

## DEMANDS FOR GRANTS, 1979-80

—Contd.

MINISTRY OF AGRICULTURE AND IRRIGATION—Contd.

सभापति महोदय : श्री जायसवाल ।

श्री अनन्त राम जायसवाल (कैजाबाद) : सभापति महोदय, जहाँ तक प्रति व्यक्ति भ्रान्त की उपलब्धि का सम्बन्ध है, उसमें पिछले पच्चीस, तीस सालों में कोई फर्क नहीं हुआ है—वह जहाँ की तहाँ है। इसलिए इस तरह पूरी तबज्जुह देनी चाहिए। भ्रान्त की पैदावार में जो वृद्धि हुई है, खासी उससे संतोष कर लेना उचित नहीं है।

हमें कभी नहीं भूलना चाहिए कि हमारे देश में छः साल करोड़ लोग ऐसे हैं, जिनकी या तो रोज दोनों वक्त खाना नहीं मिलता है, या दूसरे तीसरे दिन खाना मिलता है। जब सरकार दाल की पैदावार को बढ़ा नहीं पाई है, तो दाल की प्रति व्यक्ति उपलब्धि भी घटती रही है।

मैंने इकानॉमिक सर्वे में बहुत तलाश करने की कोशिश की कि कहीं मिल जाये कि हमारे देश में लोगों की दुध कितना मिलता है, लेकिन वे भाइयों मुझे कहीं भी नहीं मिले हैं कि इस देश में प्रति व्यक्ति दुध कितना मिलता है। गेरे देशों में दुध की औसत आपत आधा लीटर प्रति व्यक्ति होगी, लेकिन हमारे देश में एक आधमी की सायद कुछ बूंद ही दुध मिलता है। इसलिए सरकार ने इस तथ्य को कभी लोगों के सामने लाने की कोशिश नहीं की है। मैं माहता हूँ कि मंत्री महोदय अपने उत्तर से बतायें कि हमारे देश में दुध की आपत क्या है। मेरा ज्वाल है कि सायद आध चम्मच के आस-पास की औसत होगी।

हमारे देश में ग्राम आधमी की यह हालत है। मैंने जो तस्वीर यहाँ रखी है, अगर सरकार इसको सुधारना चाह, तो इसके लिए बहुत पैसे की जरूरत है—इतने पैसे की, जिसका अन्धाजा नहीं लगाया जा सकता है। यहाँ पर पहले घरेलू की लूट करी, और स्वराज्य मिलने के बाद भी पिछले पच्चीस तीस सालों के दौरान गाँवों के लोगों की हालत में सुधार नहीं हो पाया है और गाँवों का विकास नहीं हो पाया है। इसके लिए बहुत पैसे की जरूरत है। सरकार टैक्स लगा देती है, एक्साइज इवूटी को बढ़ा देती है और इस तरह लोगों की खिन्नी की और दमर बना देती है—और यह इसका उपाय की नहीं है।

मैं आपके सामने एक उपाय रखता हूँ, हालाँकि मुझे शक है कि सरकार इसको कर पायेगी या नहीं। बहुत पहले कहा गया था कि इस देश को बनाने के लिए बड़े लोगों के खर्च पर पारबंदी लगा दी जाये। उससे 15 लाख रुपये—सायद उससे ज्यादा—बच जायेंगे। उस रकम को खेती और गाँवों के विकास और कारखानों के सुधार में लगाया जा सकता है। इस सब में इस बारे में चर्चा भी हो चुकी है।

सभापति महोदय : माननीय सदस्य अपना भाषण अगले दिन कटौत करे।

15.29 hrs.

## COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTION THIRTY-FIRST REPORT

श्री राम बिलास पासवान (हाजीपुर) : सभापति महोदय, मैं प्रस्ताव करता हूँ :—

“कि यह सभा गैर-सरकारी सदस्यों के विधेयकों तथा संकल्पों सम्बंधी समिति के 31वें प्रतिवेदन से, जो 11 अप्रैल, 1979 को सभा में प्रस्तुत किया गया था, सहमत है।”

MR. CHAIRMAN: The question is:

“That this House do agree with the Thirty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 11th April, 1979.”

The motion was adopted.

15.30 hrs.

## RESOLUTION RE: BAN ON COW SLAUGHTER—contd.

MR. CHAIRMAN: The House will now take up further discussion of the following Resolution moved by Dr. Ramji Singh on 2 March, 1979:—

“This House directs the Government to ensure total ban on the slaughter of cows of all ages and calves in consonance with the Directive Principles laid down in Article 48 of the Constitution as interpreted by the Supreme Court as well as necessitated by strong economic considerations based on the recommendations of the Cattle Preservation and Development Committee and the reported fast by Acharya Vinoba Bhave from 21 April, 1979.”

Shri Nathu Singh may continue his speech.

श्री नाथू सिंह (दोसा) : सभापति महोदय, मैं पिछली बार बता रहा था कि यह क्यों आवश्यक है कि भारत में गोहत्या बन्द हो। मैंने बताया था

कि गाय भारत की आत्मा है—भारत के साथ गाय का नाता बहुत गहरा है।

अभी मेरे मित्र कह रहे थे कि दूध नहीं मिलता ...

एक मानवीय तथ्य : भैंस ज्यादा दूध देती है।

श्री नाथ सिंह : जो मेरे मित्र भैंस को माता मानते हैं वह मानें मुझे कोई ऐतराज नहीं है और भ्रमले जन्म में वह भैंस को बेटे भी बनना चाहें तो भी मुझे कोई ऐतराज नहीं है, भैंसा भी बनना चाहें तो गवें।

यह कहा गया है यहाँ पर कि गाय की हत्या बन्द कर दें तो माइनास्टीज की भावनाओं के साथ बड़ा खिलवाड़ करेंगे। लेकिन मैं प्रश्न करता हूँ कि यदि आप गोवध पर पाबन्दी नहीं लगाएँ तो क्या हिन्दुस्तान में बहुमत की भावनाओं के साथ आप खिलवाड़ नहीं करेंगे। .... क्या लोक तंत्र में आप बहुमत की राय ... (अव्यञ्जन) ...

मैंने गाय चरवाई है इसलिए बोल रहा हूँ। गाय का महत्व मैं जानता हूँ। आप भी मेरे साथ बलिये मैं समझाऊंगा।

तो मैं यह कह रहा था कि क्या यह बहुमत के निर्णय का प्रभाव नहीं है। कुछ लोग जो यह कह रहे हैं कि माइनास्टीज की भावनाओं के साथ खेल रहे हैं यह गलत है। मैं आप को उदाहरण देना चाहूँगा कि गाय का कितना महत्व है। हमारे भारतवर्ष में 1857-58 से पहले गोहत्या नहीं हुआ करती थी। वैदिक काल से लेकर अंग्रेजों के आने तक कभी भी गोहत्या इस देश में नहीं हुई। इस के कुछ प्रमाण मैं रखना चाहता हूँ। वैदिक काल में गाय को गो, श्वेत् और एक सम्बन्ध प्रणया जिस का मतलब अहमनीय जिस का हवन नहीं होता, होता है, इन नामों से पुकारा जाता था। पाणिनि के व्याकरण में एक ऐसा सम्बन्ध आया है जिस में उसने कहा है—सुसम्बन्धो धर्म्य देवो माति—यह वेद सुसम्बन्ध है जिस कारण कि—गोमान धर्म्य। इसलिए कि यहाँ बहुत धर्म्य हैं। हमारे यहाँ इतिहास में भी बताया जाता है कि यहाँ पर पहले गाँवों में धर्म्य के ही बड़ा हुआ करते थे, गाय का बहुत महत्व हुआ करता था और सोचने के ऊपर ही गाँवों का जीवन निर्भर हुआ करता था। श्रीकृष्ण ने भी वर्णधर्म में धर्म्य बताया था जो एक बहुत बड़े राजनीतिक हुए हैं। और भी बहुत बड़े बड़े लोग हमारे इतिहास में हुए हैं जिन्होंने गाय चरवाई थी।... (अव्यञ्जन) ... मेरे मित्र बोल रहे हैं। मैं उन को बताना चाहता हूँ, मुझे भी यह सीमावर्ष प्राप्त हुआ है, मैं एक किसान का बेटा हूँ, इसलिए मैंने भी गाय चरवाई है और मैं गाय के महत्व को जानता हूँ। 1857 की क्रांति की स्मृति जमाने का कारण भी यही था, राज्य मेरे मित्र को पता होना और बड़े स्मृति देवी बनी कि हिन्दुस्तान से अंग्रेजों का राज किस में कि कभी सुबह नहीं चलता होता था समाप्त हो गया। उन के पाँच यहाँ

से उखड़ गए और मुझे डर है कि अगर आपने बहुत मत की भावनाओं के साथ खेलने की कोशिश की तो आप के पाँच भी उखड़ जाएंगे।

1804 तक राजपूत राजाओं ने जितने भी समझौते किए, संघियों की उस में ये यह शर्त रखते थे कि जिस प्रदेश में अंग्रेजों का शासन होगा, जहाँ उन का प्रशासन चलेगा वहाँ गोहत्या बन्दी होगी।

इस के प्रस्ताव आप माइनास्टीज की बात करते हैं। महाराज बाबर, हुमायूँ, अकबर इन्होंने भी गोहत्या बन्दी के करमान जारी किए थे। टीपू सुल्तान ने भी अपने राज्य में गोहत्या बन्द की थी और लोकमान्य तिलक, पंडित मदन मोहन मालवीय, साक्षात् लाजपत राय, गांधी जी, लाल बहादुर शास्त्री, बिबेकानन्द इन सब को आप देखें तो आप को पता लगेगा कि सब ने यह राय जाहिर की है कि गोहत्या बन्द होनी चाहिए। यहाँ तक कि गांधी जी ने 25-1-1925 को एक जगह लिखा है कि—

“मेरी राय के मुताबिक गो-रक्षा का प्रश्न स्वराज्य के प्रश्न से छोटा नहीं है।”

यानी स्वराज्य से भी इस को अधिक महत्व देते थे।

“एक तरह से तो वह स्वराज्य से भी अधिक महान बात है। मेरे मत के अनुसार गोहत्या और मनुष्य हत्या के बीच कोई फर्क नहीं है।”

सभापति महोदय, गांधी जी जिनको हम आपस में पूज्य मानते हैं, राष्ट्रपिता कहते हैं, वे हिन्दू, मुसलमान सभी के लिये धार्मिक हैं। फिर यह कहा जाता है कि यह माइनास्टीज का प्रश्न है, धार्मिक मामला है। मेरी समझ में नहीं आता कि यह क्यों है?

