introduced as a result of which certain rights will be taken away, is there anything in substitution of that so that grievances can be redressed ? This, I think, is a valid objection. I have met it at this stage. We can go into the substantive aspects later. At this stage I will not go into any other matter.

(Interruptions)

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Lok Sabha divided :

13.44 hrs.

Division No. 7 :

A Y E S

Ahmed, Begum Abida

Ahmed, Shri Kamaluddin

Ajit Pratap Singh, Shri

Alluri, Shri Subhash Chandra Bose

Ankineedu Prasada Rao, Shri P.

Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S.R.A.S.
 Bhagat, Shri B.R.
 Bhagwan Dev, Acharya
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bheekhabhai, Shri
 Bhoi, Dr. Krupasindhu
 Birbal, Shri
 Birender Singh, Rao
 Bishnu Prasad, Shri
 Brar, Shrimati Gurbinder Kaur
 Chandrakar, Shri Chandu Lal
 Chandrashekharappa, SHRI T. V.
 Chaturvedi, Shrimati Vidya Wati
 Chaudhary, Shri Manphool Singh
 Chavda, Shri Ishwarbhai Khodabhai
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Chouhan, Shri Fatehbhan Singh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A.C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dogra, Shri G.L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Gadgil, Shri V.N.
 Gaekwad, Shri R.P.
 Gehlot, Shri Ashok

Ghorpade, Shri R.Y.
 Gireraj Singh, Shri
 Gogoi, Shri Tarun
 Gomango, Shri Giridhar
 Gounder, Shri A. Senapathi
 Gouzagin, Shri N.
 Gowda, Shri D.M. Putte
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kahandole, Shri Z M.
 Kailash Pati, Shrimati
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Ken, Shri Lala Ram
 Khan, Shri Arif Mohammad
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K.T.
 Kshirsagar, Shrimiti Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunhambu, Shri K.
 Kurien, Prof. P.J.
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahavir Prasad, Shri
 Mahajan, Shri Y.S.
 Mahala, Shri R.P.
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri

Mallu, [Shri Anantha Ramulu
 Mani, Shri K.B.S.
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Mishra, Shri Umakant
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohsin, Shri F.H.
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M.V. Chandrashekhara
 Muttemwar, Shri Vilas
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Nayak, Shri Mrutyunjaya
 Nihalsinghwal, Shri G.S.
 Nurul Islam, Shri
 Parashar, Prof. Narain Chand
 Parmar Shri Hiralal R.
 Patel, Shri Ahmed Mohammed
 Patel, Shri Uttambhai H.
 Patil, Shri A.T.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Chandrabhan Athara
 Patil, Shri Shankarrao
 Patil, Shri Veerendra
 Patnaik, Shrimati Jayanti
 Pattabhi Rama Rao, Shri S.B.P.
 Potdukhe, Shri Shantaram
 Pradhani, Shri K.
 Prasan Kumar, Shri S.N.
 Quadri, Shri S.T.
 Ramulu, Shri H.G.

Rana Vir Singh, Shri
 Ranjit Singh, Shri
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rao, Shri M. Satyanarayan
 Rao, P. V. Narasimha
 Raut, Shri Bhola
 Reddy, Shri M. Ram Gopal
 Reddy, Shri T. Damodar
 Roat, Shri Jai Narain
 Rothuama, Dr. R.
 Sahu, Shri Narayan
 Sahu, Shri Shiv Prasad
 Saminuddin, Shri
 *Saran, Shri Daulat Ram
 Sathe, Shri Vasant
 Satya Deo Singh, Prof.
 Scindia, Shri Madhavrao
 Sethi, Shri Arjun
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Nand Kishore
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shingda, Shri D.B.
 Shiv Shankar, Shri P.
 Shukla, Shri Vidyacharan
 Signal, Shri S. B.
 Singh, Shri C. P. N.

