

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot."

The motion was adopted.

SHRI DILEEP BHAI SANGHANI: I introduce the Bill.

15.34 1/2 hrs.

HIGH COURT OF GUJARAT (ESTABLISHMENT OF A PERMANENT BENCH AT RAJKOT) BILL*

[English]

SHRIMATI BHAVNA CHIKHALIA (JUNAGARH): Sir, I beg to move for leave to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot."

The motion was adopted.

SHRIMATI BHAVNA CHIKHALIA: I introduce the Bill.

15.35 hrs.

PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL*
(Amendment of Section 2)

[English]

SHRI SHARAD DIGHE (Bombay-North Central): Sir, I beg to move for leave to

introduce a Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971."

The motion was adopted.

SHRI SHARAD DIGHE: I introduce the Bill.

15.35 1/2 hrs.

HIGH COURT OF ANDHRA PRADESH (ESTABLISHMENT OF A PERMANENT BENCH AT GUNTUR) BILL*

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vjayawada): Sir, I beg to move for leave to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Guntur.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Guntur."

The motion was adopted.

SHRI SOBHANADREESWARA RAO VADDE: I introduce the Bill.

15.36 hrs.

CONSTITUTION (AMENDMENT) BILL*
(Amendment of Article 58, etc.)

[English]

SHRI V.N.SHARMA (Hamirpur): Sir, I beg to move for leave to introduce a Bill further to amend the constitution of India.

MR. DEPUTY SPEAKER: Motion moved:

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

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, I beg to oppose its introduction. You would see that this Bill runs counter to the provisions of the Constitution in as much as it seeks to create two classes of citizens within the country itself. In this regard, before I refer to the Preamble and to the fact that it intends to alter the basic structure of the Constitution of India, I would very briefly refer to the provisions of article 15 of the Constitution about prohibition of discrimination on grounds of religion, race, caste, sex or place of Birth. It says:

"15(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

By this Bill the Hon. Member seeks to make sweeping changes in various Articles of the Constitution to say that a person, who is citizen of India only by birth shall be entitled to compete for those or to hold those positions.

In this respect, I have to submit, as I said after referring to article 15, if these amendments are brought about, it would alter the basic structure of the Constitution of India. We talk only of a citizen of India and a citizen of India, who gets citizenship under article 5 of the Constitution, is as good as any citizen of the country. Now here, the Hon. Member does not wish to amend article 5. He does not wish to amend Preamble. He does not wish to amend Article 15 of the Constitution.

And in the absence of seeking to make an amendment in the Articles that I have referred to, we cannot proceed with the Amendment which is sought to be introduced now. This is the basic point Sir. I will come to the legislative competence subsequently because the subtle law of the coun-

try is that the Parliament also has no right to alter the basic structure of the Constitution. And in this case, it alters the basic structure as we should not distinguish between a citizen and a citizen. The qualifications for getting the citizenship of the country are mentioned in Article 5 which I just now referred to. They are:

- (a) Who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement.

Only such a person shall be a citizen of India. And thereafter, certain rights flow to a citizen of India under the Constitution. Now, by seeking to introduce this Amendment, the Hon. Member from the other side seeks to curtail the basic fundamental rights of the citizens of India to compete for the various offices that the country offers to the citizen. Sir, I would like to submit that in the absence of the other provisions of the Constitution remaining as such, which the hon. Member does not refer to, we cannot proceed with this Amendment. This is my submission.

MR. DEPUTY SPEAKER: Mr. Vishwanath Sharma, have you got anything to say?

SHRI. V.N.SHARMA (Hamirpur): Sir, should I speak in English or Hindi?

(Interruptions)

[Translation]

SHRI PAWAN KUMAR BANSAL: If you have not followed in English, I will repeat it in Hindi.

[English]

SHRI. V.N.SHARMA: The language of

the Bill should be as per the convenience of the framer of the Bill. I very humbly seek your pardon, Sir, That since this is the first time I am introducing a Bill, there could have been lacunae here and there. But I hope the spirit behind the move will be understood and will be appreciated.