सभापति महोदय, बहुत तर्क दिये गये कि यह धार्मिक मामला है। इस से हमारा बहुत धार्मिक नुकसान हो जाएगा। मैं धाँकड़ों से सिद्ध कर सकता हूँ कि यदि गो हत्या बन्द कर दी जाए तो उस से देश को नुकसान नहीं, लाभ होगा। गो हत्या करने से देश को नुकसान होता है। इससे कितनी धर्म्य देश की होगी यह मैं आपके सामने रखना चाहता हूँ।

सभापति महोदय, इस देश में कुल 22 करोड़ 90 लाख पशु हैं। यह लाख पशुधन हमें कितना लाभ पहुँचाता है वह धाँकड़े में आपके सामने रख रहा हूँ। हमारे देश में जितने बड़े उद्योग हैं उनसे देश को 2243 करोड़ रुपये की आय होती है। छोटे उद्योगों द्वारा जो देश को आय होती है वह 1560 करोड़ रुपये की है। गाय और बैल के द्वारा जो आय होती है वह 14 हजार 6 सौ करोड़ रुपये की होती है। बड़े उद्योगों में तीन-चार लाख की पूंजी पर एक व्यक्ति को रोजगार मिलता है, छोटे उद्योगों में 10-15 हजार की पूंजी में एक व्यक्ति को और पशुपालन से दो-तीन हजार की पूंजी में दूरे परिवार को रोजगार मिलता है। मैं पूछना चाहता हूँ कि किस मामले में यह कहा जाता है कि गो हत्या बन्द कर देने से हमें धार्मिक दृष्टि से नुकसान होगा।

[श्री नाथ सिंह]

मैं राजस्थान से आता हूँ। पश्चिमी राजस्थान में आधे की हजारों परिवार ऐसे मिलेंगे जिनका जीवन पशुधन पर आधारित है। वहीं से पशु सारे भारत में और पूर्वी प्रान्तों में भी आते हैं। वहाँ पर हजारों परिवार पशुधन पर निर्भर हैं। फिर कैसे कह सकते हैं कि इस से हमें आर्थिक नुकसान होगा? अगर हमने वो हत्या बन्द नहीं की तो जो हमने दस साल में बेरोजगारी दूर करने का जो लक्ष्य रखा है वह पूरा नहीं होगा। बैलगाड़ी वाले हमारे देश में एक करोड़ से अधिक हैं। पशुपालक हमारे देश में 50 लाख हैं। इस पेलने वाले 6 लाख 50 हजार हैं। दूध का व्यापार करने वाले हमारे देश में लगभग दो करोड़ लोग हैं। इस तरह से कुल मिला कर करोड़ों व्यक्ति पशुधन से रोजगार पाते हैं। अगर आपने वो हत्या बालू रखी तो पशुधन के आधार पर लोगों को जो रोजगार मिल रहा है उसको आप छीन लेंगे। उनको भयंकर बेरोजगारी का सामना करना पड़ेगा। अगर हम अपने देश में सम्पूर्ण रूप से वो हत्या बन्द कर देते हैं तो हम पांच बघों में दो करोड़ गये लोगों को रोजगार दे पायेंगे। इसलिए यह कहना कि केवल आर्थिक कारण से ही इसे बन्द नहीं किया जा सकता क्योंकि इससे आर्थिक नुकसान हो जाएगा, इसे भी मानने की तैयार नहीं हूँ। हम लोग प्रति वर्ष 225 करोड़ का फटिलाइजर आयात करते हैं। हम पशुओं की रक्षा करें तो खाद, गोबर, ईंधन हमें काफी मिल सकता है। यह 225 करोड़ हमारा बच सकता है। यह लाभ तो हम को होगा ही इसके अलावा जो 96 करोड़ 46 लाख का दूध का पाउडर हम आयात करते हैं इसका आयात भी हम बन्द कर सकेंगे और यह भी एक लाभ हम को मिलेगा। कुल मिला कर इस तरह से हमारे देश की आर्थिक स्थिति सुदृढ़ होगी। विदेशी मुद्रा का जो लालच बताया जाता है उसके बारे में मैं कहना चाहता हूँ कि हमारे कुल पशु जो 22 करोड़ 90 लाख हैं यदि उनकी हत्या न हो तो हम दूसरी दूध की बीजे बाहर भेज सकते हैं और विदेशी मुद्रा प्राप्त कर सकते हैं। यह कहना कि वो हत्या बन्द करने से हमारे देश को आर्थिक नुकसान होगा इससे मैं सहमत नहीं हूँ। मैं समझता हूँ कि यदि वो हत्या बन्द न की गई तो हमें भयंकर परिणाम भुगतने पड़ सकते हैं।

**SRI VASANT SATHE (Ahela):**

Mr. Chairman, Sir, this Resolution which has been brought by my friend, Dr. Ramji Singh, is of great importance for the whole country for more than one reason. I will not deal with this subject from emotional angle although it cannot be denied that human beings are emotional people. It cannot be denied that man lives and is willing to die for emotions. Why do we eulogise the concept of motherland if we were to say that after all land is land, earth, moun-

tains and trees? Why do you call it mother land? Why do you want to die for the whole concept of a motherland? Because man is emotional, lives by emotion. He is willing to die for a flag. Why does one die for a flag? After all, it is a piece of a cloth. Therefore, to dismiss the emotional aspect as irrational is to make it very cheap. Someone feels that although there is no religious sanction in terms of killing a particular animal, yet he takes shelter under a religion and says: "Because it is permissible in my religion, therefore, treat it as a religious sanction and protect my religious right." But when other people have been feeling so emotionally strongly for centuries on a particular issue, you want to dismiss it lightly by saying irrational. Therefore, I will not go into the question of emotionalism.

The consensus of the whole debate that I have been listening to for the last three sittings is that let us take a pragmatic approach, a scientific approach and consider it partly on economic basis. It is agreed that cow plays a very important role in the economy by providing milk and bullocks which are even today the major support of our agrarian economy both for transport and cultivation and which cannot be replaced. Therefore, having accepted this, people say "let us protect the milch cow, let us protect the calf which will become either a cow or a bullock". As far as this is concerned, there is overall agreement. Or this point we all broadly agree; even the progressive friend who has been waxing eloquent in this House on the economic aspect, agrees that only the old, useless cows should be allowed to be slaughtered, because they are otherwise a burden on the economy. So, the whole argument is that section of cows which are old, sick and useless, they alone should be slaughtered.

What will be the percentage of such old cows? My hon. friend, the Minister of Agriculture, will give us the

facts, if he has any. But I have been talking to some of our friends, who know about agriculture better. The useful period of a cow's life is between 10 to 12 years. I am also told that the moment it stop milching, it survives hardly two or three years more. Therefore, the percentage of such cows would be hardly 10 to 15 per cent of the entire cow population.

Are we going to say that 80 per cent of the cows, which are milching and good, should be properly looked after, but the rest 20 per cent should be allowed to be slaughtered? The Supreme Court has dealt with this and I am coming to it presently. Here the difficulty is that you do not have birth certificates stamped on a cow. You cannot starve a cow because next morning it is going to be slaughtered. Who is to certify it? How can you say that a cow is 14 years old? Who has to determine it? In any case, it becomes arbitrary. That is why it was argued that if you seriously think that cows should be protected, then you may consider how the burden of this 20 per cent can be reduced. But do not keep a loophole. Because, the moment you keep a loophole, people will take advantage of it. Because, if you go to a slaughter house in Calcutta or Kerala, you will invariably find that it is the young one and the calf which is butchered because the butcher wants to have only the one which sells... (Interruptions). I am thinking of the society as a whole and what should be our responsibility while speaking in Parliament. When you want beef, whose beef will you have? Will you have the beef of a decrepit, skinny, rickety, diseased cow? No, people want the beef of a young cow or a good calf. Go to any slaughter house and you will find this is the position. Therefore, how do you protect good cows unless you have full cow protection?

Then, take the economic of it.

Let me quote here what is the economics of the cow in the country. It was stated:

"The cow gives milk for food, bulls for draught and manure for agriculture. In India, where a large section of the population consists of vegetarians, there is a huge shortage in the supply of milk. Therefore, cows and other milch cattle are of great value to the country. Nearly 95 per cent of agriculture is dependent on bullocks. Because of indiscriminate slaughter of cows there is a growing shortage of bullocks. Today a pair of bullocks costs Rs. 2,000 as against Rs. 200-250 in 1967. At the turn of the century they cost only Rs. three. Now, you can't even hire a pair of bullocks for Rs. 30 per day."

"The Indian farmer is at a severe handicap because of this", they explained. "There are 40 crore acres of land under cultivation. To switch over to mechanised farming we shall need five million tractors against which we have only 31,000 at present. To make these tractors we will need 30 million tonnes of steel and our annual production of steel is hereby 4.5 million tonnes. The capital expenditure estimated would be Rs. 14,000 crores. We will also need 40 million tonnes of different fertilisers. Where are we going to get these from and at what cost? We have 40,870,000 traditional ploughs and only 73 million bullocks...."

