SHRI R. D. GATTANI: I introduce† he Bill.

NATURAL CALAMITIES MITIGATION COMMISSIONS BILL*

SHRI P. RAJAGOPAL NAIDU (Chittoor): I beg to move for leave to introduce a Bill to provide for the establishment of a commission for the purpose of mitigating the natural calamities and to provide relief to the sufferers dut to these calamities.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a commission for the purpose of mitigating the natural calamities and to provide relief to the sufferers due to these calamities.

The motion was adopted

SHRI P. RAJAGOPAL NAIDU: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL.*

(*Amendment of article* 19, *etc.*)

डा० रामजी सिंह (भागलपुर) : मैं प्रस्ताव करता हूं कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

MR. CHAIRMAN: The question is:

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

The motion was adopted

डा० रामजी सिंह : मैं विधेयक को पुरःस्थापित करता हूं।

COW SLAUGHTER PROHIBITION BILL.*

डा० रामजी सिंह (भागलपुर) : मैं प्रस्ताव करता हूं कि गौ हत्या का प्रतिषेध करने का उपबन्ध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

MR. CHAIRMAN: Motion moved:

"That leave be granted to introduce a Bill to provide for prohibition on killing of cows."

SHRI G. M. BANATWALLA (Ponnam): Sir, I rise to oppose the introduction of this Bill prohibiting the slaughter of cows. I do understand that this is a stage where the Bill is being introduced. I would, therefore, be very brief. I will confine myself only to the constitutional invalidity of this Bill as also to the fact that it is not within the legislative competence of this House to enact such a Bill. There are other aspects of this measure which is being proposed. However, all those aspects can be taken into consideration if and when the Bill reaches the later stage of discussion. I will, therefore, be confining myself only to this preliminary objection.

Clause 3 of the Bill says:

"No person shall kill or cause to be killed a cow for any purpose or at any place in India."

There term 'cow' is defined in clause 2(b) as—

" 'cow' includes he-calves, she-calves, bullocks and bulls."

We, therefore, find that by including bullocks and bulls in the definition of 'cow' a total and blanket ban is sought to be imposed on the slaughter of bovine population and this, I submit, is in violation of the Constitution.

Sir, I do understand that Article 48 of the Directive Principles has been relied upon by the hon. Member. I quote Article 48:

"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."

It is, therefore, extremely clear that Article 48 does not envisage any total or blanket ban on the slaughter of any of the species of bovine population.

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†Introduced with the recommendation of the President.

Published in Gazette of India Extraordinary, Part II, Section 2, dated 2.12.78.

[Shri G. M. Banatwalla]

What is envisaged is prohibition of slaughter of those animals which are presently or potentially capable of yielding milk or being worked as draught cattle. But here a blanket ban is imposed. Even such bill and bullocks and such cattle which are useless, cannot be slaughtered. Therefore I submit that the Bill is outside the scope of Article 48.

I do realise that during the Emergency the Directive Principles got precedence over articles 14, 19 and 31 in the Chapter on Fundamental Rights. But here even though there is a slight difference in the law as it stood before the Emergency, and as it stood as a result of the amendment during the Emergency, even though I may not be able to rely today on article 19 and say that a total ban on the slaughter of bovine cattle would affect the trade and profession of certain classes of people, even though it may be difficult to advance that argument, yet, however, about the very spirit of article 48 we are extremely clear.....

श्री ओम प्रकाश त्यागी (बहराइच) : सभापति महोदय, इस पर डिसकशन का सवाल नहीं है। उन्होंने प्वाइंट आउट कर दिया। जब डिस्कशन आए तो वह अपोज कर सकते हैं।

SHRI G. M. BANATWALLA: Try to understand and do not land the country into difficulty. You have not yet followed the points. Many things are yet to come.

Therefore I am submitting that article 48 itself does not envisage any total or blanket ban upon slaughter. I will not go into all those cases that have come up before the courts and decisions taken. I will only in brief refer to the Second Edition of H. N. Seervai's book *Constitutional Law* where, after examining the whole position he states, at page 1044:

"Having regard to the purposes for which it was obviously recommended, it did not extend"

—it means article 48—

"to cattle which at one time were milch or draught but ceased to be as such."