SHRI PAWAN KUMAR BANSAL: I object the basic spirit behind the amendment.

SHRI MUKUL BALKRISHNA WASNIK (Buldana): And also the very spirit of the Hon. Member for introducing the Bill. (Interruptions)

SHRI V.N.SHARMA: Sir, I have clearly stated in the Statement of Objects and Reasons, which I have started with certain examples, that

"In U.S.A. a person is appointed as the head of the Government only if he is a citizen of that country by birth."

I would like to mention that a very eminent citizen of that country who was a Secretary to that State for a very long time could not become the head of the Government because he was not an American by birth. I am referring to one gentlemen. Likewise, in England, the King or the Queen should be a Christian. A person who has lived almost all his life abroad and having allegiance to another country may become a citizen of the country under certain circumstances but should not be allowed to occupy important and sensitive position in the country. I have further clarified it in the Statement.

"The Bill aims to avoid a situation wherein a person who is not a citizen of the country by birth and who has lived abroad for quite a long time or for most of his life holds an important position like President, Prime Minister, etc. in the country. The Bill accordingly seeks to amend the Constitution."

Sir, I would like to further elaborate on this point. Every country has what we call an *atma* which is understood mainly by the

people who are born there and who are raised there in the culture. Only those are the people who, under all circumstances, owe their allegiance to the country and to the welfare of its people.

I have elaborated it in my aims. A person who has lived 70 years abroad, and who might have born somewhere under peculiar conditions, becomes a citizen of this country. But he is not likely to have the same feelings for the welfare of this country and its nationals than one who has been born and living all his life here.

As far as the objection to the alterations to the basic structure of the Constitution is concerned, may I add that the Directive Principles also say that the State will endeavour to have a common law. This Government which is presently in power is the same Government which is in power for most of the time since Independence. So, this Government itself has failed to bring about a common law. Not only that Violating the Directive Principles, in the Shah Bano Case, they amended the Constitution to make some provision for maintenance allowance for Muslim women. Therefore, I would like to say that this argument does not hold much water. That is all I wish to submit.

SHRI GUMAN MAL LODHA (Pali): Sir, we are at the stage of introduction of the Bill. The objection raised by the Hon. Member relates to the constitutional validity of the Bill. It has been argued that by this amendment, the Bill would become *ultra vires* because it violates the basic structure of the Constitution.

May I submit that the Bill seeks to amend Article 58 which says:

" No person shall be eligible for election as president unless he:-

(a) is a citizen of India,

(b) has completed the age of thirty-five years, and

[Sh. Guman Mal Lodha]

- (c) is qualified for election as a member of the House of the People."

Now, these qualifications of the President are not basic features of the Constitution. These qualifications can always be altered by the people's representatives who are elected by the people. This can be done by bringing a Constitutional Amendment. Of course, a constitutional amendment would require the requisite majority. But that is a question which would come up at the stage of passing of the bill. So far as the basic structure of the Constitution is concerned, in Keshavananda Bharati case, the Hon. Supreme Court has not spelt out as to who should be a citizen and who should be the President of this country. This has not been put in the category of various criteria which constitute the basic structure of the Constitution. For example, ours is a federal structure. Suppose we want a dictatorial regime and we want to bring an amendment on those lines, then that would tantamount to the violation of the basic structure of the Constitution. I would like the learned member who is objecting to this Bill, to cite even one single sentence from Keshavanand Bharati case, to the effect that the qualifications to become the President are the basic structure of the Constitution. Nowhere is it mentioned. To illustrate this point a little further I would mention one point. Suppose we decide that we want to reduce the age to 25 to 35 or increase it to 40, that would not change the basic structure of the Constitution.