MR. CHAIRMAN: You may please conclude now.

SHRI VASANT SATHE: I have to make a clear statement. No one has spoken on this subject at length.

"We need 81.3 million bullocks. Where will they come from if the cows are slaughtered indiscriminately? Don't you see how you are devitalising rural India, how you are neglecting the crying needs of rural India for milk, bullock power, manure and methane gas when you indulge in indiscriminate cow



[Shri Vasant Sathe]

slaughter? By destroying the cow population you are destroying the poor. We don't want to impose anything on you we are trying to save our people."

This is from *Sunday* issue on Cow Slaughter of 11th February 1979, at page 23.

Now, you consider the economics. It is all right. There are the champions of cow slaughter. But where is the cow slaughter? In big cities like Calcutta? Who gets the benefit? I am thankful to Sham Babu for having reminded me just now. Does the man in the village get the benefit? The man who sells the cow, does he get the benefit of the slaughter? No. Does he get the benefit of the skins or horns or the bones? No. The man who buys and sells it to the slaughter house, it is that person in the urban area who gets the benefit. By this, how do you help the rural economy? How are you helping the poor even by slaughtering the cows? Therefore, this argument that we are doing it for the benefit of the poor people is fallacious. I do not want to make this a political issue. I know my friends from the Leftist parties have been championing this cause and making as if it was a political issue because in West Bengal and Kerala they have different political parties.

SHRI C. N. VISVANATHAN: In Tamil Nadu also there is a different political party. (Interruptions).

SHRI VASANT SATHE: Then it says:

"I don't want this issue to become a Communism vs. non-Communism issue", said Vinobaji in reply to my written question as to why he wished to impose his will on the Government of West Bengal and Kerala. "I am not against the Government. We are not in the Opposition, why should we be against the Government? I have nothing against Communism. All I am asking is

that enactment be made within limits laid down by the Supreme Court." Vinoba is a man of few words... One realises as one sits before him that words are so unnecessary when one talks of one's convictions. He continued: "The cow is to rural India what electricity is to urban India. The ban on cow slaughter is a secular, cultural demand."

The Supreme Court having dealt with all the arguments said:

"The cow soon became the backbone of the Indian economy as it turned agrarian and began to be considered an object of wealth and veneration. The court also found that the quality of our cattle was poor and their number large. There was a shortage of milch cows, breeding bulls and working bullocks. It realised that though the cattle stock must improve and unless cattle were a drain on the nation's cattle-feed resources, a total ban on the slaughter of all cattle would severely disrupt the trade of butchers and merchants in skins and hides. Sections of the poor would be deprived of whatever little animal protein they could afford. When it comes

to milk, the she-buffalo is preferred. The breeding bulls and working bullocks are economic animals and need no protection. An age constraint was difficult to impose and often animals were brutally maimed to get them a certificate for slaughter. Considering all this, the court concluded that (i) a total ban on the slaughter of cows of all ages, calves of cows and she-buffaloes, male and female, she-buffaloes and breeding bulls (cattle as well as buffalo as long as they are milch and draught cattle) was reasonable and valid,

"(ii) a total ban on the slaughter of she-buffaloes or breeding bulls, or working bullocks (cattle or buffaloes) after they cease to be capable

of giving milk or breeding or working as draught animals cannot be supported as being reasonable and in public interest."

Therefore, what is the position? Beef eating is not stopped. Why are you raising a hue and cry that somebody is deprived of beef? Bullocks can be butchered, beef is available, buffalo beef is available. So, it is not that beef is not available. All that is being said that because it is not possible to make a reasonable classification, you cannot make a partial distinction like old, decrepit etc., as that would leave loopholes, the present decision has been given.

16.00 hrs.

Now only two States remain viz., West Bengal and Kerala. The cows go right from Haryana to Calcutta, right from all parts of Central India to Kerala. That becomes a slaughter house. That is why these two States must fall in line with the other parts of the country. Vinobaji has been pleading with the Governments. He was reasonable enough. They said: "we will implement Article 48 in spirit". It was done in most of the States, except these two States. Now you ask the question: Why is this man threatening? Why is this moral pressure? Why should we yield to the moral pressure? I would like to ask: What was the pressure when Morarjibhai fasted for elections in Gujarat? Was that not a moral pressure? Our Government yielded to it and held elections even in summer. People do it for elections.

There is a saying and let me conclude by saying that. The country has worshipped the Raja, the representative of the people and the Rishi. But whenever there has been a clash between a Rishi and a Raja it is the Raja who has suffered and not the Rishi. Therefore, do everything possible in the hands of the Government

or the country or the Parliament to save the life of the modern Rishi whom Gandhiji himself accredited as his moral successor. Therefore, save his life. If you do not do that and if he sacrifices his life, I tell you, the *shap* of this man's soul, moral soul, will fall on this Government and on the Governments of the two States.

With these words, I conclude.

SHRI NARENDRA P. NATHWANI (Junagadh): The question of total banning of cow slaughter has not cropped up suddenly in this House. The debate has gone on for a considerable time and I would like to be as brief as possible. There are two aspects to this question, one is religious or sentimental and the other is the economic aspect. A question, therefore, arises, what should be the correct approach to this problem? I think the Supreme Court's decision in Quresi's case (reported in AIR 58 Supreme Court at page 713) furnishes the answer.

But before I refer to this case, let me remind this House of the provisions of Articles 48 and 37. It is very necessary to stress the relevant provisions of Article 48. Since the Constitution came into force, Article 48 has been there. It reads—I read the relevant part—

"The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle."

So, this is the specific instance given of developing animal husbandry on modern and scientific basis. One of the specific directions given is to take steps for prohibiting the slaughter of cows and calves. In express words, it enjoins the States to follow this policy. I refer to Article 37. Of course, these are Directive Principles. They cannot be enforced in a court of law, though as the House knows, the opinion has

[Shri Narendra P. Nathwani]

changed from time to time regarding the construction of Directive Principles. But I do not want to go into that. Let us read Article 37:

"The provisions contained in this part—Part IV—shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the Governance of the country..

"and it shall be the duty of the State Minister to apply these principles in making laws."

Therefore, it does not lie in the mouth of any State to dispute this proposition. It is their duty. Maybe, if there are practical difficulties in enacting such a law, they can ask for time and they can try to get over these difficulties. But as the position stands, it is obligatory upon them to see that these principles are given effect to.

Now, I go to the Supreme Court case. I have not heard any single argument from the opposition side, that is to say, those who have been opposing the banning of cow slaughter, which has not been effectively and cogently dealt with and disposed of by the Supreme Court decision. After the Constitution came into force, the States of Madhya Pradesh, Bihar and UP enacted suitable legislation to ban total slaughter of certain animals, including cows. Certain persons belonging to the Muslim community and the persons doing the business of butchers filed writ petitions and the matter came before the Supreme Court. The arguments were three-fold two of which have been trotted out here again and again in spite of this decision.

In the very beginning, the Supreme Court deals with the question of sentiment or religious aspect. As to what should be our approach to the religious and sentimental aspect, I say, the Supreme Court has itself given an answer on p. 745. It is in these terms:—

"While we agree that the constitutional question before us cannot be decided on grounds of mere sentiment, however passionate it may be, we nevertheless think that it has to be taken into consideration, though only as one of the many elements, in arriving at a judicial verdict as to the reasonableness of the restrictions sought to be placed under the three enactments."

So, the Supreme Court was concerned to see whether the restriction that was sought to be placed on butchers carrying on their business of slaughtering of animals, selling beef and other articles,—whether the total banning of cow slaughter,—had placed an unreasonable restriction, was a reasonable restriction in the interest of general public. The Individuals' fundamental rights, citizens' fundamental rights, can be deprived of only if the restriction is found to be in the public interest. The answer given was that it was a reasonable restriction on individuals' rights to carry on business in the public interest and interest of particular communities, religious people and so on.

I would like to be very brief—I merely want to sum up what the Supreme Court considered in arriving at the above decision was this. They considered the triple role that cow plays in India, it produces milk for food; it produces bulls for draught and it gives manure for agricultural purposes. This is the triple role which the Supreme Court considered and the arguments that were advanced by the petitioners in support of their contention were taken into consideration. The arguments were that beef forms an item of food for a large section of the people in the country and that too of very poor people. The second argument was that the continuance of useless cows and other animals would strain the scanty fodder and feed resources of the country. They also urged that the presence of a large

number of old and useless cattle had a bad effect on the quality of their breed also. These were the three arguments that were advanced. The Supreme Court also took into account, before giving their decision, the point as to whether the ban on cow slaughter could be restricted to only cows which were useful, which gave milk and which could be made use of. But they pointed out the practical difficulties involved; they gave the figures and said that, if it was tried to be restricted to only useless cows and if cows which were advanced in age and which had become useless for further economic use were to be allowed to be slaughtered, then it would leave the door wide open for premature slaughter of useful cows also.

The arguments given by the Supreme Court have been reinforced by the recent study of agrarian problems made by experts. But before referring to it let me say that at that stage, even before the Supreme Court, the counsel who appeared for the petitioners did not go to the extent of suggesting that there should be no total ban so far as the cows were concerned; he did not think it worthwhile to advance such an argument. Now, of course, we are arguing this point. Let it be argued. We have the right, the privilege, the freedom of expression. I do not attribute any motives. But this was the position in 1958.

Acharya Vinobha Bhave's fast also has not come up suddenly. As far back as 1976, he drew the attention of the Government to their failure in fulfilling their assurance and declared his intention to go on fast. At that time the Government of India gave an assurance and in pursuance of that assurance, the Central Government advised four States and the Union territory of Goa to pass a suitable legislation which was done. Now, I ask one question, I have been sitting here throughout the debate. I have not heard a single Member say or point out how the prevalence of these Acts banning total cow slaughter in

all the States of India except two has burdened or caused inconvenience to the persons whose food includes beef also. Nobody has pointed out any such difficulty.

