

MR. SPEAKER : It is only after that, that Shri Vajpayee raised it and I permitted him to raise it here and he replied. I do not know why Shri H. N. Mukerjee is angry after that also. (*Interruption*). Order, order. No more of it now.

SHRI S. M. BANERJEE (Kanpur) : We requested that the Prime Minister should meet to discuss the specific issue. You have not said anything about it.

12.46 HRS.

[MR. DEPUTY-SPEAKER *in the Chair*]

SHRI NATH PAI (Rajapur) : Sir, just one minute. Because of the noise I could not hear what the Speaker told me to do or to restrain from doing. I told him that today is the 14th November, and six years ago this Parliament passed a resolution taking a solemn pledge that every inch of our territory occupied by China forcibly should be liberated. The Parliament took that resolution. I want to know the steps taken by the Government in that regard. What is the use of going and garlanding the Nehru statue? It was a resolution moved by him and Parliament unanimously passed it.

MR. DEPUTY-SPEAKER : Order, order. We proceed further.

SHRI NATH PAI : How ? Without redeeming it ? Acharya Kripalani just now gave a lecture about the reputation of Parliament. If Parliament cannot implement the resolution unanimously adopted, what will be our reputation ? It was a resolution which was adopted unanimously, all Members standing. Sir, you and I have been Members here for long. I do not know what they are going to do about it. It was a unanimous resolution adopted by Parliament, all Members standing.

MR. DEPUTY-SPEAKER : The Speaker said you wrote to him.

SHRI NATH PAI : Yes; they may consider it tomorrow. But tomorrow is the 15th. Today is the 14th (*Interruption*).

MR. DEPUTY-SPEAKER : Order, order. Not now. Let us proceed.

SHRI NATH PAI : Well, I accept what you say.

12.47 HRS.

REGISTRATION OF BIRTHS AND DEATHS BILL—*contd.*

Clause 10—*contd.*

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of Registration of Births and Deaths Bill.

SHRI LOBO PRABHU (Udipi) : Before I proceed with my amendment, I would like to seek your guidance or the protection of the Chair on three separate issues which were raised yesterday. The question raised in the amendment yesterday generally shows that it not only affects this Bill, but it affects my right as a Member of this House, it affects the rights of the House and it affects the rights of this country to have legislation properly passed.

The first issue raised was the statement by the Minister that since this Bill is five years old and has already been passed by the Rajya Sabha, no amendment in it should be made because it would involve further loss of time. I would like to have a clear ruling from you. The question is, because a Bill has been passed by the Rajya Sabha, does the Lok Sabha become a mere rubber-stamp ?

MR. DEPUTY-SPEAKER : This House is not supposed to take into consideration what was said there or done there. That is all.

SHRI LOBO PRABHU : Please see the record. He has clearly said that because this Bill will have again to be referred to the Rajya Sabha if amendments are made, he was not prepared to accept any amendment. If that is the position—let me complete.

MR. DEPUTY-SPEAKER : What I thought about it when he referred to it was that there was an urgency of getting through this legislation. That is all.

SHRI LOBO PRABHU : Let him answer it in due course. If the Bill had been delayed for five years, a delay

for another five days is not going to affect it very much. But the right of this House to consider at will the proposed amendment is the one which has been denied and it must be asserted definitely by you that this procedure cannot be tolerated consistently with the rights of the Members, the rights of the House and the rights of the people. Now, I am coming to my points.

The second point which I would like to bring to the notice of the House is this. During this debate, the quorum had to be called three times. There was a fluctuating number of Members coming in. That was bad enough. I do not grudge Members of the Congress or even of this side indulging themselves in the Central Hall, but what is bad is this. Because of this fluctuating quorum, this transient quorum, which comes and goes, when the amendment is put to vote, without knowing what the amendment is, not being able to understand it, they say simply "Aye" or "No". In this case, it is 'No' from the party. What is this House? Is it a mockery? What is the good of members coming here to say 'Aye' or 'No'? If they are going to participate in the debate, if they think they are competent to say anything on the amendment, they must sit here. It is for the Minister of Parliamentary Affairs to see that this farce is not enacted from time to time. If a Bill from their party is brought, if their members are allowed to say 'Aye' or 'No', he must see to it that they attend the whole discussion. On this also, I want a definite ruling, because this House is becoming a laughing stock of this country when you have members not caring to be present, but only standing up to say 'Aye' or 'No'. We are little better than animals just to say 'Aye' or 'Nay' like horses and donkeys.... (Interruptions).

श्री आर्जुन करनेगीस (बम्बई-दक्षिण) :
उपाध्यक्ष महोदय, हम इस बात को मानने के लिए तैयार नहीं हैं। अगर वे खुद के लिए बोलते हैं, तो मुझे कुछ नहीं कहना है, यदि सब के लिए बोलते हैं तो मैं उनकी बात नहीं मानता।

SHRI LOBO PRABHU : The Home Ministry, which is the offender in this as in other Bills, saying that as soon as they bring a Bill, it should be passed because they have the Ayes and Nays for it, has got to reconsider this attitude. The Home Ministry must respect the right of members to suggest an amendment and should meet it properly.

The Home Ministry must increase the voice power of its minister. Half of what he said was not available to this side, but the Ayes and Nays were available. He may represent the whole of the Congress in Madras State, but his voice is not powerful enough.

This is a Bill of very considerable importance, which is going to be enforced at all levels, not only at the State and district level, but in the panchayat level. It is a Bill in which there should be no ambiguity and no room for further clarification and further re-definition. Whenever any amendment of mine came, the minister, as far as he was audible, would just say he cannot accept it because of this and that. I am not going to refer to the whole of my objections, because I may do so at the third reading. Here is a Bill which defines 'birth' to include 'still birth'.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): On a point of order, Sir. We have already passed that clause and we are on another clause. He is going back to that clause.

SHRI LOBO PRABHU : I am only illustrating my point that you have a Bill which is unworthy to be on the statute-book. If for family planning, they must have information, about still births, let them have a separate category of still births. Do not include it in birth, because your statistics will be full of people who were never born and who will never die.

MR. DEPUTY-SPEAKER : You referred to it as an illustration. At this stage, I will not permit it.

SHRI LOBO PRABHU : I have raised a general issue. Here we have got a Bill which is going to be enforced by all kinds of people. It is going to be left to the small panchayat secretary to decide whether this is a still birth and should be recorded or it is a foetal death or miscarriage or abortion. Why do you expect them to do all these things. Again, I am stating a doubt and not reviewing the clauses already passed. There is the question whether the appointment of the registrar should be by name or by office. He read something from the General Clauses Act. I was not able to hear it, but I have seen it reproduced.

SHRI R. D. BHANDARE (Bombay Central): Sir, I rise on a point of order.

SHRI S. M. BANERJEE (Kanpur): Under which rule? I am always asked to mention the rule. Let him also mention the rule.

MR. DEPUTY-SPEAKER : Certain points are raised now which were not raised when the relevant clauses were debated. I cautioned him....

SHRI S. M. BANERJEE : Are you raising a point of order or Shri Bhandare is raising one?

SHRI R. D. BHANDARE : I am raising a point of order.

SHRI S. M. BANERJEE : Under what rule? We should know the rule. I want to read it and educate myself.

MR. DEPUTY-SPEAKER : He will quote the rule.

SHRI R. D. BHANDARE : I do not think he requires to be educated. We are at the stage of clause-by-clause consideration and some of the clauses have already been passed.

SHRI LOBO PRABHU : But what is the rule? Without that, your explanation is not relevant.

SHRI R. D. BHANDARE : When a member is speaking something which

is not relevant, or is speaking on a clause of the Bill which has already been adopted, or is repeating the same arguments I have every right to raise a point of order and draw the attention of the Chair to the repetition, irrelevancy or the fact that the clause under reference has already been adopted. When we have considered certain amendments and passed certain clauses what right has the hon. Member to deal with the same points, same clauses and same amendments?