Therefore, the law on the point is extremely clear. There are several judgments available, and this point has become very clear that there cannot be a total and blanket ban whatsoever on the slaughter of the bovine population. Here the very spirit of the Constitution is being trampled upon, because the people are being denied the food that they can have, through a total and blanket ban. One can understand from the provisions of article 48, which deals with preservation of cattle and breeding of cattle on scientific lines and all that, that there may be some restrictions on the slaughter of milch or draught cattle, so far as they are useful.

Mr. second point is with respect to the fact that this House does no have competence to enact this Bill, and it arises from article 25. The Bill, as it is before us, has no provision whatsoever granting any exemption with respect to sacrificial slaughter. It, therefore, is in violation of article 25 also, which provides for the freedom of conscience and religion and so on. I, therefore, submit that this particular Bill violates the provisions of the Constitution, it violates and is contrary to the need of the poor people of our country to have healthy food, it also contravenes.....(*Interruptions*).

सभापति महोदय : आप पढ़ें उस को। वह इंट्रोडक्शन के ऊपर आपत्ति कर सकते हैं। अगर वह कांस्ट्रीटयूशन के ऊपर आधारित है।

SHRI G. M. BANATWALLA: A ban is sought to be placed on the slaughter of not only cows, but also calves, bulls and bullocks. Therefore, it is violating the provisions of the Constitution. So, at least on this limited issue I oppose the introduction of the Bill. There are various other aspects which can be gone into if this Bill comes up to the other stage of discussions. However, if you are not in a position to rule out the Bill, then at least I appeal to the hon. Member to withdraw

this measure, or else I appeal to this House to take cognizance of the Constitution and to refrain from proceeding with it or giving leave for introduction.

SHRI HARI VISHNU KAMATH (Hoshangabad): Sir, I am on a point of order. I presume that my hon. friend, Shri Banatwalla, has raised this point under proviso to Rule 72 on the ground that the Bill initiates legislatives outside the legislative competence of the House. Now, Sir, the rule empowers you to permit a full discussion thereon, I mean, the proviso. So I would like to urge you to give me only a cuple of minutes to put forth the arguments against the plea that has been made by the hon. friend.

Sir, you will kindly see Article 48 of the Constitution. There are three words used in that Article and they are 'preserving', 'improving' and 'prohibiting'—preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle. Now, Sir, my hon. friend Dr. Ramji Singh's Bill visualises a ban on the slaughter of cows—under 'cows' he has included he-calves, she-calves, bulls and bullocks. Now, Article 48 itself refers to cows and calves and 'calves' means both genders. He cannot exclude one gender. 'Calves' means he-calves and she-calves, and the article refers to other milch and draught cattle. Bulls and bullocks are draught cattle. They are used for agriculture and for transport also in our country. So, these also come under the category of milch and draught cattle. That is the point and that militates against the plea made by my hon. friend.

One last word. The Bill which is sought to be introduced by my hon. friend, Dr. Ramji Singh is a Bill to amend the Constitution. That is the main point. It seeks to amend this particular Article 48 if need be.

SHRI G. M. BANATWALLA: No, no. It is not like that. It is not a Constitution (Amendment) Bill. It is another Bill.

SHRI HARI VISHNU KAMATH: Which one?

MR. CHAIRMAN: He is on item No. 6, not 5.

SHRI HARI VASHUN KAMATH: All right. Then that point I won't make. But the other point which I have made is...

MR. CHAIRMAN: I think you have made that point.

SHRI HARI VISHNU KAMATH: Article 48 itself visualises a ban on the slaughter of cows and calves and bullocks and bulls, which are envisaged in the Bill sought to be introduced by Dr. Ramji Singh and it does not violate the Constitution at all and therefore, it is within the competence of this House.