Now, in addition to the arguments that were advanced before the Supreme Court, may I point out that, recently, one more ground, a very cogent ground, has been added as to why there should be a total ban on cow slaughter. Not only does it provide manure, but with the recent invention of gobar gas plant, a new source of energy has also been made available. The other day I was attending a Seminar in Gujarat where alternative sources of energy were being discussed, and several speakers dwelt at length on the immense possibilities of availing of this source.

Secondly, I may also point this out to the Members from West Bengal. Recently Shri Satish Chandra Das Gupta made speech at Calcutta where he has tried meet the argument, namely, that there were not enough fodder and feeding resources available for useless cows. And he has tried to meet that argument. I would only refer to a couple of sentences from his speech made on 26th February, 1979 at Calcutta. I need not try to point out Shri Satish Chandra Das Gupta's qualifications to speak on the subject. This is what he says. He calls the policy of the Chief Minister as a short-sighted one. He says there are 1.5 million acres of such type of laterite fallow land in four districts of West Bengal—he says 'I am willing to demonstrate, and I have demonstrated, that these fallow lands can be made available for getting necessary resources for fodder, etc.' and he posits out 'If this fallow is brought under cultivation and which can be done easily as demonstrated by me, a very large population of cattle will be manageable and they will not only give milk and work but will give their

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Gobar and urine which have very important organic manurial value needed for the crops.'

I am, therefore, surprised when some members repeated the same arguments which were rejected by the Supreme Court—unless they do not know the Supreme Court judgment and the present constitutional provisions, and I am not attributing any motives. They honestly feel that such a step should not be taken in their respective States. We have seen how far their arguments are sound.

Now, I am referring to Vinobaji's fast, all those steps by four States were taken, he has postponed his fast. When Again, after some time, he declared his decision to go on a fast because the remaining two States had not been proceeding in that direction. Even after that, when he waited when the representatives of the Krishi Go Seva Sangh met the Chief Ministers, certain assurances were given. One of the assurances given by the West Bengal Government was to see that the existing legislation and rules were strictly enforced because, of late, during the last 3-4 years, instead of enforcing strictly whatever provisions are there, they were being relaxed. Government had stated that they would give up the recent practice of relaxing the rule whereunder cow slaughter in individual premises was not permissible. West Bengal government had started giving such permission during the last 3 years. During the discussions the representatives of Go Seva Sangh had with the government, the Government had assured to see that they would review the position, but, unfortunately, they did not live upto the expectation and granted such permission on the night of 11th November, 1978 i.e. on the eve of Bakrid day, with the result that such a permission was granted, and that precipitated the matter because on 20th November 1979 Vinobaji announced his decision to go on a fast from 1st of January. We all know even

subsequently when approached, he postponed his fast.

To-day what is the position? Those, who are opposing the total ban on cow slaughter say it is not possible or practicable or does not seem to be justified, 'but they would take all possible care to enforce the existing legislation and or rules.' That is what Vinobaji and those who work for prevention of cow slaughter are told. But, what is happening? It is very unfortunate, Sir, I would only point this out to you that I have got before me Shri R. K. Patil's statement about what he saw there at Calcutta in a slaughter House. I have got a copy of it, a copy of his statement which bears the date 13th January 1979. He points out that practically the existing legislation and rules made thereunder are not enforced. According to him, and he has given the figures, if the existing rules or provisions are rigidly enforced, 90 to 95 per cent of the cows that were slaughtered would have been saved from being slaughtered, and hardly five to ten per cent of the number of cows that came to be killed would have been killed.

Even in such a situation what do we expect Vinobaji to do? Members after members have appealed to him but in the same breath at least some of them also said this. Mr. Chairman, I cannot resist the temptation of quoting their exact words. You please give a couple of minutes. I have taken down *verbatim* as to what these Honourable Members stated. I was surprised and pained to hear them say such things. Some hon. Members referred to his fast as nothing but violence in thought, "a national blackmail or as one which would only help in embittering the feelings among the communities." The people who express themselves in such a manner obviously forget that here is a person, great saint and one of the greatest living Gandhians who had served our country and our country people in many varied ways.

Even then they go to the extent of saying such things. I personally feel that these people forget the provisions of the Constitution the background of Supreme Court decision the situation as it has developed from time to time regarding enacting legislation for total banning of cow slaughter. They also forget the sacrifices that Vinobaji has made. I feel that if at all, there would be an ill-will or embitterment of feelings, it would be only because of the utterances like the one that I have referred to.

Therefore, I would urge upon the hon. Members who talked in this strain to desist from such utterances and; if they are really sincere in seeing that Vinobaji does avoid his forthcoming fast, they should advise and try to persuade their respective Governments to take positive and concrete steps at least to begin with by enforcing strictly the existing provisions and by formulating a policy whereunder, total ban can be ensured if not now, at least later within a reasonable time. You can ask for giving you a little more time so that you could adjust and try to arrange things accordingly. It is only in that way that you can persuade Vinobaji to give up or at least postpone his fast.

I am concluding by saying one thing more. I have heard many vociferous voices and many full-throated cries mine is also one though I have not got the lung power. If you really want to save the cows from being slaughtered, not on the religious basis—I am not concerned with religion as such—but if you want your economy to be based on agriculture and cow, then it is a joint responsibility. Vinobaji himself says that. It is not only the responsibility of the Government but also of the people. It won't be enough to pass the suitable legislation. But, it would throw more responsibility on the people, especially on the workers and on legislators and on the publicmen in the country

to see that protection of cows is not wasted in the sense that no further steps are taken to see that if a cow becomes useless, even then, it is looked after properly by ensuring proper fodder and shelter.

Sir, I thank you for giving me an opportunity to participate in this debate.

MR. CHAIRMAN: Shri Pius Tirkey.

जी पीयूष तिरकी (भलीपुर द्वार) : सभापति महोदय, गो-धन की रक्षा के लिए ३० रामजी सिंह ने जो प्रस्ताव रखा है, उससे स्वाभाविक है कि चित्तवा भी पशुधन हमारे देश में है, उसकी रक्षा हो। उसका मूल्यांकन कर, व्यवहार के अनुसार उसकी रक्षा की जाए। यह सही है कि हमारा देश कृषि प्रधान होने के कारण सारे पशुओं की माता का साधारण दिया जाता है। हमारे देश में बहुत सी माताएँ हैं। धरती माता है, गऊ माता है, गंगा माँ भी है और बहुत सारी बीबें हमारे यहां धर्म के नाथ बूढ़ी हुई हैं। इसलिए स्वाभाविक ही है कि गऊ हमारे देश की बहुत बड़ी जन संख्या का आकर्षण करती है। गऊ की रक्षा का एक बहुत ही वाइडल इश्यु है। स्वाभाविक रूप से, धार्मिक रूप से हर देशान यह सोचना गुरु कर देता है कि यह होना चाहिए। किन्तु इस के दो पहलू हैं। हमारे यहां बहुत से जीव जन्तु हैं। गाय के अलावा भी जीव-जन्तु हैं। वे भी अपनी अपनी जाहू पर हितकारी हैं। बहुत सारी जगहों में हमारे देश की जनसंख्या का खान-पान, बोल-बास, रहन-सहन, आचार-व्यवहार भिन्न भिन्न है। हमारा देश एक महादेश है। पहाड़ी प्रांतों में रहने वाले कुछ दूसरे ही भोजन और वस्त्र की परकार करते हैं। अगर उनका भोजन और वस्त्र दिल्ली में रहने वालों को दे दिया जाए तो वह उनके लिए असह्य हो सकता है। इसलिए खान-पान और रहन-सहन में हमारे यहां भिन्नता है। स्वास्थ्य की दृष्टि से भी हर जगह में भिन्नता है, एकरूपता नहीं है। हिन्दुस्तान में जब इतनी भिन्नता है, किसी का कुछ खान-पान है, किसी का कुछ तो बिजोबा जी ने जो अपनी धोर से सारे देश के सामने यह आमरण अनशन करने का जो प्रश्न रख दिया है वह हम सब के लिए बहुत दुःखदायी है।

गाय को गांवों में स्कोटर करने के लिए कोई नहीं पालता है। उसको तो लोग इसलिए पालते हैं कि उससे अधिक से अधिक लाभ उठाया जाए। किसान या कोई भी व्यक्ति जो भी जीव-जन्तु का पालन-पोषण करता है वह किसी महात्मा के कहने से नहीं करता है। हमारे देश का जो भी व्यक्ति पशु रखता है वह अपनी जरूरत के लिए रखता है। सब धोर और बीब भी अपनी

[श्री पशुधन तिरकी]

अकूरत के लिए ही रखता है। यदि हम यह कह दें कि जो श्री हिन्दुस्तानी अपने को बोलता है और वह गाय का दूध पीना चाहता है तो वह गाय को पाल कर उसका दूध पी सकता है, तो जो हमारे गहर-बासी हैं उनको तो गाय का दूध पीना कठिन होगा। क्योंकि उनके पास गाय पालने के लिए जगह नहीं है, चरागाह नहीं है।

गाय का धावर भिन्न भिन्न जाति के लोग करते हैं। यह जो कहा जा रहा है कि माइनोरिटी के लोग तो भक्षक हैं, वे गाय के स्लोटर के पक्ष में हैं, यह बिल्कुल सत्य है। वे लोग भी गाय और अन्य जानवरों के भक्षक हैं। धावर इतना ही है कि जब तक उनकी दरकार होती है तब तक रखते हैं, उसके बाद बेच देते हैं। बड़े खेव की बात है कि पंजाब से गाय बिन्ही के लिए पश्चिम बंगाल में जाती हैं। वे बेचने वाले कौन हैं? क्या वे लोग जो गाय को माता समझते हैं यह नहीं जानते हैं कि वह स्लोटर के सिद्ध जा रही है? मैं तो कहता हूँ कि यदि हम अपने अपने धर्म का ठीक ढंग से पालन करें तो इस किसम के भ्राइन बनाने की जरूरत नहीं है। गाय की रखा धाप एकदम बनाकर नहीं कर सकते हैं, एक नहीं दम धाप बना लें इस तरह से उसकी रखा नहीं हो सकती है। मौखिक रूप से दिखावे के लिए धाप कहें कि श्री माता की रखा होनी चाहिये धाधर्म का धाप हवाला दें तो इस तरह से गाय की रखा नहीं हो सकती है।