श्री अटल बिहारी वाजपेयी (बलरामपुर): अगर नियम की बात की जाएगी, तो बर्ड रीडिंग पर हम बोलेंगे और जितना चाहेंगे बोलेंगे और आपको समय देना होगा। मगर इस विधेयक के बारे में बड़ा विवाद है, अच्छा यह होता कि गृह मन्त्री जी इसे सिलेक्ट कमेटी को भेजना स्वीकार कर लेते। अभी भी देर नहीं हुई है। आप पुनः इस पर विचार करें। इस विधेयक के विवादों पर जितनी भी सहमति हो सकती है, उस के लिए प्रयत्न करना चाहिए अभी भी आप इस को सिलेक्ट कमेटी को भेजना मान सकते हैं।

श्री जार्ज फरनेन्डीज : मैं वाजपेयी जी के विचारों का समर्थन करता हूँ, इसे सिलेक्ट कमेटी को भेजा जाए।

SHRI S. M. BANERJEE : First of all, I am really sorry that the Minister who is in charge of the Bill, who is piloting the Bill, Shri V. C. Shukla, who is supposed to be quite mature by this time, he himself should raise a point of order. Then, Shri R. D. Bhandare, who is in the panel of Chairmen, quoted or tried to quote a particular rule....

SHRI R. D. BHANDARE : I can quote the rule; it is in my hand.

SHRI S. M. BANERJEE : He was trying to quote a rule from his memory; now he has tried to read it. The Chair can certainly direct a member not to continue his speech if the Chair is convinced that the member is making an irrelevant speech. Sir, you have heard Shri Lobo Prabhu in patience. This is

a controversial Bill. There is no doubt about it. It deals with birth and still-birth. There may be some stillborn Ministers. But that is not relevant here. The point which is agitating us is this. Why do you want to shut out discussions? Why do you not allow a proper discussion? Let it go to the Select Committee.

MR. DEPUTY-SPEAKER : The point raised by Shri Bhandare was very valid to the extent that he said that the points which were mentioned yesterday while we were dealing with clauses 2 to 9 need not be repeated now when we are dealing with other clauses. Now there is one point, which has been raised and brought before the House by Shri Vajpayee that this Bill, as I also observed yesterday, has become a controversial measure. Some hon. Members have already said that as the drafting stands and as the whole scheme stands, the Bill is likely to affect villagers; so, it needs further consideration. That is the point on which I request Shri Shukla to make some statement.

13 HRS.

SHRI VIDYA CHARAN SHUKLA : With your permission, Sir, I would deal with the points that Shri Lobo Prabhu made.

SHRI LOBO PRABHU : May I conclude my speech?

SHRI S. M. BANERJEE : Sir, I move :

"That the discussion on this Bill be closed."

SHRI VIDYA CHARAN SHUKLA : Sir, have you called me or Shri Banerjee? Whom have you called?

SHRI S. M. BANERJEE : I cannot tolerate the arrogance of ministers, not of mushroom ministers like him.

MR. DEPUTY-SPEAKER : Order, order. After Shri Vajpayee made a request, I said that I would request the hon. Minister to reply. Now let him reply. This is not a light matter.

SHRI S. M. BANERJEE : We have a right to move motions.

L54LSS/68—9

SHRI VIDYA CHARAN SHUKLA : With your permission, Sir, I would like to deal with the point which was raised by Shri Lobo Prabhu first. If Shri Lobo Prabhu was a little attentive yesterday, he would not have been required to wax eloquent so much today about the rights of Lok Sabha and Parliament about which we are equally concerned.

AN HON. MEMBER : Are you?

SHRI VIDYA CHARAN SHUKLA : There was no question of saying that this House or Parliament could not discuss a particular provision. The only statement I made was that in view of the coming census this provision has attained very great importance and that is why we want to see that it becomes law as quickly as possible. That was the limited point I made. I never suggested that Parliament should not have the time or the opportunity to discuss these things at all.

As far as the point raised by Shri Banerjee is concerned, it does not deserve any reply because he is a light-hearted and a lightminded person who should not be taken seriously by anybody.

SHRI S. M. BANERJEE : Nonsense.

MR. DEPUTY-SPEAKER : That is not fair.

SHRI N. SREEKANTAN NAIR (Quilon) : The remarks of the Minister are also not fair. It is a personal remark which ought not to have come from a minister.

SHRI S. M. BANERJEE : He is a debauch; he is stupid; he is a nuisance. I know how he talks outside. (*Interruption*).

SHRI N. SREEKANTAN NAIR : Everyone of us will repeat it. You ought to have prevented him. (*Interruption*).

SHRI S. M. BANERJEE : Why should he say that?

MR. DEPUTY-SPEAKER : If you take objection to an expression, you

[Mr. Deputy Speaker]

should not have said that. Is it in keeping with dignity ?

SHRI S. M. BANERJEE : Is that in keeping with dignity ?

MR. DEPUTY-SPEAKER : I would request you to withdraw that word, 'debauch'. I take you seriously.

SHRI S. M. BANERJEE : I will not withdraw 'nuisance'. He is a nuisance in the House. I would withdraw the word, 'debauch'. I will not withdraw the word, 'stupid'.

MR. DEPUTY-SPEAKER : This is not the way to carry on discussion.

SHRI S. M. BANERJEE : I have defeated his candidate thrice. Let him contest the election in Kanpur. He will forfeit his deposit.

MR. DEPUTY-SPEAKER : This challenge is meaningless. The House stands adjourned for Lunch till 2 O' Clock.
13.04 HRS.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after lunch at five minutes past fourteen of the Clock.

[MR. DEPUTY-SPEAKER IN THE CHAIR]
REGISTRATION OF BIRTHS AND DEATHS BILL—*contd.*

Clause 10—*contd.*

SHRI VIDYA CHARAN SHUKLA : When the House adjourned for Lunch, I was explaining the provisions of Clause 10. I was mentioning this. Our intention is that nobody who is not operating in a notified area will be fastened with this kind of responsibility. As far as the municipal workers are concerned, they will be required to send the information only if they were present on the spot or they were attending a function; otherwise, it would not be incumbent on them to take any action. As it is, this is a completely innocuous clause and I do not think the member should be unduly exercised over this particular provision. Therefore, I would humbly say that it is not necessary for us to accept any of the amend-

ments that have been moved and the House should consider and pass the clause as it is in the Bill.

SHRI SHRI CHAND GOYAL (Chandigarh) : I have given an amendment that this Bill should be referred to a Select Committee because, as an eminent lawyer, you were also of the opinion that there were certain defects which needed to be corrected. I know that this motion or amendment ought to have come at the introduction stage. I quite realise that legal position and the Rules of Procedure, but my submission is that, when there is a justification, the hon. Minister should not stand on the question of prestige or should not take shelter under technicalities but should agree to accept this motion or the Government should bring its own motion for referring it to a Select Committee. The passage of this Bill will not at all be delayed because the Rajya Sabha is meeting from the 18th November and the Select Committee can make its report within ten or fifteen days and then it can be passed by the Rajya Sabha also. So, it would be in the fitness of things that this Bill is referred to a Select Committee which should consider all the defects which have been pointed out by the hon. members during the discussion here. So, I would once again make an appeal that, instead of taking shelter under technicalities he should be generous enough to accommodate and accept this.

MR. DEPUTY-SPEAKER : It is not simply a question of technicality. Even if the Government were to accept, there are some difficulties from the point of view of procedure. Even if the Government is ready to accept, how to meet these difficulties ? That is the problem before us. The rule in this behalf is very clear and specific. Once the motion for consideration has been adopted and certain clauses have been adopted, the only thing that we can do is to proceed with the rest. How to overcome this difficulty ? I do not know the Government's mind yet and even if the Government were to accept, this is the difficulty. In such a situation I am helpless because the rule is very specific.

SHRI TENNETI VISWANATHAM (Visakhapatnam): There have been many cases. Even after the consideration of the Bill if the House feels that it is better that it goes to a Select Committee, it can go. There is no bar against that.

I think, we were on Clause 10. In Clause 10, here it is said :

"It shall be the duty of—

- (i) the midwife or any other medical or health attendant at a birth or death.."