श्री कंवर लाल गुप्त (दिल्ली सदर) : मैं श्री कामत का पूरा समर्थन करता हूं। मैं समझता हूं कि इस सदन की कम्पीटेंस में है और विधान के अन्तर्गत भी है कि हम कानून पास कर सकते हैं। विलिंग आफ कंऊ ही और ही दोनों पर पूरी तरह पाबन्दी लगाई जा सकती है, बुल-बुलाक्स सब पर लगाई जा सकती है। इस में कोई रुकावट वाली बात नहीं है। कई स्टेट्स में लगा भी गई है। मैं डा० रामजी सिंह को बधाई देता हूं कि वह यह बिल लाए हैं। सारे देश की भावनाओं को सदन को सामने रखते हुए इस को पास करना चाहिये। और एक आवाज के साथ करना चाहिये। न इधर और न उधर इस के बारे में कोई मतभेद होना चाहिये। एक राय से अगर हम इस को पास करेंगे तो 65 करोड़ जनता की भावनाओं का ही हम आदर करेंगे। इस वास्ते मैं चाहता हूं कि इस को इंट्रोड्यूस करने की अनुमति हम को एक मत से दे देनी चाहिये।

श्री यमुना प्रसाद शास्त्री (रीवां) : हमारे संविधान निर्माताओं ने बहुत पहले से डायरेक्टिव प्रिंसिपल्ज में इस बात को स्वीकार किया था कि भारत की आर्थिक व्यवस्था के लिये गाय और गोवंश के वध का निषेध होना चाहिये। ऐसा नहीं होता है तो हिन्दुस्तान की कृषि व्यवस्था पर इस का बड़ा कुप्रभाव पड़ेगा। यह केवल धार्मिक या भावना की बात नहीं थी। इस देश की आर्थिक स्थिति को देखते हुए कृषि की व्यवस्था को देखते हुए इस प्रकार की व्यवस्था को आवश्यक और अनिवार्य समझा गया था।

श्री बनतवाला ने कहा है कि .....

SHRI G. M. BANATWALLA: On a point of order. Now the hon. Mem-

[Shri G. M. Banatwalla]

bers are going into the economic and social and other questions. I never raised a question on that. I am challenging only the competence of the House, because we have other arguments on those points.

श्री बनातवाला (बम्बई) : संविधान के अनुच्छेद 25 में धार्मिक आस्थाओं की स्वतन्त्रता की छूट दी गई है। मैं समझता हूं कि उस पर कोई आंच उससे नहीं आती है। मुझे कोई भी धर्मावलम्बी बताये कि उस के धर्म में गाय या बैल या गोवंश को सैक्रीफाइस करने की, उस का बलिदान करने की छूट है या प्रावधान है। दुनिया के जितने भी धर्म हैं उन के सम्बन्ध में जो थोड़ा बहुत जानता हूं, उस के आधार पर कह सकता हूं कि किसी भी धर्म में यह नहीं कहा गया है कि गाय या बैल का वध होना ही चाहिये। धारा 25 की आड़ ले कर हमारे अधिकार को चुनौती नहीं दी जा सकती है। इस वास्ते डा० रामजी सिंह ने जो बिल रखा है वह सर्वथा हमारी क्षमता के अनुकूल है और संविधानिक स्थिति कहीं भी इस में बाधक नहीं होती है। इस वास्ते इस को अनुमिति प्रदान करने में सदन को किसी तरह की हिचकिचाहट नहीं होनी चाहिये। मैं श्री बनतवाला से भी अनुरोध करूंगा कि वह इस पर गम्भीरतापूर्वक विचार करें और इस बिल को प्रस्तुत करने के रास्ते में कोई आपत्ति प्रस्तुत न करें।

MR. CHAIRMAN: As everybody knows, when objection was taken yesterday the Speaker said he could not give a ruling. It is the practice of the Lok Sabha that the Speaker does not give any ruling on the point whether a Bill is constitutional and within the competence of the House or not. The House also does not take a decision on the specific question of the vires of the Bill. It is open to Members to express their views in the matter and address their arguments for and against the vires Members take this aspect into consideration in voting on the question of introduction of the Bill or on subsequent motions on the Bill.

Only two points have been raised, whether this violates article 25 or goes against the directive principles contained in article 48. These are the only two points on which light may be thrown, taking not more than one minute.

SHRI C. K. CHANDRAPPAN (Cannanore): I would like to confine myself to the legislative competence of the House. The question that we have to consider is whether Article 48 of the Constitution visualises a blanket ban on the slaughter of cows, as it was defined in the Bill by Dr Ramji Singh.

MR. CHAIRMAN: I think it is not necessary to state a proposition regarding problems.. You please come to your point.