आपने देश में बहुत सी जगहों पर देखा होगा कि गावों को रखने वाला कोई नहीं है, उनको खिलाने वाला कोई नहीं है बहुत सी गांवों में बेचारी आपकी इधर उधर घूमती मिल जाएंगी बहुत सी ऐसी भी हैं जो कुपि को घासे बढ़ाने में बाधा उत्पन्न कर रही हैं। चूँकि उनका रखने वाला कोई नहीं होता है इस वास्ते वह दूसरे को खेतों पर धावा बोल देती है और बहुत सी फसल का नाश कर देती हैं।

आज धाप देखें कि इस तरह की गावों जिनकी कोई उपयोगिता नहीं है संख्या कितनी है। हमें आजाद हुए तीस बरस हो चुके हैं। बहुत बड़ी तादाद में इस तरह की गावें आपको इधर उधर बरती हुई मिल जाएंगी।

आज धाधर्म बिनोबा भाबे की बात की जाती है। धाध धाधानक कौन की परिस्थिति पैदा हो गई है कि उनको धामरण धनजन करने की घोषणा करनी पड़ी है। एमरजेंसी जब लागू की गई थी तब उन्होंने कहा था कि यह धनसाधन परम शुरु हुआ है। जितने भी उस समय कार्य कानून बनाये गये वे उन सबका समर्थन उन्होंने किया था उस समय भी तो बहुधा उतना ही अटल था जितना आज इसको समझा जा रहा है। धाध होता तब वह यह निर्णय करते लेकिन उन्होंने ऐसा नहीं किया। साथ ही इसलिए नहीं किया कि इन्धिरा जी उनको प्यारी थीं। धाध जनता सरकार जब उनको सजा देने की चेष्टा कर रही है और स्पेशल कोर्ट-बिल लाई है। मैं समझता हूँ कि यह भी उनके दूध का और धामरण धनजन रखने का एक कारण हो सकता है।

जो भी पशु है अगर मनुष्य उसको पालता है तो अपने फायदे के लिए पालता है चूँकि उसकी उपयोगिता उसके लिए होती है इस वास्ते वह उसको पालता पोसता है। वह कभी दुधार गाय को बेचता नहीं है। लेकिन जब वह उसके लिए बोझ बन जाती है तभी वह उसको बेचता है। यदि सरकार के पास हिम्मत है तो वह बेकार गाय बैल उस से लेकर उसको पीटा दे दे ताकि वह भ्रष्टा जोतने वाला बैल या भ्रष्टा दूध देने वाली गाय से कर धपना काम चला सके। कोई भी उस तरह की गाय बैल को पाले पोसे हमें कोई आपत्ति नहीं है लेकिन जिस पर वह बोझ है जो रूपक है जो गरीब किसान है जिस के पास अपने और अपने बाल बच्चों को पालने के लिए पैसा नहीं होता है अपना खर्च चला नहीं सकता है जिस में उसको रखने की शक्ति नहीं है उस पर अगर धाप यह बोझ भी लाद देते हैं तो उसके लिए यह बड़ी भारी मूसीबत सिद्ध होगी और इससे लाभ के बवर्त्त हाजि प्यादा होगी और लोग बहुत ज्यादा इसका बर्तन फील करेंगे। सरकार उनके लिए व्यवस्था करे जो बेकार हो गए हैं जो कुपि कार्यों के लिए उपयोगी नहीं रहे गए हैं उनको सरकार से ले और बचसे में दूसरे दे दे तो किसी की कोई आपत्ति नहीं हो सकती है। रूपक बेचेगा तो वे स्लाटर हाउसिस में जाएंगी ही और इसको कोई रोक नहीं सकता है।

MR. CHAIRMAN: We have already taken one hour and five minutes. The time extended for this was about one hour and forty minutes or so. Now only 35 minutes are left. Within this time, the Minister has to reply and the mover will also speak. The time has already been extended; only thirty-five minutes are left. The Minister has to intervene and the mover has also to reply.

श्री सूबबेन असाद बर्मा (बतरा) : सभापति महोदय यह बहुत ही महत्वपूर्ण मसला है इसमें हम लोगों की कुछ कहने की इच्छा होती है इसलिए आप थोड़ा टाइम बढ़ा कर लोगों की बोलने का मौका दीजिए।

सभापति महोदय : धाधका क्षिप है, धाप उससे क्षिप।

The hon. Minister.

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI SURJIT SINGH BARNALA): Mr. Chairman, Sir, there have been no two opinions in the House regarding the importance of cow. All the speakers from this side or that side and hon. Members from different



States, though having different views on the subject under discussion, have emphasised the importance of cow.

There has, however, been some differences in approach to this question. While some hon. Members stated that there should be total ban on cow slaughter and also on the progeny of cow, the other hon. friends stressed that there may be a ban on slaughter of useful cows, useful progeny of the cow, there should not be a total ban on the cow slaughter. These are the two main views given from both sides. Some hon. Members have advanced the arguments basing it on religious sentiments, historical aspects as also on economic aspects; while some of the other hon. Members have mentioned about the economic aspects of the problem only for which reason, total ban on cow slaughter is not proper.

When we look into the history of this question, it arose mainly during the Second World War. When there were a large number of Allied forces present in India, there was a rampant slaughter of animals in the country. It became a matter of worry and concern that in this manner, useful cows and even useful calves were being slaughtered. So, under the Defence of India Rules, some provisions were made under which cattle below three years of age could not be slaughtered; male cattle between three and ten years of age which were being used or were likely to be used as work cattle could not be slaughtered; cows between three and ten years of age which were capable of producing milk, other than the cows which were unsuitable for bearing offsprings, and all cows which were pregnant or were in milk could not be slaughtered. This ban was imposed under the Defence of India Rules in the late 40s. On 30th September, 1946, after the expiry of the powers under the Defence of India Rules, it was again considered and decided that somehow in areas where the ban had been imposed, it should be continued. So, the Government asked the State Gov-

ernments to consider the feasibility of introducing legislation for continuing the restriction imposed during the War. In November, 1947, the question was raised on the floor of the legislature and an expert Committee was formed to go into this matter. This Expert Committee, which was called the Cattle Preservation and Development Committee made certain recommendations in 1948. This has been referred to in the Resolution also. The main recommendations were: (i) the slaughter of all useful cattle should be immediately prohibited; (ii) unlicensed and unauthorised slaughter of cattle should be immediately prohibited; and made a cognizable offence under the law; (iii) Slaughter of cattle should be prohibited totally as early as possible; (iv) Necessary arrangements on the lines indicated should be made for the maintenance and care of serviceable and unproductive cattle; (v) Gowshala cess such as 'Laga', 'Biti', 'Katauti' and 'Dharamada' should be legalised; (vi) An additional cess should be levied for raising funds required for establishing Go-Sadans etc. and collected through the existing collection machinery.

These were the main recommendations. Government of India accepted the recommendations of the Committee but in the meantime the Constitution of India was also promulgated, and this matter was taken up in Article 48. At that time, in 1949, the Minister of Agriculture informed the Constituent Assembly about the past recommendations and announced that the Government had accepted its recommendations so far as they related to prohibiting of slaughter of all useful cattle, because the recommendation was that the slaughter of useful cattle should be immediately prohibited. So, this was mentioned by the Minister of Agriculture in March 1949 before the Constituent Assembly.

[Shri Surjit Singh Barnala]

With regard to the recommendations of the Committee for legislative measures, Government of India were of the opinion that this was a matter which primarily concerned the State Governments, as even at that time, the power of legislation in regard to such matters was vested in the provincial Governments. Nevertheless, Government of India prepared a Model Bill on the lines of the recommendations of this Committee and circulated the same to the provincial Governments for their guidance and enactment of suitable legislation.

The reactions of the State Governments were varied to that Model Bill also. Some States passed some legislation. Some did not do that. Then the Government of India felt that some State Governments were under the impression that the spirit of the Constitution was to stop the slaughter of cattle completely. Government of India accordingly addressed the State Governments on the subject in December 1950 clarifying the legal and economic aspects. Drawing the attention of the State Governments to Article 48 of the Constitution, Government of India wrote:

"It is clear from the above article that what is really intended is not a total prohibition of all cattle slaughter but prohibition of slaughter of cows and calves and other milch and draught cattle only. The directive is thus subordinate, and in a sense, ancillary to two important provisions in the Article, viz., (a) Preserving and improving the breeds of cows and calves and other milch and draught cattle; and (b) Prohibiting the slaughter of the above. Milch and draught cattle would cover only cattle capable of giving milk or of being employed for draught purposes or in other words 'useful' cattle. A total ban on the slaughter of all cattle is thus not an obligation imposed on the States by the Constitution.

Regarding the economic aspect of

the matter, a complete ban on the slaughter of cattle would appear to be wasteful. If enforced, it is bound to lead to a lower standard of cattle life and breeding in the country. The enormous expenditure on the maintenance of a large number of unproductive cattle makes it impossible to provide that care and nourishment to productive cattle which is essential for improving their milk capacity and traction power. The result is that even the productive cattle which are already small in number, will gradually deteriorate and cease to be productive. From the Expert point of view also, the problem has considerable significance. Hides from slaughtered cattle are much superior to hides from felled cattle and fetch a higher price. In the absence of slaughter, the best type of hide which fetches good price in the export markets would no longer be available. A total ban on slaughter is thus detrimental to the export trade and works against the interests of tanning industry in the country."