On the other hand, in Clause 8(b) it is said :

"in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf."

So, either there is redundancy or there is a contradiction. Here it is more than redundant. There is a contradiction. The area is enlarged in clause 10 and the duty is cast now upon somebody else while the duty under clause 8 is cast upon the medical officer. What I think, therefore, Sir, is this. This is a Bill which involves penalties. It is not merely asking somebody to make a report or something like that. There is one clause, Clause 8, where you find the words 'the oldest adult member'. They have given several alternatives. There is an order of various persons mentioned therein and punishments depend if persons in that order do not report. They have got to see whether any particular person comes in that order to be the informant or not. A man has to know whether all the prior, previously nominated persons are absent and then he has to see whether he is the oldest adult member or not. The oldest adult member has to examine whether his turn is there or not. A duty is cast upon him and he will have to meet the punishment also. So, what I submit is this : in a Bill of this kind in which there are some difficulties, it is much better if you refer it to a Select Committee. There is no harm.

श्री देवेन सेन (आसनसोल): उपाध्यक्ष महोदय, मैं आपका ध्यान रुल 109 की तरफ खींचना चाहता हूँ। इस में कह गया है:

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker".

So, if you give me the consent, I would like to move that. We can adjourn here.

MR. DEPUTY-SPEAKER : I will put it to the House. So far as the other motion is concerned I have already ruled it out.

SHRI SHRI CHAND GOYAL : Even at the consideration stage, and clause-by-clause stage there are precedents where it has been referred to Select Committee. If there are no precedents, it is a different matter, but I think there are precedents.

MR. DEPUTY-SPEAKER : There is no precedent of this nature. I could understand that everybody here wants close scrutiny of every clause of the Bill. That I have followed very closely. But under the rules, so far as I could make out, it is very difficult for me to accept a motion for reference to a Joint/Select Committee at this stage. You can move for adjournment of the debate.

श्री देवेन सेन: मैं प्रस्ताव करता हूँ :

"कि इस बिल पर चर्चा स्थगित कर दी जाए"

MR. DEPUTY-SPEAKER : I will put it to the vote. The question is :

"That the debate on the Bill be adjourned".

Let the lobbies be cleared.

The Lok Sabha divided.

Division No. 2]

Adichan, Shri P. C.
 Banerjee, Shri S. M.
 Bhagaban Das, Shri
 Chittybabu, Shri C.
 Daschowdhury, Shri B. K.
 Deb, Shri D. N.
 Dhandapani, Shri
 Fernandes, Shri George
 Ghosh, Shri Ganesh
 Goyal, Shri Shri Chand
 Gupta, Shri Indrajit
 Jha, Shri Shiva Chandra
 Jharkhande Rai, Shri
 Joshi, Shri Jagannath Rao
 Kachwai, Shri Hukam Chand
 Kamalanathan, Shri
 Kameshwar Singh, Shri
 Kapoor, Shri Lakhan Lal
 Khan, Shri Ghayoor Ali
 Krishnamoorthi, Shri V.
 Kunte, Shri Dattatraya
 Kushwah, Shri Y. S.

Asghar Husain, Shri
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Dasappa, Shri Tulsidas
 Dass, Shri C.
 Desai, Shri Morarji
 Deshmukh, Shri K. G.
 Dixit, Shri G. C.
 Ering, Shri D.
 Ghosh, Shri Parimal
 Gudadinni, Shri B. K.
 Gupta, Shri Lakhan Lal
 Himatsingka, Shri
 Jadhav, Shri V. N.
 Kamble, Shri
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Laskar, Shri N. R.
 Mahajan, Shri Vikram Chand
 Mahishi, Dr. Sarojini
 Mandal, Shri Yamuna Prasad
 Marandi, Shri

AYES

Lobo Prabhu, Shri
 Mahato, Shri Bhajahari
 Maiti, Shri S. N.
 Majhi, Shri M.
 Mayavan, Shri
 Menon, Shri Vishwanatha
 Nair, Shri N. Sreekantan
 Nair, Shri Vasudevan
 Nambiar, Shri
 Patil, Shri N. R.
 Ramamurti, Shri P.
 Samanta, Shri S. C.
 Sen, Shri Deven
 Shah, Shri T. P.
 Sharma, Shri Beni Shanker
 Shiv Charan Lal, Shri
 Sivasankaran, Shri
 Suraj Bhan, Shri
 Tyagi, Shri O. P.
 Vajpayee, Shri Atal Bihari
 Viswambharan, Shri P.
 Viswanatham, Shri Tenneti

NOES

Masuriya Din, Shri
 Menon, Shri Govinda
 Mishra, Shri G. S.
 Nayar, Dr. Sushila
 Parmar, Shri Bhaljibhai
 Partap Singh Shri
 Parthasarthy, Shri
 Pradhani, Shri K.
 Raju, Shri D. B.
 Ram Subhag Singh, Dr.
 Rane, Shri
 Rao, Dr. K. L.
 Rao, Shri Thirumala
 Raut, Shri Bhola
 Rohatgi, Shrimati Sushila
 Saha, Dr. S. K.
 Saleem, Shri M. Y.
 Sambasivam, Shri
 Sanji Rupji, Shri
 Sayyad Ali, Shri
 Sheo Narain, Shri
 Sheth, Shri T. M.
 Shinkre, Shri
 Shukla, Shri Vidya Charan

Siddayya, Shri
Siddheshwar Prasad, Shri
Solanki, Shri S. M.

MR. DEPUTY-SPEAKER : The result* of the Division is : Ayes : 44; Noes : 54.

The motion was negatived.

श्री जार्ज फरनेन्डीस : उपाध्यक्ष महोदय, आप देखिये कि कई लोगों का वोट रिकार्ड नहीं हुआ है। सिर्फ दस का फर्क है। आप देखिये कि कितने लोगों का वोट रिकार्ड नहीं हुआ है। हो सकता है कि हम जाते हों।

MR. DEPUTY-SPEAKER : The corrected figures are being obtained. Anyhow, those Members whose votes have not been recorded may kindly rise in their seats—

I find that the number is such that it will not affect the result.

श्री ओम प्रकाश त्यागी (मुरादाबाद) : उपाध्यक्ष महोदय, मैंने कल इसके ऊपर एक प्वाइंट आफ आर्डर भी दिया था। मुझे हादिक खेद है कि सरकार इसको जानते हुए भी कि यह बिल गलत है और बहुत सी त्रुटियों से भरा हुआ है, फिर भी हठधर्मी से इस बिल को पास कराना चाहती है और केवल इसी एक आधार पर कि उसका इस सदन में बहुमत है। कल आपने हमारी बात से सहमत होते हुए मंत्री महोदय से अपोल की थी कि इस में यह त्रुटि है, इससे आप ठीक कर लो और मंत्री महोदय ने जवाब देते हुए बताया था कि बिल के पास होने में देर हो जाएगी। उन्होंने यह भी कहा था कि अगर वह कोई एमेन्डमेन्ट स्वीकार करते हैं तो बिल को दुबारा राज्य सभा में जाना पड़ेगा और इस में देर हो जाएगी।

मंत्री महोदय और गवर्नमेन्ट को देरी की चिन्ता है, लेकिन उन्हें इस बात की चिन्ता नहीं