It is within the right and purview of the Lok Sabha and the Rajya Sabha to amend the Constitution on this matter. Therefore, I would submit that invoking the basic structure of the Constitution by mere word of mouth is not enough. It must be proved from the judgement of Keshavanand Bharti's case which is the basic judgement and the only judgement on this point. Therefore, I would submit that on the point of admissibility at

introduction stage, this objection is not tenable.

SHRI CHITTA BASU (Barasat): Generally, the introduction of Private Member's Bill is not opposed. Generally, the Members accept the Statement of Objects incorporated in the Private Members' Bill. Whenever it is discussed, the Members are entitled to put their views. But, here certain changes are sought to be made which infringes upon the fundamental right chapter of the Constitution of the Country. In this case I would like to refer to Article 13 of the Constitution. Article 13 of the Constitution says:

"All laws in force in the territory of India, immediately before the commencement of the Constitution in so far as are inconsistent with the provision of this part shall be to the extent of such inconsistency being void."

With it please read Article 14 of the Constitution, which is about the equality before the law.

There may be differences in the matter of acquisition of the right of the citizenship. There may be citizenship by birth or from some other consideration, as has been defined in Article 5 but citizens are citizens. They have got equal rights. They should enjoy equality before law. Therefore, Sir, this provision of the Bill seeks to create distinction between one segment of citizens from another segment of citizens. There is no doubt that citizenship right has been obtained in different ways. Somebody has obtained the citizenship right by birth or by residing within the country for a specific period of time. Whenever he or she acquires citizenship, she or he is entitled to enjoy the equality before law. Therefore, I think this violates part III of the Constitution of the country, that is the Fundamental Rights.

A mention has been by the Hon. Member about the practice in U.S.A. and U.K. I think that has been the part of their Constitutions. Just because certain things are there in the United Kingdom or United States of America

they cannot be applicable to our country when they are not consistent with the Constitution of our country. Therefore, Sir, I feel that you should give your ruling and it should not be introduced.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, I would like to submit since he has referred to Keshavan and Bharti's case...

SHRI RAM NAIK (Bombay North): Sir, I am on a point of order. How can a particular Member speak every now and then?

SHRI PAWAN KUMAR BANSAL: Because, the Hon. Member from the other side called upon me to respond. For that simple reason I am rising otherwise, I would not have.

(Interruptions)

Kindly bear with me. This is in response to what the Hon. Member has said from the other side and he wanted a clarification from my side. He asked me to point out anything in regard to Keshavanand Bharati's case...

MR. DEPUTY SPEAKER: Shri Bansal, you will have a chance. kindly, let us hear other hon. Members. You have raised a Constitutional point.

SHRI SUDHIR RAWAT (Rajapur): Sir, we clearly understand with what aim, this bill has been attempted to be introduced. Now, the question is about the legislative competency of this House. The Supreme Court, after the Keshavanand Bharti's case and successive judgements thereafter had clearly ruled that any provision that strikes at the fundamental structure of the Constitution cannot be allowed and the Parliament cannot legislative on such matters. Now, the question here is not what has been done in U.S.A. or U.K. Our founding fathers have clearly laid down the provisions of this Constitution and the provisions of the Constitution are as per the requirements of the people of India. The very first statement, the Preamble itself says: WE, THE PEOPLE OF

INDIA" having solemnly resolved to constitute India..." That is why, we cannot go by the precedents that have been set in U.S.A or U.K. Because the conditions there are completely different.

SHRI PAWAN KUMAR BANSAL: There also, Indians are working as judges and members of Parliament.

SHRI SUDHIR SAWANT: Even otherwise, we have to follow the tenets or our Constitution and not depend upon the precedents set by other Constitutions. This is my first point.

My second point is regarding the question of legislative competency. Article 5 is very clear, as to who will be the citizen of this country. In chapter III, it guarantees Fundamental Rights to the citizens of India. Article 14 states:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Even Article 15 states:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

So, it further amplifies the issue. So, we cannot discriminate any citizen purely on grounds of place of birth. The Constitution is very clear. Any Enactment or a Bill meant to be introduced and which affects the Fundamental Rights of any citizen of this country or strikes at the very basic structure of the and which is away from the issue is ultra vires or the Constitution. That is why, the introduction of this Bill cannot be allowed. It is because the Parliament is not empowered to legislate on this particular matter.