So, this was a letter written in December 1950. Thereafter, the Government of India made efforts to set up goshala, etc., because in some legislation, it was provided that there should be goshalas, etc. But that did not work very well; and ultimately it was found that it was not possible. It was a great financial burden on the States' as well as the Central exchequer. Then this matter went to the Supreme Court. Many of my friends had referred to that judgment of 1958, that is, Mohd. Hanif Quareshi and others v/s. State of Bihar and others. The Article 48 was interpreted by the Supreme Court in this manner. There are three aspects:

- (a) "That a total ban on the slaughter of cows of all ages and calves of cows and calves of she-buffaloes, male and female,

is quite reasonable and is in consonance with the Directive Principles as laid down in Article 48;

- (b) That a total ban on the slaughter of she-buffaloes or breeding bulls or working bullocks, as long as they are capable of being used as milch or draught cattle, is also reasonable and valid; and—for the purpose of this resolution, we are not concerned with this observation;

- (c) "That a total ban on the slaughter of she-buffaloes, bulls and bullocks after they cease to be capable of yielding milk or of breeding or working as draught animals cannot be supported and reasonable in the interest of the general public and is invalid."

This is the finding. According to this finding, slaughter of cows was totally banned. Slaughter of progeny of the cow, that is, calves of the cow and bulls and bullocks, as long as they are useful, also was banned. But, according to (c) it was mentioned that "bulls and bullocks after they cease to be capable of yielding milk or of breeding or working as draught animals—they could be slaughtered. So, this is the interpretation of the Supreme Court on Article 48 of the Constitution. The position is very clear. Under Article 48, a provision has been made in the Constitution. We are bound by that provision. That provision has been interpreted by the highest legal authority, that is the Supreme Court, in a judgment. It has not been, later on, in any way, revised or reconsidered. That is also binding. So far as the position of the Government is concerned we are bound by the provision of the Constitution and also by the finding of the Supreme Court. So, my position, as Minister of this Department, is that according to Article 48, it has been provided that cows and calves and cow progeny cannot be slaughtered, but the bulls and bullocks after they

cease to be useful, could be slaughtered. This is the interpretation of the Article 48. Buffaloes are also useful as we get milk from them; calves of the buffaloes are also useful because they are also used for draught and progeny purposes; and that is why, the Supreme Court has, in part (b) mentioned that there is a prohibition of slaughtering those animals because they are useful.

SHRI A. C. GEORGE (Mukandapuram): If the whole thing is to be seen in the proper perspective, if the buffalo is yielding and is of use, if the goat is yielding and is of use and if the chicken is yielding and is of use, how do you differentiate between God's creation? As he was mentioning as Minister for Agriculture, he has got certain views and responsibilities. Like that, why not the Kerala Government has certain views according to the popular will of the Kerala people? The Kerala people are of the unanimous view that there should be no ban on cow slaughter.

SHRI SURJIT SINGH BARNALA: So far as my position is concerned. I am bound by the Constitution; and I am also bound by the judgment of the Supreme Court. I do not give any interpretation of my own to this; I only go by the interpretation given by the Supreme Court. That is the position. In view of these observations, I do not want to add anything more. I had meetings with the Governments of West Bengal and Kerala and I had discussion with the previous Chief Minister of Kerala also. I will discuss the matter with Shri Jyoti Bosa even in the present context, because a lot of things have been discussed in this House and many developments have taken place. We also visited Paunar recently, Mr. Stephen was also to accompany us; for certain reasons he was not able to go with us. So the leaders of various political parties in Parliament and some of the ministers also went and had discussions with Vinobaji. We are even

[Shri Surjit Singh Barnala]

now having some follow up of these discussions and we are trying to give our views to the two governments. That is all I have to say on this.

डा० राजजी सिंह (भागलपुर) : अधिकांश महोदय मैं माननीय सदस्यों का बहुत धांधरी हूँ कि उन्होंने अपने विचार इस संवेदनशील और एक महत्वपूर्ण प्रश्न पर बहुत संयत ढंग से रखे। मैंने पहले ही निवेदन किया था कि गाय को प्रश्न को जब हम एक धार्मिक और साम्प्रदायिक प्रश्न से जोड़ देते हैं तो वह सचमुच में विवादास्पद बन जाता है लेकिन जब उस पर हम धार्मिक दृष्टिकोण से विचार करते हैं तो सारा विवाद समाप्त हो जाता है। यही कारण है कि भारतीय संविधान के निर्माताओं ने जब धारा 48 और 37 का प्रावधान किया था तो हमारे मित्र चन्द्रप्पन साहब को मानना चाहिये कि वह सर्वसम्मति से फैसला किया गया था कि गोहत्या बन्द होनी चाहिये। इयोरैक्टिव प्रिंसिपल्स आफ स्टेट पालिसी ज्युडा इम्पार्टेंट है बनिस्वत फण्डामेंटल राइट्स के—यह हमने देखा है। इसलिए इसके पीछे धार्मिक कारण था। मैं आपका जवाब समय नहीं लेना चाहता। लेकिन जब हमारे मित्र कहते हैं कि यह केवल साम्प्रदायिक है.... (अव्यवधान)

SHRI C. K. CHANDRAPPAN: Two Chief Ministers are going to see Vinoba Bhave; he should be persuaded.

SHRI A. C. GEORGE: No single political party including Janata Party is favouring ban on cow slaughter.

SHRI VASANT SATHE: On behalf of the Congress (I) party, we are for a total ban on cow slaughter; I say this on behalf of my party.

SHRI A. C. GEORGE: Let his leader say this.

डा० राजजी सिंह : जार्ज साहब, आप कितना सुनकर बोले। मैं तो कुछ नहीं बोला ?

(Interruptions).

MR. CHAIRMAN: When he is speaking on behalf of his party and the Leader of the Opposition is there, and he is silent, he is accepting it; why do you compel him to say something?

SHRI A. C. GEORGE: It is a discrimination based on sex; bullocks can be killed, not cows.

SHRI C. K. CHANDRAPPAN: Gandhiji was against a total ban.

DR. RAMJI SINGH: I will reply to you.

गोबी जी पर मैं बात में कहाँगा। यह एक रिपोर्ट है।

Report of the Committee on the Prevention of slaughter of cattle in India, 1955, recommendation No. 1 under item: preventing killing of cows particularly in the cities of Calcutta and Bombay even when they had gone temporarily dry. The recommendation says:

"Wholesale removal of milch cattle from the cities and the replacement of city produced milk by milk produced by animals kept in the natural surroundings in rural areas is the only permanent method of solving the problem of prevention of slaughter of milch animals."

यह रिपोर्ट इस समय की बनाई हुई नहीं है। टेनिक्ल लोगों के द्वारा अनुमंसा की गई है कि गोबध बन्द होना चाहिये। सभापति महोदय, इस के बाद इस एक्सपर्ट कमेटी की रिकमैण्डेशन भी है—

Report of the Special Committee on Preserving High-Yielding Cattle-Recommendation: 1

"In order to prevent the depletion of stock of good quality cattle from breeding tracts through unrestricted removal of a large number of high-Yielding milch cattle to areas outside the States, the States concerned should undertake legislation for the registration of milch cattle and for controlling their removal outside the State."

अध्यक्ष महोदय यह सीसी रिपोर्ट भी देखिए और इसकी अनुमंसा भी सुनें—

Report of the Cattle Preservation and Development Committee:

"This Committee is of opinion that slaughter of cattle is not desirable in India under any circumstances whatsoever, and that its prohibition shall be enforced by law. The prosperity of India to a very large extent depends on her cattle and the soul of the country

can feel satisfied only if cattle slaughter is banned completely and simultaneous steps are taken to improve the cattle..."

समापति महोदय यह रिपोर्ट बोर्ड आफ नेशनल कमीशन आफ एग्रिकल्चर की है जो कि अभी की है। इस रिपोर्ट के बेस्टर में बताया गया है कि—

Maximum area of land which can be cultivated by a pair of bullocks will not only depend on work efficiency of bullocks

उसके बाद बताया गया है कि हिन्दुस्तान की जो कृषि है, अभी भी तीस साल के बाद 67 परसेंट कृषि बैलों से होती है। बैल धाता है गाय से। इसलिए गाय को नष्ट करना हिन्दुस्तान के किसानों के साथ, कृषि के साथ खिलवाड़ होगा। इसलिए सिक्ख काश्मिर इयर प्लान का जो ड्राफ्ट है, उसके शुरू के बेस्टर घाटमें लिखा है —

Chapter VIII Draft Sixth Five Year Plan—

"Livestock production practices in India have been found to be not only labour intensive but also labour distributive and rural in nature."

तो कृषि इंडस्ट्रीज को खत्म करने के लिए ये सारी बातें हैं। यह जो

Indian Livestock Census 1966—1st line:

"Unlike the western countries where cattle are kept for milk and meat, in India they are maintained for milk and draught power."

They are also the source of a large portion of the manure used by the farmers."

इसलिए यह कहता कि इसके पीछे आर्थिक कारण है, उससे देखा लगता है कि उन लोगों ने इन रिपोर्टों को नहीं देखा है जो कि बर्बाद से निकली हुई हैं।

समापति महोदय, मैं अपने भाषण में पुनरावृत्ति नहीं करना चाहता हूँ। गांव से हमें दूध मिलता है, बैल मिलते हैं। जब गाय दूध जाती है तो उसका मल-मूत्र भी उपयोग में आता है, उससे खाद होता है। उससे हीन मैयोर मिलते हैं। आर्टिफिशियल मैयोर से हिन्दुस्तान की भरती खराब होगी। आप हिन्दुस्तान की भरती का मुकामला अमेरिका और कंस की भरती से नहीं कर सकते हैं। मैंने पहले भी कहा था कि सायल का, कारेस्ट एंव वेट्स का इकोनॉमिकल सम्बन्ध है। एक दूसरे का आपस में सम्बन्ध है। इन इनमें गहरा सम्बन्ध देख सकते

हैं। वहाँ तक ब्रह्मसैनिक सवाल है, इसको करने के सिवाय दूसरा कोई उपाय नहीं है। संविधान की धारा 48 और 35 में स्पष्ट कलुन किया गया है कि इस को सम्बन्ध में लागू करना चाहिए। सरकार के ध्यान में भी मैं लागा चाहता हूँ जो कि उसने आवासान दिया है—

5th January 1967, assurance is there by the Government of India on the floor of Parliament.