Supakar, Shri Sradhakar
Sursingh, Shri
Ulaka, Shri Ramachandra

है कि यह बिल ठीक रूप में पास हो और इस में कोई गलती न रहे। मैं कहना चाहता हूँ कि यह बिल गवर्नमेन्ट की सैकुलर नीति सर्वथा विपरीत है। भारतीय संविधान के अनुसार सरकार किसी भी धर्म और जाति के आधार पर न कोई बिल बना सकती है और न उन्हें अपमानित कर सकती है। इस बिल में कहा गया है : "इट शॉल बि दि ड्यूटी आफ... दि स्वीपर इन ए म्यूनिसिपैलिटी, पंचायत आर अदर लोकल एथारिटी।" इस का मतलब है कि चाहे कोई भी स्वीपर हो, चाहे वह इन संस्थाओं में नौकर हो या न हो, उस पर यह ज़िम्मेदारी डाल दी गई है। "स्वीपर" शब्द का प्रयोग मेहतर जाति के लिए होता है। मैं गवर्नमेन्ट से पूछना चाहता हूँ—मेरे प्रश्न का जवाब मंत्री महोदय को देना होगा—कि इस क्लॉज में एक जाति-विशेष के आधार पर व्यवस्था क्यों की गई है। अगर इन संस्थाओं में एम्पलायड स्वीपर को यह काम सौंपा जात, तो यह बात समझ में आ सकती थी, लेकिन यह काम किसी भी स्वीपर पर लाद दिया गया है, चाहे वह किसी म्यूनिसिपैलिटी या पंचायत में हो। कहीं भी कोई बात होती है, चाहे किसी के घर में गर्भपात हो गया है, चाहे कोई चलते हुए मर गया है, उसकी सूचना देने का काम बेचारे भंगी पर लाद दिया गया है।

इस लिए मैं कहना चाहता हूँ कि एक जाति के नाम पर की गई व्यवस्था सरकार की सैकुलर नीति के बिल्कुल विपरीत है। सरकार ने जान-बूझ कर मेहतर जाति को इस में घसीटा है। वह पहले ही अपमानित और दलित है, पहले ही सब से पिछड़ा हुआ है। उसको और अपमानित करना गवर्नमेन्ट और इस सदन के लिए अपमान और शर्म की बात है।

*The following Members also recorded their votes

AYES : Sarvashri Mohammad Ismail, G. NOES : Sarvashri P. Antony Reddy and Amat and A. Dipa.

Viswanathan, Rabi Ray, D.

R. D. Bhandare.

[श्री ओम प्रकाश त्यागी]

स्वीपर्ष के साथ, मेहतर जाति के साथ, यह अन्याय हो रहा है।

अगर सरकार का उद्देश्य यह है कि उस के पास जन्म और मृत्यु के सही आंकड़े पहुंचें, तो क्या ऐसे अवसरों पर कोई नर्स या डाक्टर होगा या नहीं? अगर चलती हुई ट्रेन में किसी के बच्चा हो गया, तो कौन रिपोर्ट करेगा? अगर जन्म और मृत्यु पर कोई आदमी निश्चित रूप से रहता है, तो वह पुरोहित हो सकता है, पंडित हो सकता है, जो जन्म के बाद नामकरण संस्कार करेगा और बच्चे का पत्ता देख कर बतायेगा कि उसका भविष्य अच्छा है या नहीं और मृत्यु के बाद वह तेहरवीं ज़रूर करायेगा। अगर गवर्नमेन्ट ईमानदार है, तो वह "स्वीपर" की जगह पर "ब्राह्मण" शब्द रखती, "पुरोहित" शब्द रखती। इसमें स्वीपर कैसे आते हैं? शुक्ला जी ने अपनी विरादरी का ध्यान रखते हुए इस बिल में सच्चाई से काम नहीं लिया है। उन्होंने जो पाप किया है, वह समूचे देश के लिए कलंक साबित होगा।

मैं कहना चाहता हूँ कि इस बिल का विरोध होगा। अगर मंत्री महोदय ने इस में संशोधन की स्वीकार नहीं किया, तो जनता में इस का विरोध होगा। इसलिए मैं उन से प्रार्थना करना चाहता हूँ कि वह इस एमेन्डमेन्ट को स्वीकार कर लें। स्वीपर के सम्बन्ध में यह जो धारा है, इस को बिल्कुल हटा देना चाहिए। अगर इस में देर हो जायेगी, तो कोई बात नहीं है; यह बिल तो सही रूप में पास होगा। अन्यथा जो लोग भारतवर्ष में हजारों वर्षों से अपमानित होते आये हैं, उनकी भावनाओं को ठेस पहुंचेगी।

हम महात्मा गांधी की जयन्ती मनाने जा रहे हैं। महात्मा गांधी का सबसे प्रिय विषय हरिजनोद्धार था। इस बिल को इसी रूप में पास कर के यह सरकार महात्मा गांधी की आत्मा को ठेस पहुंचायेगी। इस बिल को यह धारा रख कर इस सरकार ने

महात्मा गांधी की आत्मा को ठेस पहुंचाई है, एक जाति-विशेष के लोगों को अपमानित किया है और अपने सेकुलरवाद के विपरीत कार्य किया है।

इस लिए मैं इम क्लोज का विरोध करता हूँ और मंत्री महोदय मे प्रार्थना करता हूँ कि वह इस एमेन्डमेन्ट को स्वीकार कर लें। इस में देरी भले ही लग जाये, लेकिन विन ठीक रूप में पास हो जायेगा और इम देश की उस कौम को ठेस नहीं पहुंचेगी, जिम का हम सब मिल कर उद्धार करना चाहते हैं।

SOME HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: We have already exceeded the time schedule. If we proceed this way, we will not be able to dispose of this Bill even today. In the light of the discussion yesterday, more amendments have been tabled.

श्री रवि राम (पुरी): इम को प्रवर समिति को भेज दिया जाये।

श्री जार्ज फरनेन्डोज: इस बिल को मिलेक्ट कमेटी को भेज देना चाहिए।

MR. DEPUTY-SPEAKER: Yesterday the Minister replied to all the points. I will put the clause and amendment to vote now.

SHRI VIDYA CHARAN SHUKLA: May I have a minute?

MR. DEPUTY-SPEAKER: There are certain new amendments tabled. If I allow him to make a speech now, I will have to allow other members to move their amendments and make speeches. The Minister can speak at the end.

Is Shri B. S. Sharma moving his amendment?

SHRI BENI SHANKAR SHARMA (Banka): Yes.

I beg to move:

Page 6,—omit lines 8 and 9 (26).

SHRI S. KUNDU (Balasore): I beg to move:

Page 6, line 22,—

add at the end—

"and in case of a dispute whether the death had occurred due to mal-nutrition or starvation the reason shall be recorded by a registered independent medical practitioner". (28)

SHRI TENNETI VISWANATHAM (Visakhapatnam) : Please appreciate our difficulty also. I am not on a technical point.

MR. DEPUTY-SPEAKER : Yesterday all points were made by Members.

SHRI TENNETI VISWANATHAM : I have an even more important point.

MR. DEPUTY-SPEAKER : I know he has a good contribution to make. In that case, I will have to permit others also. Dr. Sushila Nayar.

डा० सुशीला नायर (झांसी) : उपाध्यक्ष महोदय, मुझे लगता है कि जो मेरे भाई इस क्लाइ का विरोध कर रहे हैं, उन को थोड़ी सी गलतफहमी है। इस में यह व्यवस्था की गई है कि कौन व्यक्ति जन्म और मृत्यु की खबर देगा। आम तौर पर ज्वगी के वक्त मिडवाइफ होती है। इस में उसका नाम दिया गया है, लेकिन जहां मिडवाइफ नहीं होती है, वहां मेहतर और मेहतरानो प्लेसेन्टा ले जाते हैं। और इस लिए उन को पता होता है कि कहां घर में जन्म हुआ है।

श्री ओम प्रकाश त्यागी: माननीय सदस्य पुराने जमाने की बात कर रही हैं।

डा० सुशीला नायर: माननीय सदस्य को मालूम नहीं है कि आज भी हजारों हजार जन्म ऐसे होते हैं, जहां न डाक्टर होता है और न नर्स। कोई पड़ोसिन आती है और ज्वगी होती है। यह दुख की बात है; यह अच्छी बात नहीं है कि डाक्टरों और नर्सों को व्यवस्था नहीं है। यह शर्म की बात है, लेकिन आज जो परिस्थिति है, उस में जो लोग प्लेसेन्टा को ले जा कर दबाते हैं या डालते हैं, वे इस को खबर दे सकते हैं।

श्री ओम प्रकाश त्यागी: अब तो लोगों को खुद ले जाना पड़ेगा। वे नहीं ले जायेंगे। वह काम बन्द हो चुका है।