SHRI RAM NAIK: Sir, the first and important reason is that this is a Private Members Business day. It has been the convention that Private Members Bills are not op-

[Sh. Sudhir Sawant]

posed at the level of Introduction. Once, the Bill comes, then, one can discuss its positive and negative views. It has been the convention of this House that the Private Members Bills are not opposed at the introduction stage.

Secondly, only last week, the Government introduced the Bill which I called as the black Bill and you people thought that it was a golden Bill and that is regarding places of religious worship.

When the issues were raised here, they were debated. The Speaker had ruled that the constitutional validity of the Bill will not be decided by the Speaker, it will be for the Supreme Court or the High Court to decide. So, that decision has to be taken not by the Speaker - that is what the Speaker has ruled - but the constitutional validity will be decided by the High Court or by the Supreme Court.

So, only last week, the Speaker had given this decision. Now, this is a decision of the last week; and there has been a convention by which the Private Members' Bills are not opposed. So, taking into consideration all these factors, I request you to over rule the objections raised by the Hon. Members.

(Interruptions)

MR. DEPUTY SPEAKER: Let there be no debate. You have explained your views.

(Interruptions)

SHRI PAWAN KUMAR BANSAL: With utmost respect, I would like to say that Keshavananda Bharati case refers to only certain facets, certain aspects of the basic structure of the Constitution; it does not review the entire Constitution to say that these are basic structures and these are not. When I made a submission that this runs counter to the basic structure of the Constitution, I was referring to the citizenship and to Article 15 of the Constitution that the State shall not discriminate between citizens on

the ground of place of birth; and in this case, the Hon. Member Shri Ram Naik, when he referred to the ruling of the Hon. Speaker last week he forgot that here is a case which on the face of it violates the Constitution. There are Certain provisions which are not touched by introducing this Bill. Had he sought to make an amendment in those provisions also - perhaps Mr. Ram Naik was right - perhaps at this stage would not have opposed it. But, there are certain provisions - I am on a technical ground - which are left untouched; and in the absence of seeking to amend those provisions, you cannot amend certain other provisions of the Constitution. And I am not going into the merit of the matter that there are various other countries where there are Indians who are Indians by birth but they hold very important positions there. I am not going into the aspect as to what impact it would have on the international community; that India is becoming a close society. I am not referring to those points. I have reserved those points for a subsequent occasion. I am referring only to the technical aspects; and on those aspects alone my submission is that this Bill has to be objected to and ruled out.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Deputy Speaker, Sir, I am glad that after the Keshavananda Bharati case no individual has a right to disturb the basic structure of the Constitution. A Private Member Bill against this move was introduced by Shri Nath Pai. The Hon. Members who supported him at that time do not want a change in the basic structure of the Constitution now. When he was arguing for the Bill many supported him. Those who were against it, had to spend nineteen months in jail later. I would like to submit that an effort is being made to deprive the Private Members from moving a Bill on technical grounds.

MR. DEPUTY SPEAKER: Sir, I feel that this would create hurdles in our independent working. Therefore, I think that though they can stop the introduction of this Bill through a majority vote they cannot deprive the Pri-

vate Members of their right to introduce Private Member Bills. I would like that permission may be granted for introduction of this Bill. I had also brought forward a similar Bill which has been enlisted for the 13th of next month and therefore I wonder whether objections would be raised to that Bill also. The Parliament has a right to regional discrimination as the foreign powers are now interfering in all our internal matters. Therefore, we must ensure that the pivotal and key positions of the President, Vice-President and the Prime Minister are held by the Indian citizens alone.