Singh, Kumari Pushpa Devi
 Sinha, Shrimati Ramdulari
 Sukhbuns Kaur, Shrimati
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Tayeng, Shri Sobeng
 Tewary, Prof. K.K.
 Thorat, Shri Bhausaheb
 Thungon, Shri P.K.
 Tripathi, Shri Kamalapati
 Vairale, Shri Madhusudan
 Verma, Shri Deen Bandhu
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V.S.
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Yadav, Shri D.P.
 Yadav, Shri Ram Singh
 Zainul Basher, Shri

N O E S

Agarwal, Shri Satish
 Balan, Shri A.K.
 Banarsi, Das Shri
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhim Singh, Shri
 Bhoopathy, Shri G.
 Chakraborty, Shri Satyasadhan
 Chaudhuri, Shri Tridib
 Chhangur Ram, Shri
 Choubey, Shri Narayan
 Dandavate, Prof. Madhu

Dandavate, Shrimati Pramila
 Datta, Shri Amal
 Digamber Singh, Shri
 Era Mohan, Shri
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Kalanidhi, Dr. A.
 Lawrence, Shri M.M.
 Mahata, Shri Chitta
 Mandal, Shri Sanat Kumar
 Mehta, Prof. Ajit Kumar
 Misra, Shri Satyagopal
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Nagaratnam, Shri T.
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 *Panigrahi, Shri Chintamani
 Parulekar, Shri Bapusaheb
 *Paswan, Shri Ram Vilas
 Patil, Shri J. S.
 Premi, Shri Mangal Ram
 Rahi, Shri Ram Lal
 Rajan, Shri K.A.
 Rajesh, Kumar Singh, Shri
 Ram Kinkar, Shri
 Roy, Shri A.K.
 Roy, Dr. Saradish

* Wrongly voted for Noes.

Roy Pradhan, Shri Amar

Saha, Shri Gadadhar

Sathiyendran, Shri M.S.K.

Sen, Shri Subodh

Shakya, Shri Daya Ram

Shamanna, Shri T. R.

Shastri, Shri Ramavatar

Shejwalkar, Shri N.K.

Sinha, Shri Nirmal

Tirkey, Shri Pius

Varma, Shri Ravindra

Verma, Shri Raghunath Singh

Yadav, Shri Chandrajit

Yadav, Shri Chhotey Singh

Yadav, Shri R. P.

Yadav, Shri Vijay Kumar

MR. DEPUTY-SPEAKER : Subject to correction, the result* of the Division is :

Ayes : 157. Noes. : 60.

The motion was adopted.

MR. DEPUTY-SPEAKER : Leave is granted. The hon. Minister may now introduce the Bill.

SHRI P.V. NARASIMHA RAO : Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER : Now we take up the next item.

MATTERS UNDER RULE 377

MR. DEPUTY-SPEAKER : Now, matters under rule 377. Shri J.S. Patil.

(1) Lock out in National Rayon Company, Maharashtra

**SHRI J.S. PATIL : I would like to raise the following matter of urgent public importance under Rule 377.

A serious crisis has arisen due to lock out of National Rayon Company near Kalyan in my constituency for past 8 months. This is a leading synthetic fibre producing unit in the country and hundreds of employees have been rendered jobless because of its lock out for such a long period. The Government is also losing substantial revenue by way of taxes as the unit is not functioning for past many months.

Many employees of this company have not been able to find any alternative employment. Some of them are doing the job of auto-rickshaws driving. But, as there are already 2,000 auto-rickshaws in the city, new licences are not being issued. The economic balance of this area has been upset due to large scale unemployment of the employees in this unit.

I, therefore, request the Minister of Industry to take immediate steps to start this unit at the earliest in order to give relief to jobless employees of this unit.

* The following Members also recorded their Votes :

AYES : Shri Ram Chander Rath, Shrimati Sumati Oraon, Dr. Rajendra Kumar Bajpai, Shri M. Rajshekara Murty, Shri C.D. Patel, Shri Tapeshwar Singh, Shri C.B.M. Tiwary, Shri Doongar Singh, Shri Bajuban R. Kharlukhi and Shri Chintamani Panigrahi.

NOES : Prof. Saif-ud-Din Soz, Shri Pitambar Sihna, Shri Chander Pal Singh, Shri Trilok Chand and Shri Daulat Ram Saran.

** The original speech was delivered in Marathi.