डा० सुशीला नायर: जब नहीं ले जायेंगे, तब कोई और व्यवस्था की जायेगी। माननीय सदस्य को मालूम नहीं है कि आज वे लोग ले जाते हैं और उन्हें उस के पैसे मिलते हैं। वे जानवरों की डेड बाडीज नहीं ले जाते हैं। इस बारे में कुछ परिवर्तन हुआ है। लेकिन प्लेसेन्टा कुछ बुरी और गन्दी चीज नहीं मानी जाती है। अफ्रीका और कई दूसरे देशों में यह मूवमेन्ट चल रही है कि जहां प्लेसेन्टा गाड़ा जाये, वहां पर एक पेड़ लगाया जाये। इस बारे में बड़ी गलतफहमी है। (व्यवधान) इस में कोई अपमान का सवाल भी नहीं है। बल्कि यह तो उन का सम्मान है। उन को जिम्मेदार समझा जाता है कि वे भी जन्म की खबर दें।

SHRI TENNETI VISWANATHAM : Many babies are being born every day notwithstanding Dr. Chandrasekhar. If reports are not made, many people are made punishable. Let us look at the wording :

"It shall be the duty of the mid-wife or any other medical or health attendant at a birth or death..."

I do not know whether medical attendants are sent to attend on deaths. In fact, they are not. These midwives are not sent unless there is a birth or still-birth.

So far as reporting a birth is concerned, it does not merely mean a report saying that a particular human being is born because this birth certificate becomes a proof of several other things, it becomes a proof in matters of title, for the date of birth for entering government service or even punishing a man if it is wrongly entered or reported.

Who are these persons that are asked to do it? In England there is a rule that the Archbishop of Canterbury should attend and certify that the Queen is delivered of a child and the delivery was actually seen by him.

SHRI RANDHIR SINGH (Rohtak) : We do not believe you.

SHRI TENNETI VISWANATHAM: As I said, the birth of a child does not merely mean the reporting or the coming into existence of a specimen of the human species, it also must show and inform who are the parents, who is the mother, that a son is born to so-and-so, and it becomes such an important matter latter. This cannot be left in the hands of any health attendant and sweeper.

So far as death is concerned, in the hospitals a health attendant is not allowed to certify that a particular person is dead. It is only the medical officer who can do it. Now, you say that a midwife can certify it, a medical or health attendant can certify it, or a sweeper can certify it. What is all this? Where are we going?

There is no doubt that we want a law, but let us make good law, let us make a law which stands for some time.

Again, in the first sub-clause the person on whom the duty is imposed is expected to be present, as also in sub-clause (3). But under clause 2 he is not expected to be present there. I want your ear, Sir, as this is very important. The first clause says 'a person present'. The third clause says 'a person present'. In the second clause it is not there. Therefore, by implication any sweeper in the Municipality, Panchayat or local authority has got to make a report whether he is present or not. How can he do it and when, when can he do it? What are the qualifications of these persons? What is the information these persons can have? What authority or authenticity will they have? As has been already advanced both yesterday and to-day, if you say 'any sweeper in a municipality', there are so many sweepers in a Municipality—who is to do it and who is punishable for not doing it? As has been said, sweepers in a municipality are not the best persons to say that a child is born. They may not be able to see anything. They may be in the streets and because of a hullabaloo in the house they may say that a child is

born. They may say 'the Queen delivered five crores' because they heard it and they are not expected to be present. So they are not qualified to do this. Sometimes some people do not die though they appear to have died. Hon. Member, Shri Ramamurti, knows. There was a Minister in Madras who fell sick. Several people went on saying that such and such Minister was dead. But absolutely he was there, but he was in a state of coma for some 4 to 6 months. Do you expect sweepers and others to declare that he is dead. I think the intentions of the Government like so many intentions are very excellent. But this wording will lead us where all good intentions lead us, that is to hell.

Now take clause 3. The keeper or the owner of a place set apart for the disposal of the dead bodies has to report. They are engaged either by the Panchayat or the Municipality and under the local laws, which you are not repealing, he has to report only to the President of the Panchayat office and, if it is a municipality, to the Municipal Commissioner. At present they are the statutory authorities to receive that information. Now you say something different here. Here, the report is to a registrar. The owner of the place for the disposal of the dead body has got a duty. A register is given and those who take the dead body for disposal enter all these things and in the evening he takes the book to the Panchayat office. Therefore, this Bill is bristling with many difficulties and other contradictions. I would rather again suggest that in spite of the fact that we are only 98 out of 500 as seen on the voting board we cannot dispose of lakhs of births and deaths in this very casual way. I would request you to exercise your general residual power and see that the discussion on this Bill does not proceed. The Government may take further steps to bring it in a more appropriate form.

MR. DEPUTY-SPEAKER: Since yesterday I have heard so many appeals from various members. Now the Minister of Parliamentary Affairs is here. I would have even gone out of

the way and appealed to him. But my difficulty is regarding the Rule. I cannot by-pass that Rule. What I have to suggest is that we have devoted more than one hour on this one clause and amendments. I would request him to clarify the position as you have raised a new point. Afterwards I will apply guillotine.

SHRI BENI SHANKER SHARMA : You have allowed everybody, but the Mover, to speak.

MR. DEPUTY-SPEAKER : There are several Movers.

SHRI BENI SHANKER SHARMA : But all the amendments to this clause are mine.

SHRI N. SREEKANTAN NAIR (Quilon) : Only one hour been allotted to this important Bill. Who allowed it ?

MR. DEPUTY-SPEAKER : The Business Advisory Committee allotted the time. It was one hour.

SHRI N. SREEKANTAN NAIR : No, no.

MR. DEPUTY-SPEAKER : All the representatives from various groups and parties were present there; all sections of the House.

SHRI DATTATRAYA KUNTE (Kolaba) : Not the Independents.

MR. DEPUTY-SPEAKER : Mr. Kunte, that is a matter which you can take up with others.

SHRI DATTATRAYA KUNTE : When you are making a point that all sections of the House were represented, I may submit that more than 10 per cent of this House is never represented at the Business Advisory Committee, and we land ourselves in a difficulty.

SHRI SHRI CHAND GOYAL (Chandigarh) : I was present at the Business Advisory Committee throughout. No time was allotted to this Bill. Dr. Ram Subhag Singh will bear this out.

MR. DEPUTY-SPEAKER : When the report was presented, it was adopted. At that time, the time was mentioned. You never raised that issue then.

SHRI SHRI CHAND GOYAL : I was present throughout, at the meeting. I asked Dr. Ram Subhag Singh to allow time to the Bill. He said, "Let us see when the Bill is under consideration in the House; we will see how long it takes." So, actually, there was no question of time; no time was allotted to it there.

SEVERAL HON. MEMBERS rose—

MR. DEPUTY-SPEAKER : Order, order. Please sit down.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : To be fair to everybody, let me point out that when the Business Advisory Committee took this into consideration, they hardly realised that the Bill was of such a complicated nature and the drafting was so bad. But since it has been pointed out here, I think it is better that you allow some more time. Let it be discussed further. It will be passed because there is the majority. There is no question about it. But why do you stop discussion at all ?

MR. DEPUTY-SPEAKER : Instead of one hour, we have devoted four hours already. I have extended the time. How can I extend the time again ?

श्री रवि राय : बिजनेस एडवायज़रो कमेटो नें इस पर बहस भी नहीं हुई है, टाइम भी तय नहीं हुआ था। 15-20 मिनट और बहस होने दें।

MR. DEPUTY-SPEAKER : If I extend, it will go on for six hours. How can I do it, and what can I do ?

SHRI P. RAMAMURTI (Madurai) : Sir, this is not a political issue. This is not an issue on which we are divided on a political plank. There is no question of that. Therefore, I do not see any reason why the Government should stand on prestige. If certain unworkable clauses are pointed out, some unhappy wordings are pointed out, why should the Government take it as a

[Shri P. Ramamurti]

matter of prestige? Why should they think that whatever they have drafted, even a comma, they cannot be changed? Why should they act on that basis? That is why we say it should be discussed further. After all, we are dealing not with an ordinary problem, but with the problem of life and death; it is the Registration of Births and Deaths Bill.