[English]

SHRI SHARAD DIGHE (Bombay-North Central): Mr. Deputy Speaker, Sir, I am purely on the procedural point. As far as this point is concerned, at the stage of introduction, a Bill can be opposed on the ground of legislative competence. Of course, it has been decided that legislative competence cannot be decided ultimately either by the Presiding Officer or by this House.

But if the Members from this side feel that there is no legislative competence for this House to pass that Bill they can very well oppose the introduction of the Bill. There is full right for the Members to oppose the introduction of the Bill. Some people are talking about a convention. But there is a rule where it is clearly laid down that a Bill can be opposed at the stage of introduction. So, the convention, even if there is any, cannot override the written rule that is framed by this house. So, this House has every right to oppose a Bill at the introduction stage.

So, the procedure will be, you as the Deputy Speaker may not decide whether there is legislative competence or not. The House also may not decide. But those who feel that this House has no legislative competence at all they have a right to oppose the introduction.

There is a motion by the Member that leave be granted to him to introduce this Bill and that Motion will be put to vote. Those

who feel that there is no legislative competence are entitled to oppose it. There is no convention. If there is a convention, it does not overrule the rule. I have already referred to Kaul and Shakhdar's book on Practice and Procedure in Parliament.

[Translation]

SHRI MOHAN SINGH: Mr. Deputy Speaker, Sir. If that is so, the majority party would never allow us to introduce any bill and whatever bill we bring shall be killed at the introduction stage itself.

[English]

SHRI SHARAD DIGHE: At page 487 of Kaul and Shakhdar it is mentioned:

"It is an accepted practice in Lok Sabha that the Speaker does not give any ruling on a point of order raised whether a bill is constitutionally within the legislative 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 up to the Members to express their views in the matter and to address arguments for and against and for the consideration of the House. The Members take this aspect into account in voting on the Motion. Those Members who feel that it is outside the legislative competence of the house, they are entitled to vote against the Motion or Introduction and nobody else has to take any other decision."

(Interruptions)

MR. DEPUTY SPEAKER: It is not a debate. We have to see what the constitutional position is. Mr. Ahmed, One minute.

SHRI E. AHMED (Manjeri): At the outset, I just endorse the views expressed by my colleague Shri Pawan Kumar Bansal. Here, the legislative competence has to be taken into consideration. According to him, this house cannot take up this Bill since it is

[Sh. E. Ahmed]

beyond the competence of this House as it is pointed out by my honourable friend. I just wanted to say one more point. In Article 16 of Part III of the Constitution of India, on Fundamental Rights, it is mentioned:

16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment of office under the State."

Here, in the proposed Bill my learned friend has sought an amendment to some Articles. Besides Article 58, he has also mentioned Articles 75, 76, 89, 93, 124 and such other provisions. Here, the appointment of a person as the Prime Minister or as a Minister by the President and also the appointment of the Attorney-General by the Government and under Article 33 in fact about a person chosen as the Speaker or the Deputy-Speaker in the case of this House can be considered.

So, the Bill through which my learned friend has sought to amend the constitutional provision even ties up the very hands of this Honourable House.

So it not only discriminates a citizen from other citizens in taking up an office or the appointment to any office under the state, but also it takes away the very right of the Members of this House. So it is really seeking to amend the very basic structure of the Constitution. Which according to me, is not admissible under the law. Any legal matter will have to be decided by the court of law. But whether a Bill can be moved and discussed in this House is, according to me, to be decided by you. So this Bill should be ruled out on the ground that it discriminates

one set of citizens from the other set of citizens and it takes away the rights of this House. Therefore, the Bill ab initio is void and it should not be allowed to be introduced....

(Interruptions)

MR. DEPUTY SPEAKER: It is almost taking the shape of a debate.

SHRISRIKANTA JENA (Cuttack): Since some serious constitutional points are being raised, let it be debated. What is wrong in having a debate?

MR. DEPUTY SPEAKER: Relevant points have already come to the limelight.

(Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Deputy Speaker, Sir, a few days ago, a bill on Places of worship was being introduced. At that time also, some objections were raised whether that bill could be introduced in the house or not. The Hon. Speaker had given a ruling that we were not to decide the question of legislation. It is for others to do so. And when that bill was brought forward, the leave to introduce the bill was granted. Therefore, my submission is that leave to introduce the bill should be granted.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS. (SHRI RANGARAJAN KUMARAMANGALAM): I think, I should agree with Shri Pande as well as Shri Dighe that it is a fact that the Chair cannot make a ruling on the legislative competency of this House or in any event of the constitutional validity of the Bill. But definitely, it has already been pointed out and the Speaker has mentioned from the Chair and ruled that

when the introduction takes place, these matters of legislative competence and constitutional validity would be kept in mind by the Members when they exercise their consent or dissent in terms of vote or otherwise in the matter of introduction. However, here the real problem is not of introduction or not introduction. Here some important legal points have been brought into fore...

(Interruptions)

If this is the manner of behaviour I will not speak in the House. Either the Hon. Member must stand up and ask me to yield, I am willing to yield. On the top of the voice and screaming something that is not honour of the House. There is a certain manner of behaviour. I am extremely sorry. There is certain decorum which this House seems to be losing day by day. I do not know why we are losing.

(Interruptions)

MR. DEPUTY SPEAKER: The Hon. Minister is on his legs. It is the established practice that if at all anybody wants to say anything, he shall have to stand up. If the Hon. Minister yields, then only one can have a chance to speak.

(Interruptions)

MR. DEPUTY SPEAKER: I shall request Shri Kumaramangalam to continue.

SHRI RANGARAJAN KUMARAMANGALAM: Normally by convention we usually do not suppose the introduction of Private Members Bill. But, it has been pointed out in this particular Bill even the Object and Reasons of the Bill would not be met, if one looks at Article 5 of the Constitution of India itself. It is very clear that citizens who are not citizens by birth and who have become citizens within the meaning of Article 5. You have to be ordinarily resident in India to be, first of all, considered as citizen. Now, if one looks at the Preamble...

(Interruptions)

Either you ask the Hon. Member to behave properly or we should stop the discussion. The Hon. Member has been misbehaving in the House.

(Interruptions)

[*Translation*]

SHRI MOHAN SINGH: Mr Deputy Speaker, Sir, let the Hon. Minister make his fellow Ministers sit in their allotted seats. Then we shall have no objection, because he is saying**

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND THE DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT (KUMARI MAMATA BANERJEE): Do not speak like that. She is not the Member of this house.

(Interruptions)

[*English*]

MR. DEPUTY SPEAKER: We shall expunge it. Please, let him complete.

SHRI RANGARAJAN KUMARAMANGALAM: Sir, the issue that is there before the House is not on the question of whether or not it is constitutionally valid, but definitely the issue is relevant for people to make up their mind on the matter whether they should permit the introduction or not. The Object of the Bill that has been brought forward is not met by the amendment that has been put. There are definitely serious contradictions between various provisions...

(Interruptions)

**Expunged as ordered by the Chair.

SHRI RAM NAIK: Sir, the Hon. Minister is going into the merits and demerits of the Bill, though he is not expected to do this at this stage. Now, whether his object meets according to the amendment or not, that can come at the stage of discussion. I do not know whether this can be admitted or not, but he is going into the merits of the Bill, which is not allowed as per the rules.

SHRI E. AHMED: Sir, the Hon. Minister was asked by the Deputy Speaker to explain the position of the Government with regard to the Bill and the opinion expressed here. So, while explaining the Government position, he may have to deal with the provisions of the Bill. Therefore, nothing wrong in dealing with that.