On 12th March, Shri Jagjivan Ram, the then Agriculture Minister gave an assurance.

On 13th September, 1976 Shri Om Mehta gave similar assurance.

ये सब आश्वासन है। किसी प्रायः का रैकॉर्ड देने से हमारे माननीय सदस्य यह सोचें और देखें कि मैं क्यों इसकी मांग कर रहा हूँ। स्थिति क्या रही है इस को भी आप देखें अकबर और औरंगजेब के मुगलकालीन पीरियड में जो बख पर रोक लगी हुई थी। काश्मीर में अस्सी प्रतिशत मुसलमान हैं। वहाँ पर इसके खिलाफ लेब धम्मुल्ला ने कानून बना रखा है जिस के तहत ऐसा करने वालों को दस बरस की सजा होती है केरल के विधायक—(इंटर-वॉज गांधी जी ने क्या कहा था उसको भी आप को मैं बताता हूँ...)

17.00 hrs.

SHRI A. C. GEORGE: Gandhiji said, "The Hindu religion prohibits cow slaughter for the Hindus; not for the world. The religious prohibition comes from within. Any imposition from without means compulsion." (Interruptions).

डा० रावजी सिंह: यह आज का सवाल नहीं है नए सेनानियों को आप छोड़ दें। पुराने जो स्वातंत्रता संग्राम के सेनानी थे वह जानते हैं कि खिलाफत मुवमेंट के समय हिन्दू मुसलमानों की जो एकता हुई थी वह नौबत बन्नी पर हुई थी। मेरे पास यह केरल के विधायक का कोटेशन है (इंटरवॉज)। मैंने आपके सामने आर्थिक दृष्टि से इस पर अपने विचार रखे हैं। गांधी जी-सैविस्सेशन के पक्ष में थे या नहीं, इसके सम्बन्ध में भी मेरे पास उनका यह स्टेटमेंट है जो बार पत्र का है। मैं सारा नहीं पढ़ूंगा क्योंकि समय नहीं है। लेकिन गांधी जी इसमें कहते हैं :

Gandhiji says,

"I have received letters from the cow protection societies in Mysore protesting against my letter to the Mysore Cow Protection Committee appointed by the State. My letter was in answer to a large questionnaire issued by that committee. Ex-

[डा० राजजी सिंह]

tracts from the letter published in the Madras press led to the cow protection societies to think that I was totally against legal prohibition of cow slaughter under any circumstances whatsoever. I was surprised to receive this letter and I wondered whether in a moment of forgetfulness I had said that there should never be any legislation against cow slaughter. I therefore asked for a copy of my letter from the cow protection society which they have finally sent. As the letter represents my considered opinion and has been given some importance by the committee and has caused misunderstandings among the public of Mysore I reproduce the whole letter below..." (Interruptions).

जो यह कह रहे हैं कि गांधी जी इसके विरुद्ध थे वह गलत बात है।

मैं साम्प्रदायिक सवाल को उठाना नहीं चाहता था इसलिए मैंने धार्मिक प्रश्न आपके सामने रखा है और गांधी जी को कोट किया है। गांधी जी ने स्पष्ट कहा है कि वह इसके अगेन्स्ट नहीं थे, सैजिस्लेशन को विरुद्ध नहीं थे। और गांधी जी क्या आप कहते हैं ठीक है। विनोबा जी को कुछ कहें, लेकिन आज जो जयप्रकाश नारायण हैं, वह किसी से कम सेक्युलर नहीं हैं जो कि सो काल्ड सेक्युलर हैं। लेकिन जय प्रकाश नारायण में लोगों को कहा है, ज्योति बसु को और सारे देश को खत लिखा है कि गोवध बन्द होना चाहिये। बोट की चर्चा कीजिए, सेकुलरिज्म की चर्चा नहीं होनी चाहिये।

जय प्रकाश बाबू का सैटर है :-

"Dear Jyoti Basu,

You may have learnt from the newspapers about Acharya Vinoba Bhave's announcement to go on a fast which, in his age, is almost a complete fast, in support of a ban on cow slaughter, in accordance with the interpretation given by the Supreme Court. In this connection, I wrote to you a letter on May 30th, (copy enclosed), in which I had explained this position. Subsequently, when you were good enough to pay a visit to me at Patna, I understood you to say that

the interpretation given by the Supreme Court was reasonable and that there should be no difficulty in giving effect to it."

तो गांधी जी साम्प्रदायिक हैं, कोमुनल हैं, जय प्रकाश जी कोमुनल हैं, विनोबा जी कोमुनल हैं और सेकुलरिज्म का सबसे बड़ा सत्राज हमारे आप हो ?

इसलिए आज मैं कुछ विशेष नहीं कहना चाहता कोमुनल राइट की मैंने 15 वरस की सारी रिपोर्ट को देखा है और वहाँ भी जेजेज ने यह रिकॉर्ड किया है कि हिन्दु-मुस्लिम टेंशन का एक प्रमुख कारण कभी-कभी गो-हत्या के साथ हो जाता है। अगर गोहत्या बन्द कर दी जाये तो हिन्दु-मुस्लिम का सीहारा बड़ जायेगा। इसलिए बाहे वह हिन्दु-मुसलमान के प्रेम का हो गोबद्ध बन्दी जरूरी है। कुरानाकारी में गो-हत्या के लिये धीगलीगैटरी नहीं कहा गया, एक जगह भी बाइबल में नहीं कहा गया, इसलिए इसको साम्प्रदायिक बात कहना गलत है।

श्रीलंका हिन्दु राष्ट्र नहीं है, लेकिन श्रीलंका ने गाय धस को बन्द किया है। इसलिए हम तो भारतीय मंत्री जी के इस भाषण से बहुत आश्वस्त हैं कि उनके सामने तो संविधान की धारा है। संविधान का जो धारक नहीं करता है, वह भारतवर्ष की संसद में रहने का अधिकारी नहीं है। तो संविधान की धारा का वह धारक करते और हिन्दुस्तान की जो सबसे सर्वोच्च न्यायपालिका है, उनके इंटरप्रेटेशन को मानते हैं। इससे अधिक हमारे संकल्प में कुछ नहीं है और इसीलिए वह इसको स्वीकार कर लें तो हम समझते हैं कि उनको कोई कष्ट नहीं होगा।

एक बात मैं यह जरूर कहना चाहता हूँ कि यह कैसे कहें, क्योंकि हमारा फीजरल स्ट्रक्चर है ? वैसे बंगाल सरकार को हम कैसे कहेंगे ? हम उनसे कह सकते हैं, अगर बाहे तो बोझा सा उसमें सुधार कर दें --

In the Resolution, after the words "This House directs the Government," insert the words "to advise the States of West Bengal and Kerala"

हम उनकी कठिनाई को समझते हैं और वैसे बंगाल या केरल की सरकार से हम कोई कम्प्लेक्स नहीं करना चाहते हैं। हम उनसे रिक्वेस्ट करेंगे। सचन हुवारी सरकार को एक प्रावधान देता है और उनके सामने एक मैंनेट देता है। सभी जो यह कहेंगे की हैं, सभी को करेंगे, लेकिन जो सचन की ओर से कहेंगे, वैसे हमारे विरोधी सब के सेजस्वी और प्रचार देता की स्टीफन ने कम कहा कि सरकार को हम डायरेक्ट करते हैं, स्पीकर को कहा कि डायरेक्ट करत हैं, तो बाए को यह सर्वोच्च सभासरकार से अनुरोध करती है कि वह राज्य सरकारों से अनुरोध करें। आपको समझ होना चाहिये, सभी की बात है कि वैसे बंगाल सर्वेनमेंट ने सुरक्ष सुचना दी है कि यह स्पेसिफिकेशन सब को दूसरी जगह भी लागू करेंगे।

इस लिए हम समझते हैं कि जब संविधान, सर्वोच्च न्यायाधिकार और जमीन की इस सर्वोच्च सभा का स्वर मिल जायेगा, तो यह काम जो इस बीच बर्षों में हुआ होगा, वह इस बीच दिनों में हो जायेगा। मुझे विश्वास है कि मेरे संशोधन को सरकार मान लेगी, और उसके बाद उसे इस संकल्प को स्वीकार करने में कोई कठिनाई नहीं होगी। हम केरल और वेस्ट बंगाल की सरकार से कोई संबंध नहीं चाहते हैं। केरल और वेस्ट बंगाल के मुख्य मंत्री विनोबा जी के पास जा रहे हैं। इन प्रश्नों के साथ मैं अपने माननीय मित्रों से प्रार्थना करूँगा कि वे इस संकल्प को निविधन रूप से मान लें।

MR. CHAIRMAN: There is one amendment by Shri Vinayak Prasad Yadav to this Resolution. I find he is absent. So, I will put it to the vote of the House.

The amendment was put and negatively.

MR. CHAIRMAN: We shall now take up the main Resolution by Dr. Ramji Singh.

SHRI SURJIT SINGH BARNALA: Since he has mentioned about some amendment, I want to say something on it.

MR. CHAIRMAN: There is no amendment, excepting one by Shri Vinayak Prasad Yadav.