श्री शिव नारायण (बम्बई) : इस में एक खतरा है—अगर सब को स्वीपर लिख दिया तो?

MR. DEPUTY-SPEAKER : We have disposed of that problem. Let us see. (Interruption). Mr. Dwivedy has made a plea. I fully recognise, as I have already said, that from the speeches made here, the Bill needs a very close scrutiny. That was pointed out by the Members. It is not my view alone. Therefore, I have permitted, instead of one hour, four hours. How long can we continue like this?

श्री रवि राय : इन को सिलेक्ट कमेटी को भेज दीजिये। जब यह बैडली-इंपटड है तो इसको क्यों नहीं भेजते हैं?

MR. DEPUTY-SPEAKER : It is not possible.

SHRI SURENDRANATH DWIVEDI : The Government may be in a position to accept some of the amendments moved. If you guillotine it, how can they be accepted? You have yourself suggested that it needs a close scrutiny. Some Members, after studying the Bill, have tabled amendments. When those amendments are moved, at least the Government will be in a position to accept some of them, and especially when the Bill is not going to any Committee. So, why not you permit the amendments being moved?

MR. DEPUTY-SPEAKER : Yesterday, there was a point made that, if you moved amendments, the passage of the Bill would be delayed. That was another point made from this side of the House.

SHRI N. SREEKANTAN NAIR : On a point of order, Sir. I have got before me the Bulletin-Part II (General Information relating to Parliamentary and other matters), Tuesday, November 12th, No. 887. It says :

“Allocation of time to Government Legislative and other Business :

Lok Sabha agreed today on a Motion by Dr. Ram Subhag Singh to the allocation of time to the following items of Government legislative and other business as shown against each :—”

13 items are mentioned here, but this Bill does not find a place in them. The House should not be misled in this manner.

MR. DEPUTY-SPEAKER : It was not allotted in the last meeting of the Business Advisory Committee.

SHRI N. SREEKANTAN NAIR : When was it done?

MR. DEPUTY-SPEAKER : I think that report was adopted during the last session. (Interruptions).

श्री रवि राय : तब इस में कैसे होगा, इन को पहले इजाजत लेनी चाहिये।

श्री जार्ज करनेन्डीख : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। यह विधेयक सदन में नहीं आ सकता, क्योंकि यह संविधान के खिलाफ है। मैं आपके सामने संविधान का आर्टिकल 13 पढ़ रहा हूँ—

“(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.”

अब, उपाध्यक्ष महोदय, आर्टिकल 17 पढ़िये—

"Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law."

अब आप इस कानून के बलाज 10 को देखिये—

"It shall be the duty of the sweeper in a municipality, panchayat or any local authority..." etc.

अब, उपाध्यक्ष महोदय, अगर आप इस कानून में डेफिनीशन को देखेंगे तो आप पायेंगे कि स्वीपर की कोई डेफिनीशन ही नहीं है। स्वीपर का मतलब अगर किसी म्यूनिसिपैलिटी का झाड़ू का काम करने वाला कर्मचारी या कोई काम करने वाला कर्मचारी होता, तो मामला साफ हो जाता, लेकिन यहां जब स्वीपर की बात लिखी जाती है तो जाति के आधार पर उम को लिखा जाता है जो आर्टिकल 17 के बिल्कुल खिलाफ है।

उपाध्यक्ष महोदय, आपने कल खुद ही महसूस किया था, अगर कल की प्रोसीडिंग को देखा जाय तो आप पायेंगे कि कल शाम से जो बहस चल रही है उसमें स्वीपर की बात को लेकर इस सदन के हर एक दल के सदस्य ने जो इस पर बोल चुके हैं इस शब्द का विरोध किया है। आपने खुद भी इस चीज को महसूस किया था कि यहां जो स्वीपर शब्द का इस्तेमाल किया गया है, वह उचित शब्द नहीं है, वह अनुचित है। वानूनी बातों में यहां कोई नहीं गया लेकिन हम उम्मीद करके बैठे थे कि मंत्री जो इस विधेयक को सेलेक्ट कमेटी के सामने भेजेंगे और वहां इस पर बहस होगी, चर्चा होगी लेकिन मंत्री जो यहां पर बिल्कुल जिद्द पकड़ कर बैठ गए। यह सरकार के ऊपर कोई अविश्वास या विश्वास प्रकट करने का प्रस्ताव नहीं है।

MR. DEPUTY-SPEAKER : I have followed your argument and I have followed your point of order.

श्री जार्ज करनेगीब : उपाध्यक्ष महोदय, मैं खत्म कर रहा हूँ। आखिर में मैं यह निवेदन करना चाहता हूँ कि आपके हाथों में पूरे अधिकार हैं, आपके हाथ में नियमों को सस्पेन्ड करने का भी अधिकार है, किसी किस्म की भी व्यवस्था को सदन में चलाने का अधिकार है। आर्टिकल 17 को मद्दे-नजर रखते हुए और आर्टिकल 13 में जो हम पर बंधन है, संविधान के इस हिस्से में, पार्ट 3, फंडामेंटल राइट्स से सम्बन्धित किसी बात के खिलाफ विधेयक पाम करने का जो अधिकार हमें नहीं है, और वह प्रयास जो मंत्री महोदय की ओर से हो रहा है, इसके ऊपर आप तत्काल रोक लगायें, कोई भी रास्ता आप निकालें, नियमों के आधार पर या जैसे भी लेकिन इसपर आप तत्काल रोक लगायें ताकि हमारे हाथों से कोई भी गैर-कानूनी काम न होने पाये।
(व्यवधान)

श्री रवि राय : मैं बिजनेस एडवाइजरी कमेटी के बारे में कुछ कहना चाहता हूँ।
... (व्यवधान) .

श्री शिव चरण लाल (फिरोजाबाद) : मेरा व्यवस्था का सवाल है। असली सवाल तो मेरा ही था ... (व्यवधान) . . .

श्री रवि राय : उपाध्यक्ष महोदय, आपने मन्तव्य के बाद तो मंत्री जो को परिवर्तन करना चाहिए था लेकिन उन्होंने नहीं किया।
... (व्यवधान)

MR. DEPUTY-SPEAKER : Let me reply to the point of order raised by Shri Fernandes. No more speeches. I would like to point out to Shri Fernandes that yesterday, though not in the form of a point of order, the 'sweeper' question was raised here and now you have raised it in the form of a point of order. Yesterday I said that if the word 'sweeper' is taken as it is, it is likely to lead to some misunderstanding and certain sensibilities are likely to be disturbed very naturally. I said that. But as it is, it does not refer to caste or untouchability (व्यवधान)

श्री जार्ज फर्नेन्डिस : लेकिन डिफनीशन में तो उसका कोई उल्लेख नहीं है। कहां है स्वीपर? ... (व्यवधान) ...

श्री शशि भूषण (खारगोन) : यह आ-मानजनक शब्द है।... (व्यवधान) ...

एक माननीय सदस्य : स्वीपर को डिफनीशन दीजिए।... (व्यवधान) ...

MR. DEPUTY-SPEAKER : I said "remove this sensitive spot". It was for the Government to consider. ... (व्यवधान) ...

श्री रवि राय : इसका हिन्दी अनुवाद तो मेहतर होगा।... (व्यवधान) ...

SHRI GEORGE FERNANDES : Who is a sweeper?

MR. DEPUTY-SPEAKER : सफाई कर्मचारी। (व्यवधान) ... What can I do if there is no definition? (Interruption)

श्री शिव चरण लाल : मेरा व्यवस्था का प्रश्न है। अमल मवाल तो मेरा था। ... (व्यवधान) ...

श्री अटल बिहारी वाजपेयी : (बलरामपुर) : आप हिन्दी का अनुवाद बना दीजिए। ... (व्यवधान) ...

श्री रवि राय : हिन्दी का अनुवाद तो मेहतर होगा।... (व्यवधान) ...