SHRI RANGARAJAN KUMARAMAN-GALAM: Sir, with due respect, I agree with him. I am not going into the merits of the Bill. As I said, that it is not whether a Bill is particularly constitutionally valid or whether it has legislative competence or not, is not relevant over here. But, definitely that is a guiding principle. But, at the moment, serious questions have been raised. It is my request to the Chair that we do not break the convention unnecessarily.

If we can have this matter discussed outside, in the Chamber, and then sort it out, instead of forcing a voting on this issue it would be better. It is a matter of changing the convention of introduction not being opposed. It would be advisable if this is not opposed. This is a request I would like to make to them. If not, if the mover of the Bill insists on introducing the Bill today, then it is fine and we shall take a decision accordingly.

[*Translation*]

DR. LAXMINARAYAN PANDEYA: Mr. Deputy Speaker, Sir, I want to say that a similar bill on Places of Worship was introduced in the House four days ago. When the Bill was about to be introduced, similar procedural objections were raised. At that time, the objections were over ruled by saying that

this was only the introduction stage and that objections, if any, could be raised at the consideration stage. Hence the leave to introduce the bill was granted. I do not understand why such objections are being raised at this stage because when the copies of the Bill were distributed, everything was in the knowledge of the Government. Then should we take that the Government wants to curtail our rights? Will the bills brought forward by the Opposition not be allowed to be introduced in the House?

(*Interruptions*)

If they want to oppose it, let them oppose, but it should not be opposed at the consideration stage.

[*English*]

MR. DEPUTY SPEAKER: I now proceed. The Chair does not decide about the vires of the Bill. It is for the Members to take into account the views expressed by the Hon. Members while casting their votes on the Motion. I shall now put it for voting.

(*Interruptions*)

SHRI RANGARAJAN KUMARAMAN-GALAM: Sir, just a moment please. I would like to know from the hon. Member whether he is pressing for the introduction now. I made a request to him not to press it now. If he is still pressing for it, after I made the request, then I would like to know. Because I was given to understand that if I make a request he will not press for it.

MR. DEPUTY SPEAKER: Would you like to press it now?

SHRI RANGARAJAN KUMARAMAN-GALAM: Or, you can press it next week.

SHRI VISHWANATH SHARMA: I am amazed to find the reaction here. I do not know why the names are being bandied. I never had anybody in mind. It must be their guilty-consciousness.

(Interruptions)

SHRI PAWANKUMAR BANSAL (Chandigarh): I am specific. It is somebody in your side.

(Interruptions)

SHRI V.N.SHARMA: Sir, besides this, my objection is.....

(Interruptions)

MR. DEPUTY SPEAKER: Vishwanathji, the question before you is are you going to press for voting? You have made your point very clearly.

SHRI V.N.SHARMA: My clarification is, I am against acquiring the citizenship. You might be borne in America, of an Indian parent, even then you would be an Indian. I am not objecting to that. Or in Australia for that matter. The danger is in acquiring the citizenship. They should not have any kind of fear in their mind.

(Interruptions)

Sir, I am pressing for it. I may be allowed to present the Bill.

(Interruptions)

SHRI RANGARAJAN KUMARAMANGALAM: Sir, since the Hon. Member is insisting on pressing and since there has been a convention not to oppose the introduction of Private Member's Bill, though we have a very strong reservation on the legislative competence as well as constitutional authority, I would request that the whole House may unanimously allow the introduction.

SHRI CHITTA BASU: I also support the view of the Minister.

SHRI SRIKANTA JENA: We were also telling the same thing.

MR. DEPUTY SPEAKER: The question is:

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

The motion was adopted

SHRI V.N.SHARMA: I introduce the Bill.

16.24 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

(Amendment of Section 36)*[English]*

SHRI SOBHANDREESWARA RAO VADDE (Vijayawada): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951".

The motion was adopted

SHRI SOBHANADREESWARA RAO VADDE: I introduce the Bill.

16.24 1/2 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Eighth Schedule)*[English]*

SHRI GUMANMAL LODHA (Pali): I beg to move for leave to introduce a Bill further to amend the Constitution of India.