SHRI HARI VISHNU KAMATH (Hoshangbad): Sir, I rise on a point of order. Rule 345 reads:

"Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Speaker allows the amendment to be moved without such notice."

Now you, as Chairman, have got the powers of the Speaker. Anyone in the Chair has got the power of the Speaker. Apart from that, see the wording of the rule "one day before the day on which the motion is to be considered".

MR. CHAIRMAN: What is your contention?

SHRI HARI VISHNU KAMATH: I have given notice of an amendment. I gave notice 14 days ago.

MR. CHAIRMAN: It is not here.

SHRI HARI VISHNU KAMATH: It is not my fault.

MR. CHAIRMAN: There is only one amendment, by Shri Vinayak Prasad Yadav.

SHRI HARI VISHNU KAMATH: I am sure the House would agree to my amendment...

MR. CHAIRMAN: My information is that the hon. Speaker has already rejected one amendment on these lines. That amendment was not allowed by the Speaker. So, I am not allowing this amendment also.

SHRI KANWAR LAL GUPTA: Sir, Government can move an amendment at any time.

MR. CHAIRMAN: Under what rule? No, I am not allowing it.

SHRI SURJIT SINGH BARNALA: The Mover of the Resolution in the course of his speech referred to one amendment. I want to refer to it.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): In the course of a debate, if an amendment is moved, it is allowed by the Chair:

SHRI C. K. CHANDRAPPA: There should be sufficient notice.

MR. CHAIRMAN: Mr. Kamath, the difficulty is that sufficient notice is not given. But if the hon. Minister is moving it, if it is the pleasure of the House, it can be permitted.

SHRI RAVINDRA VARMA: It has happened many times. In this very session there was a Private Members' Resolution on the land army and there was an amendment of this kind, proposed and accepted, and the Chair allowed it.



**SHRI VASANT SATHE:** Sir, on a point order. Rule 345 is quite clear. It says:

"Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the speaker allows the amendment to be moved without such notice"

**SHRI K. P. UNNIKRISHNAN** (Badagara): He has not allowed it in this case.

**SHRI VASANT SATHE:** Here what is the whole procedure? There should be adequate notice so that we all know. But in case the notice is short, it is procedural. But if the House agrees and if the mover moves an amendment.. (Interruptions). Here is a question only of procedural part. The Speaker has the power to condone the period and allow.

**SHRI K. P. UNNIKRISHNAN:** He has rejected it already. There is no amendment as of now. The moment the Speaker rejects it, there is no amendment.

**SHRI RAVINDRA VARMA:** The amendment of Dr. Ramji Singh now referred to has not been considered and rejected by the Speaker.

**SHRI K. P. UNNIKRISHNAN:** It has been considered and rejected by the Speaker.

(Interruptions)

**MR. CHAIRMAN:** If we accept this amendment, then other amendments have to be accepted. There should not be any discrimination between this and the others. If we accept this, we have to accept the other amendments also. That is the difficulty.

**DR. RAMJI SINGH:** It depends upon the pleasure of the House, Sir.

(Interruptions)

**MR. CHAIRMAN:** Since one amendment has already been rejected by the hon. Speaker, I don't think there is any substance in accepting this. So, I am not allowing this amendment.

(Interruptions)

**SHRI SHAMBHU NATH CHATURVEDI:** Whose amendment was rejected? Was it Mr. Kamath's amendment?

**MR. CHAIRMAN:** Not Mr. Kamath's. Shri R. D. Gattani's amendment.

**SHRI SHAMBHU NATH CHATURVEDI:** What happened to Mr. Kamath's amendment?

**MR. CHAIRMAN:** Mr. Kamath's amendment is not there at all. I do not know. Nothing is before me.

**SHRI HARI VISHNU KAMATH:** I gave notice of it a fortnight ago.

**MR. CHAIRMAN:** But it is not before me.

**SHRI HARI VISHUN KAMATH:** I do not know why it is not admitted.

**SHRI SHAMBHU NATH CHATURVEDI:** His amendment is exactly on the same lines.

**MR. CHAIRMAN:** But that amendment is not here.

(Interruptions)

**SHRI SURJIT SINGH BARNALA:** Sir, this being a State subject, under the Constitution we won't be able to enforce this Resolution, so we cannot support the passing of this Resolution. Under the Constitution it cannot be done.

**MR. CHAIRMAN:** You cannot support it?

**SHRI SURJIT SINGH BARNALA:** We cannot support it. Under the Constitution, it is a State subject and we cannot enforce it on the State Governments.

(Interruptions)

**SHRI A. C. GEORGE:** The Government has taken a very correct attitude.

(Interruptions)

**MR. CHAIRMAN:** He says that the Government cannot support this Resolution.

The question is:

"This House directs the Government to ensure total ban on the slaughter of cows of all ages and calves in consonance with the Directive Principles laid down in Article 48 of the Constitution as interpreted by the Supreme Court as well as necessitated by strong economic considerations based on the recommendations of the Cattle Preservation and Development Committee and the reported fast by Acharya Vinoba Bhave from 21 April, 1979."

The Lok Sabha divided:

Division No. 14

17.26 hrs.

### AYES

Amin Prof. R. K.  
Argal, Shri Chhabiram  
Balak Ram, Shri  
Berwa, Shri Ram Kanwar  
Chakravarty, Prof. Dilip  
Chaturvedi, Shri Shambhu Nath  
Chhetri, Shri Chhatra Bahadur  
Dasgupta, Shri K. N.  
Dawn, Shri Raj Krishna

Dhurve, Shri Shyamal  
Dutt, Shri Ashoke Krishna  
Gawai, Shri D. G.  
Gomango, Shri Giridhar  
Gupta, Shri Kanwar Lal  
Kamath, Shri Hari Vishnu  
Khan, Shri Kunwar Mahmud Ali  
Krishan Kant, Shri  
Mahale, Shri Hari Shankar  
Malthotra, Shri Vajay Kumar  
Mhalgi, Shri R. K.  
Mondal, Dr. Bijoy  
Mritunjay Prasad, Shri  
Naidu, Shri P. Rajagopal  
Nathwani, Shri Narendra P.  
Nayak, Shri Laxmi Narain  
Pandit, Dr. Vasant Kumar  
Pradhan, Shri Gananath  
Pradhan, Shri Pabitra Mohan  
Raghavji, Shri  
Ramji Singh, Dr.  
Sai, Shri Narhari Prasad Sukhdeo  
Samantasinha, Shri Padmacharan  
Saran, Shri Daulat Ram  
Satapathy, Shri Devendra  
Sathe, Shri Vasant  
Shastri, Shri Y. P.  
Stephen, Shri C. M.  
Suman, Shri Surendra Jha  
Swamy, Dr. Subramaniam  
Tej Pratap Singh, Shri  
Verma, Shri Raghunath Singh  
Verma, Shri Sukhdeo Prasad

### NOES

Alhaj, Shri M. A. Hannan  
\*Deshmukh, Shri Ram Prasad  
Fazlur Rahman, Shri  
Kolur, Shri Rajshekhar  
Mahata, Shri C. R.  
Roy, Dr. Saradish  
Saha, Shri A. K.  
Tirkey, Shri Pius

\*Wrongly voted for NOES

MR. CHAIRMAN: Subject to correction, the result of the division is: Ayes—42; Noes—8.

The motion was adopted.

17.26 hrs.

# RESOLUTION RE: PROCEDURE FOLLOWED REGARDING PROMOTION OF A JUDGE.

MR. CHAIRMAN: We now take up the next Resolution. Shri Stephen.

SHRI C. M. STEPHEN (Idukki): Mr. Chairman, Sir, I rise to move the resolution which stands in the name of Mr. Veerabhadrapa and under his authorisation, as permitted by the Speaker, I move:—

"Having considered the statement made by Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs on the floor of the House on 6th March, 1979 on the circumstances under which the promotion of Shri O. N. Vohra took place after the pronouncement of judgment in 'Kissa Kursi Ka' case.

This House records its displeasure over the procedure adopted in connection with the said matter."

This resolution arises out of a statement made by the Law Minister in this House spelling out the circumstances under which Shri O. N. Vohra, the sessions judge, was promoted as a High Court Judge, the timely promotion at the conclusion of the trial of the 'Kissa Kursi Ka' case.....

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

It is unconstitutional. (Interruptions).

SHRI M. N. GOVINDAN NAIR: Any resolution can be passed here.

SHRI KANWAR LAL GUPTA: To my mind, it is unconstitutional and it cannot be discussed ...

SHRI K. S. RAJAN: As if the earlier resolution was constitutional.

SHRI KANWAR LAL GUPTA: Let me first read out the resolution which has been moved by Shri Stephen, the Leader of the Opposition.

It reads:

"Having considered the statement made by Shri Shanti Bhushan, Minister of Law Justice and Company Affairs on the floor of the House on 6th March, 1979 on the circumstances under which the promotion of Shri O. N. Vohra took place after the pronouncement of judgment in 'Kissa Kursi Ka' case.

This House records its displeasure over the procedure adopted in connection with the said matter."

Let me read article 241. It says: says:

"(1) "Parliament may by law constitute a High Court for a Union territory or declare any court in such territory to be a High Court for all or any of the purposes of this Constitution.

(2) The provision of Chapter V of Part VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 214 subject to such modifi-

\*The following Members also recorded their Votes:

AYES Sarvashri R.L.F. Verma, Dharm Singh Bhai Patel, Motibhai R. Chudhary, Atal Bihari Vajpayee, Narendra Singh, Madan Lal Shuklas, B. P. Mandal, Rejendra Kumar Sharma, Shri Gev. M. Avari, Shri Krishna Singh and Ram Prasad Deshmukh.

NOES: Sarvashri Ram Awadhesh Singh, C. K. Chandrappan, K. A. Rajan, Jadunath Kisku, Begud Sambrui K. P. Unni Krishnan, Shrimati Rashida Haque Chaudhary, Shri A. C. George.