SHRI RANDHIR SINGH : Sweeper is a sweeper. No Pandit can be a sweeper ... (Interruption).

श्री शिव चरण लाल : उपाध्यक्ष महोदय, मैं व्यवस्था का सवाल उठा रहा हूँ। मैं मंत्री जो से पूछना चाहता हूँ कि स्वीपर के माने भंगी, तो भंगी की परिभाषा क्या है? स्वीपर क्या होता है? मैं तो भंगी उसको मानता हूँ जो बचन-भंगी और नियम-भंगी। आप अपने बचन और नियम तोड़ते हैं। आपने जातीयता तोड़ने की शपथ ली है लेकिन जातीयता को बढ़ावा दे रहे हैं। मेहतरानी

और भंगी कहाँ, कहाँ किसके किसके घर जाकर पूछेंगे कि किस घर में बच्चा हुआ है। उनके ऊपर आप क्यों छोड़ते हैं। मैं तो कहता हूँ कि आप मानवता का हनन कर रहे हैं। मैं इसके सब्त खिलाफ हूँ। आप जातीयता को कायम रखना चाहते हैं इसलिए कह रहे हैं कि भंगी इस काम को करेगा, स्वीपर इसकी सूचना देगा, मैं पूछना चाहता हूँ कि आप उसे कितनी तनख्वाह देंगे इस काम को करने के लिए? आप भंगी और ब्राह्मण को बाँटें यहाँ क्यों लाते हैं?

SHRI S. M. BANERJEE (Kanpur) : My point of order, which is very simple, is under rule 389. But, before raising it, for the information of the House I should mention that when the word "sweeper" was included in a Bill that was brought before the House because of the opposition a suggestion was made that it should be substituted by the word 'safaiwala'. Then it was argued on behalf of many of us—at that time Shri Homi Daji was here—that if you use the word 'safaiwala' some people may think it is a Parsec. Ultimately, it was changed to 'safai karmachari' and then it was passed. For the entire community we use the term 'Valmiki'. Whenever we give any certificate to them, we never use the term 'Scheduled Caste'; we call them Valmikis. So, a particular community should not be humiliated by using a particular term. Rule 389 says :

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

Sir, you are the custodian of this House and we would request you to do the needful in the matter ... (interruptions)

SHRIMATI SUSHILA ROHATGI (Bilaur) : A sweeper is a person who sweeps. Whether he is a person who sweeps dust for cleanliness or he is a person who sweeps the democratic value of life.... (interruptions) I can speak better Hindi than many of you; I challenge you.... (interruptions)

एक मानवीय सदस्य : हिन्दी में बोलिए ।
... (व्यवधान) ...

श्रीमती सुशीला रोहतगी : जब आप लोग बोलते हैं तब कोई विघ्न नहीं डाला जाता है इसलिए कृपा करके दूसरे के बीच में भी विघ्न न डालें, मेरे ऊपर उसका कोई प्रभाव नहीं पड़ेगा। मैं आपसे निवेदन करूंगी कि जैसे हम आपको सुनते हैं, कृपा करके वैसे ही हमें भी सुनें। I am saying that according to my definition 'sweeper' is a person who sweeps away, whether dust and dirt or democratic principles of life.... (interruption).

MR. DEPUTY-SPEAKER : The Hindi version of the Bill says :

"नगरपालिका, पंचायत या अन्य स्थानीय प्राधिकारी के भंगी का,"
(interruptions).

He has suggested a good word, that is, *scfai karmachari*.

15 HRS.

SHRI RANDHIR SINGH : It should be withdrawn. It is a clear case of discrimination.

श्री अटल बिहारी बाजपेयी : भंगी शब्द निकालिये ।

श्री रवि राय : प्रवर समिति में भेजिये । यहां इस तरह से नहीं होने पायेगा ।

श्री जार्ज फरनेन्डीज : इस तरह से नहीं चलेगा ।

MR. DEPUTY-SPEAKER : If the House is so agitated, there is another rule, rule 110, and Government should consider that. Rule 110 reads :—

"The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped; or

(b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein; or

(c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions;"

Under this rule, if Government so desires, it may withdraw the Bill. I cannot use my powers... (Interruption).

श्री रवि राय : आप निर्देश दे सकते हैं ।

श्री विद्या चरण शुक्ल : उपाध्यक्ष महोदय, हम लोगों ने यह कभी नहीं कहा कि हमें स्वीपर या भंगी शब्द चाहिये। हमें इससे कोई प्रेम नहीं है, न हम कहते हैं कि यह उचित शब्द है। जब कानून बना उस समय इस शब्द को रक्खा गया था। जब मेम्बर्स ने इस बारे में कहा कि इस को हटा देना चाहिये, तब हम ने यह बात सोची कि इस को हटा कर हम कौन सा शब्द रख सकते हैं। हमें कोई आपत्ति नहीं है। यह बात भी नहीं है कि देर होने से नुकसान हो सकता है। प्रवर समिति में भेजना हो तो उस में भी हमें आपत्ति नहीं है। यदि सदन के रूल इस को प्रवर समिति में भेजने के लिये समर्थ हैं तो हमें उस में आपत्ति नहीं। लेकिन जब आप ने कह दिया कि प्रवर समिति में भेजने का जो मोशन है वह आउट आफ आर्डर है तो हम उस में कुछ नहीं कर सकते। जब इस सदन के नियमों के अनुसार प्रवर समिति के सामने विधेयक नहीं जा सकता तब इस में कहने की जरूरत नहीं कि हम इसका विरोध नहीं करते। मैं ने तो केवल इस बात को कहा कि जो बिल हमारे सामने है उस में किसी तरह का कोई जाति पांति का भेद नहीं है। केवल काम करने की दृष्टि से, चाहे वह किसी भी जाति का हो, जो यह काम करता है उस काम करने वाले के ऊपर एक तरह का आब्लिगेशन, एक कार्य, सौंपा गया है। इस में और कोई दूसरा उद्देश्य नहीं है। माननीय सदस्य यह समझते हैं कि हम लोग

श्री विद्या चरण शुक्ल :

जाति पांति का भेद डालते हैं, गांधीजी का अपमान करते हैं

श्री अटल बिहारी वाजपेयी : आपका इरादा नहीं है, मर हो गया है।

श्री विद्या चरण शुक्ल : हुआ भी नहीं है। जैसा, उपाध्यक्ष महोदय, आप ने स्वयं कहा, इसमें जाति पांति का लेश मात्र अंश नहीं। इस से जाति पांति से कोई मतलब नहीं है। पर मैं इस बात को मानता हूँ कि अगर इससे ज्यादा अच्छा कोई शब्द मिल सकता तो अच्छा था और उसको रखना चाहिये। मुझे इस में कोई आपत्ति नहीं। सवाल यह है कि यदि कानून से हम इस को प्रवर समिति में भेज सकते हैं तो कई आपत्ति नहीं है और 15 या 20 दिन रुक कर भी इस को पास कर सकें तो आपत्ति नहीं है। परन्तु इस लिये जो आप के नियम हैं उनको देखना पड़ेगा।

श्री जार्ज फरनेडीज : नियम 118 के अनुसार इस प्रकार है कि :

"Any member may, if the Bill has not already been referred to a Joint Committee of both the Houses, move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the House shall then apply."