SHRI C. K. CHANDRAPPAN: In my view, in the Bill for which leave of introduction is now sought, the author of the Bill seeks a complete ban, which goes against the spirit of Article 14. Another point is, the very Preamble of the Constitution considers that our Republic is a secular Republic, where various people having faith in different religions and having no faith in religions all are living together. A legislation that we are trying to enact should not go against the secular character of our Republic.

AN HON. MEMBER It does not go.

SHRI C. K. CHANDRAPPAN: It does go. That is why I first raised the question of Article 48. Certain protection is necessary for scientific breeding and development of cattle population.

MR. CHAIRMAN: Let there be no repetition.

SHRI C. K. CHANDRAPPAN: I am drawing your attention to the preamble of the Constitution. It is mainly from a religious consideration that it goes against..

श्री मही लाल (बिजनोर) : इकोनामिक क्वैश्चन है।

SHRI C. K. CHANDRAPPAN: Economic question is taken care of by Article 48. When we speak of a blanket ban, behind the back of it, we are speaking about a religious consideration.

AN HON. MEMBER: Not at all.

SHRI C. K. CHANDRAPPAN: You deny it. But I do not concede. (*Interruptions*)

MR. CHAIRMAN: I think one should not go into these thing. You come to law point.

(Interruptions)

SHRI C. K. CHANDRAPPAN: I am only addressing the Chair. I am not trying to contradict their view point. The point is, in the object of the Bill, it is stated that there is a religious consideration. When that consideration comes, it goes beyond what is visualised in Article 48 and it goes against the very spirit of the Constitution. It goes against the secular character of the Indian Republic, which is visualised in the Indian Constitution. It is for that reason that I request the House not to grant leave for introduction of this Bill.

श्री ओम प्रकाश त्यागी : सभापति महोदय, अभी जो बहस आई है, मेरी प्रार्थना है कि यह जो आज विधेयक आ रहा है, यह संविधान की धारा के अन्तर्गत है, उस से बाहर नहीं है । 48वीं धारा में गौवंश का संरक्षण और संवर्धन, यह दोनों शब्द हैं । संरक्षण और संवर्धन में तो प्रोटेक्शन आता है। और रही सेक्यलर स्टेट वाली बात और यह कि किसी का भोजन है, मैं इस बारे में चैलेंज करता हूं कि किसी भी वर्ग का धार्मिक दृष्टिकोण से गौ मांस अनिवार्य भोजन नहीं है। और तीसरी चीज यह है कि संविधान में धार्मिक दृष्टिकोण से यह क्लाज नहीं रखा गया है, बल्कि आर्थिक दृष्टिकोण से इस को रखा गया है। इसलिए इस विधेयक को इन्ट्रोड्यूस करने के माननीय सदस्य अधिकारी हैं।

डा० रामजी सिंह : सभापति महोदय, मैं माननीय बनातवाला का बहुत उपकृत हूं कि उन्होंने ऐसे बिल पर चर्चा शुरू कर दी। वह बड़े विज्ञ हैं, कानून जानते हैं और उन्होंने ही उदाहरण दिया है कि संविधान की धारा 48 में इस का निर्देश है। मैं ज्यादा तो कुछ नहीं, सुप्रीमकोर्ट के जजमेंट A.I.R. 1958, S.C. 731 Quareshy *vs.* State of Bihar. को आपकी खिदमत में पढ़ना चाहूंगा ।

"We have reached the conclusion—

(1) That a total ban on the slaughter of cows of all ages and calves of cows and calves of she bufallces, male and female is quite reasonable and valid and is in consonance with the directive principles laid down in Art. 48."

SHRI. C. K. CHANDRAPPAN: That is one part of it.

डा० रामजी सिंह: यह तो संविधान के आर्टिकल 48 पर सुप्रीमकोर्ट ने दिया है। उसके बाद मैंने तो काऊ स्लाटर का बिल मांगा था, अभी दिया नहीं लेकिन मैंने 6 बिल अपने लोक-सभा के पढ़े है जो कांस्ट्रीट्यूअनली आये हैं। जो गट्टानी साहब लाये हैं वह अलग है, लेकिन प्रो० शेरसिंह जी का काऊ स्लाटर बैन के सम्बन्ध में

"The Lok Sabha today rejected by 62 votes to 11 a private member's Bill seeking to prevent cow slaughter in the country after Mr. Sher Singh gave an assurance."