श्री विद्या चरण शुक्ल : मैं माननीय सदस्य को बतलाऊँ जो कुछ वह कह रहे हैं उसके सम्बन्ध में कि मोशन फार कंसिडरेशन अब समाप्त हो गया है। क्लॉज बाई क्लॉज चल रहा है। मोशन फार कंसिडरेशन एंडाष्ट हो चुका है। यह कठिनाई है।

श्री जार्ज फरनेडीज : 388।

श्री विद्या चरण शुक्ल : यदि हम कोई रास्ता निकाल सकते हैं तो इस को प्रवर समिति में भेजने में मुझे कोई आपत्ति नहीं है। लेकिन चूँकि जो प्रवर समिति का संशोधन

आया था उस को आप ने आउट आफ आर्डर घोषित कर दिया इसलिये उस पर विचार नहीं हो सका। अगर कोई रास्ता निकल सकता है तो हमें कोई आपत्ति नहीं है।

श्री अटल बिहारी वाजपेयी : अगर सरकार को आपत्ति नहीं है तो विधेयक प्रवर समिति को सौंपा जाये। आपत्ति थोड़ी नियमों के कारण आई क्योंकि हम धाराओं पर विचार कर रहे हैं। लेकिन अगर आप की सलाह से सदन यह निश्चय कर कि इस बारे में जो नियम हैं उनको हम स्थगित कर सकते हैं तो इस विधेयक को प्रवर समिति में भेजने में कोई आपत्ति नहीं होनी चाहिये।

SHRI S. M. BANERJEE : The rule can be suspended under Rule 388.

THE MINISTER OF LAW (SHRI GOVINDA MENON) : This particular stage of discussion arose from a point of order raised by Mr. George Fernandes regarding constitutionality based upon article 13 of the Constitution. He said that the use of the word 'sweeper' in clause 10 of this Bill offends article 17 of the Constitution.

श्री अटल बिहारी वाजपेयी : सदन सर्वोपरि है, सदन निर्णय कर सकता है।

SHRI P. RAMAMURTI : Mr. Deputy-Speaker, Sir, you have given a ruling on that. He is not entitled to speak on this again. (*Interruptions*).

श्री रवि राय : अब कैसे सफाई हो सकती है। आप रुलिंग दे चुके हैं।

MR. DEPUTY-SPEAKER : He is just coming to a major issue that has been raised.

SHRI SURENDRANATH DWIVEDI : We have passed over that stage. Now, the whole question is this. The Government has also admitted it. But because the rules do not provide that, we cannot refer it to the Select Committee. Therefore, the only question that arises is whether Government

withdrawn the Bill or the House can, by some device, take some decision so that this can be referred to a Committee of Parliament.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, मेरा सुझाव है कि अगर प्रवर समिति को भेजने में कोई कठिनाई हो तो इस समय चर्चा स्थगित कर दी जाय तथा मंत्री महोदय को निर्देश दिया जाय कि वह विधेयक पर फिर से विचार कर के, जो शब्द वहाँ नहीं होने चाहिये उन को बदल कर सदन के सामने विधेयक लायें। तब इस पर चर्चा हो सकती है।

SHRI GOVINDA MENON : What I am submitting is this. The question of procedure arose on account of objection of a certain word used in the Bill. The word used is 'sweeper' in clause 10 of the Bill. So far as the word 'sweeper' is concerned, you may be aware that under the Constitution, the Scheduled Castes and Scheduled Tribes order has been issued by the President in which the names of various scheduled castes are given but the word 'sweeper' is not given in that order as one of the names of any caste or community in the country. Therefore, the use of the word 'sweeper' in the context of the Bill does not refer to a class or community but to a profession or an occupation of a person who sweeps.

It was pointed out that in the Hindi version some other word has been used. My submission on that matter is that we are discussing the Bill which has been drafted in English and what will be passed here is the English text of the Bill... (Interruptions) I wish to bring this point to your notice. Under the rule, under the law as it stands today, what will be passed here is the English text of the Bill. The Language Commission will translate the Bill after it becomes an Act into Hindi and then it will be approved and authenticated by the President. If the translation of the Bill now before the House has not been done properly, that is no reason why any objection should be raised regarding the Bill. I agree and

I know your difficulty; in the Hindi translation of the Bill the word that has been used for 'sweeper' may be out of place or wrong, but that is a different matter. We are not discussing that Bill; we are not passing that Bill. What is being discussed here is the English text of the Bill and under the rules as they stand today, I say absolutely no objection to the use of the word 'sweeper' in Clause 10 because, there, 'sweeper' means somebody who sweeps.... (Interruptions).

MR. DEPUTY-SPEAKER : I would like to point out one thing. I agree that the Hindi version is not an authentic version. Even then, there, the translation is susceptible to some interpretation. You have to over-come that. Because it has been translated as 'Bhangi' naturally objection has been raised. It may not be an authentic translation; still, it is a translation.

Mr. Vajpayee.

श्री अटल बिहारी वाजपेयी : नियम 109 के अन्तर्गत में प्रस्ताव करता हूँ कि इस विधेयक पर चर्चा स्थगित कर दी जाए। लेकिन इसके लिए आपको रूल 338 सस्पेंड करना होगा क्योंकि चर्चा स्थगित करने का प्रस्ताव मेरे मित्र लाये थे और उसे स्वीकार नहीं किया गया। मेरा निवेदन है कि आप रूल 338 को सस्पेंड कर दें और मेरा यह प्रस्ताव स्वीकार कर लें। I move :

"That the debate on the Registration of Births and Deaths Bill, 1968, as passed by Rajya Sabha, be adjourned; and

That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for adjournment of the debate on the Registration of Births and Deaths Bill, 1968, as passed by Rajya Sabha, be suspended."

SHRI R. D. BHANDARE : I will suggest a way-out.

MR. DEPUTY-SPEAKER : I am accepting Mr. Vajpayee's motion.

SHRI R. D. BHANDARE : I would like to invite your attention to rule 110

[Shri R. D. Bhandare]

which enables the House to give permission to the Mover of the Bill to bring it in another form. I am mentioning what is open to the House. I have already told you about rule 110. Why can't we do that?

SHRI RANDHIR SINGH : That is the right course.

MR. DEPUTY-SPEAKER : I have read it. You have pointed out a procedural way-out, but there are certain other procedural difficulties in that. So, the debate is being adjourned to give government and the other parties also time to find out a way as to how to proceed further. Then we shall decide.

SHRI R. D. BHANDARE : There is no difficulty whatsoever. We can have another Bill.

SHRI VIDYA CHARAN SHUKLA : I will point out the difficulty in that rule. The Bill has already been passed by the Rajya Sabha. It cannot be withdrawn from this House. I have already indicated, Sir, that we would prefer the Bill to go to a Select Committee. It can be considered there. If the Rules do not allow the Bill to be sent to the Select Committee at this stage, then, we would have been agreeable to reconsider the matter. But it cannot be withdrawn, as it has been passed by the Rajya Sabha. It is up to you to suggest any changes.

SHRI GOVINDA MENON : I will supply another translation in Hindi.

MR. DEPUTY-SPEAKER : There are two things. I have to suspend the rule, Rule 338, as it refers to this thing, with the permission of the House. I will put it to the vote of the House.

The question is :

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for adjournment of the debate on the Registration of Births and Deaths Bill, 1968, as passed by Rajya Sabha, be suspended."

The motion was adopted.

MR. DEPUTY-SPEAKER : I will now put Mr. Vajpayee's motion.

The question is :

"That the debate on the Registration of Births and Deaths Bill, 1968, as passed by Rajya Sabha, be adjourned."

The Motion was Adopted.

MR. DEPUTY-SPEAKER : We will proceed to the next subject.

15.17 Hrs.

CENTRAL INDUSTRIAL SECURITY FORCE BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Sir, I beg to move :

"That the Bill to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings, as passed by Rajya Sabha, be taken into consideration."

SHRI N. SREEKANTAN NAIR (Quilon) : Sir, I oppose this. I rise on a point of order. It should not be taken up. It cannot be taken up, Sir.

MR. DEPUTY-SPEAKER : Let him finish. I will permit you immediately after this.

SHRI VIDYA CHARAN SHUKLA : This Bill came before the House in August, 1967. After quite a lengthy discussion this Bill was referred to a Joint Committee of both the Houses and the Joint Committee of both the Houses considered this Bill in a very minute manner and they went into all details of the provisions.

The necessity of this measure is very simple and straight forward. I would request hon. Members not to read more than what is indicated by the provisions of the Bill. The main thing is that we want to streamline and make the watch and ward organisation of the industrial undertakings owned by the Government of India efficient and better trained.

At present, all the industrial undertakings owned by the Central Government have a watch and ward staff of