मेरा पहला कहना यह है कि संविधान की धारा 48 वह कहती है, दूसरी सुप्रीम कोर्ट की बात है, तीसरी परम्परा और ट्रेडीशन की बात है, लोक-सभा के 6 बिल यहां काऊ स्लाटर पर बने और चौथी बात मैं कानून की बातें कहता हूं। यह प्रिसिडैंस भी तो कानून है। जो सैकुलर कहा है, तो मैंने तो आपसे यह कहा कि अगर काऊ स्लाटर सैकुलर नहीं होता तो कांस्ट्रीट्यूशन की धारा में इसको रखा ही नहीं जाता। मैं मैरिट में नहीं कहना चाहता, इतना कह सकता हूं कि अगर बनातवाला साहब पहले कहते, यहां गांधी जी से बढ़ कर लोगों के चाहने वाले कोई नहीं हो सकते हैं —

"The cow is a poem of pity and a personification of innocence. She is mother to millions of Indian mankind."

This is what Gandhiji said. Nehru was the champion of socialism. So, Pandit Nehru said:

"Religion apart, emotion apart and sentiment apart, for economic reasons and for other substantial reasons, it is important for that to be preserved and for that to be improved."

जो इम्प्रूवमैंट शब्द श्री कामत लाये।

Even the Directive Principles of our Constitution, under Article 48, enjoin upon us to prohibit the slaughter of

[डा० रामजी सिंह]

cow and calves. Even the Supreme Court has said:

"The slaughter of cows for food is repugnant to their (Hindus) notions and this sentiment in the past even led to communal riots."

मैं इतना कह सकता हूं कि अभी आचार्य विनोबा भावे भी उपवास कर रहे हैं और इसलिए हम समझते हैं कि बनातवाला साहब अपना समर्थन देंगे। हम तो प्रेम में विश्वास करते हैं, अगर आपका समर्थन हमें मिल जायेगा तो देश में एक अच्छा वातावरण हो सकेगा। मैं तो केवल अर्ज कर सकता हूं, दबाव नहीं दे सकता हूं।

MR. CHAIRMAN: Now, the question is:

"That leave be granted to introduce a Bill to provide for prohibition on killing of cows.'

The motion was adopted.

डा० रामजी सिंह: मैं विधेयक को पुरःस्थापित करता हूं।

MR. CHAIRMAN: The Bill is now introduced.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Eighth Schedule)

डा० रामजी सिंह (भागलपुर): मैं प्रस्ताव करता हूं कि भारत के विधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

MR. CHAIRMAN: The question is.

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

The motion was adopted.

डा० रामजी सिंह: मैं विधेयक को पुरःस्थापित करता हूं।

PARLIAMENTARY INTEGRITY COMMISSION BILL*

डा० रामजी सिंह (सागलपुर): मैं प्रस्ताव करता हूं कि एक संसदीय सत्यनिष्ठा आयोग के गठन तथा उसके आनुषंगिक विषयों का उपबन्ध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the constitution of a Parliamentary Integrity Commission and matters incidental thereto.

The motion was adopted.

डा० रामजी सिंह: मैं विधेयक को पुरःस्थापित करता हूं।

FREEDOM OF RELIGION BILL*

श्री ओम प्रकाश त्यागी (बहराइच): मैं प्रस्ताव करता हूं कि एक धर्म से दूसरे धर्म में बलपूर्वक या उत्प्रेरणा, अथवा कपटपूर्ण साधनों द्वारा संपरिवर्तन पर प्रतिषेध का और उसके आनुषंगिक विषयों का उपबन्ध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

SHRI G. S. REDDY (Miryalguda): I oppose the Bill. I have given notice.

MR. CHAIRMAN: Yes, but not in time, I have come to know.

SHRI G. S. REDDY: I gave notice yesterday.

SHRI C. K. CHANDRAPPAN (Cannonore): He gave notice yesterday; and these people are trying to flout the Constitution every day!

MR. CHAIRMAN: Of course, you have intimated, but it was not an objection.

Now, the question is...

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