

SHRI V.N. GADGIL: Sir, I introduce the Bill.

**THE CONSTITUTION (AMENDMENT)
BILL, 1996 (TO AMEND ARTICLES 124,
217, ETC.)**

SHRI V.N. GADGIL (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI V.N. GADGIL: Sir, I introduce the Bill.

**THE VOTING RIGHT FOR INDIAN
CITIZENS LIVING ABROAD BILL, 1996**

SHRI V.N. GADGIL (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill to provide the Indian citizens living abroad the right to vote in election to the House of People and the Legislative Assemblies of States.

The question was put and the motion was adopted.

SHRI V.N. GADGIL: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We will take up further consideration of the Bill moved by Shri M.A. Baby on 13th September, 1996. He had not completed his speech while moving the Bill. Therefore, he is being allowed to continue his speech.

**THE CONSTITUTION (AMENDMENT)
BILL, 1992
(to amend article 77) Contd.**

SHRI M.V. BABY (KERALA): Thank you, Sir, for allowing me to continue with my presentation and argument on the Bill moved by me. At the outset, I want to recreate facts. This amendment to the Constitution will be of great significance not only to our country but to all the developing countries. The Indian Constitution provides that the Indian Parliament has the right to have discussions

and only the Indian Parliament can take a decision whenever it wants to levy taxes on the people. Similarly, whenever any expenditure is proposed, the Government should come forward before Parliament and take the permission of Parliament. Similarly, other legislations also have to go through the process of discussion in Parliament. Parliament discusses it and examines it. Every legislation is referred to a Parliamentary committee so that threadbare examination takes place. This being the case, if international treaties of great significance and import are entered into by the Government without taking Parliament and the people into confidence and if such treaties are going to affect the lives of the people of our country, I think we are unconsciously abdicating our responsibility as Parliamentarians. We have to take care of the interest of the Indian people. This is not just a theoretical matter. Today, in the afternoon, there was a demonstration of peasants from Kerala at Patel Chowk. They were raising a demand that fertilizer subsidy be increased and farmers interest be protected. Indian farmers are faced with difficult times because of the changed economic environment within the country and outside. Sir, you know of the many changes that have taken place in our economic policy in the last five years. All these changes have international connections. These changes are being made because of the suggestions — I do not want to say, dictates — of the World Bank or the IMF. Their persuasive suggestions are accepted and our tariff structures and tax structures are changed. These structures are being changed on the suggestions made by international fiscal organisations. These are the tactics of the developed world. They are changing the entire character of the erstwhile GATT and transforming it into the WTO. In fact, a super-Government for the entire globe is sought to be established through the WTO. If these proposals and decisions are carried out, it will adversely affect the lives of the people of the Third World. And if Indian Parliament does not have any right to discuss the entire ramifications of such important treaty organisation...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I am sorry, Mr. Baby.

Mr. Gurudas Das Gupta is always alert when he is in the House but when he is outside the House, he is not alert about the business of the House. Mr. Gurudas Das Gupta, if Mr. Baby agrees to yield, in between, then I can allow introduction of year Bill. He is in the midst of his speech, it is for him to concede.

SHRI M.A. BABY: If you want me to yield for introduction of the Bill, I will do so. I do not want to infringe his fundamental right as a Member of this august House.

THE VICE-CHAIRMAN: Thank you for this fraternal consideration.

The Prohibition of Religious, Communal and Sectoral Political Parties and Senas Bill, 1995

SHRI GURUDAS DAS GUPTA (WEST BENGAL): Sir, I beg to move for leave to introduce a Bill to provide for prohibition of the formation of religious, communal and sectoral political parties and Senas.

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA: Sir, I introduce the Bill.

**THE CONSTITUTION (AMENDMENT) BILL, 1992
(to amend article 77) Contd**

SHRI M.A. BABY (Kerala): Sir, I have been mentioning about the possible ramifications of WTO and how this would affect the lives of the people. Sir, without going into the details, I want to recall that at a particular stage three State Governments went to the Supreme Court stating that if Government of India is going to be part of the WTO Act signed at Marrakech the lives of the farmers would be adversely affected and agriculture being a State subject would infringe upon the Constitutional framework. Sir, the Constitution provides that Indian Parliament has the authority to legislate in order to give effect to the provisions of an international treaty even if it affects some matters included in the second list, i.e. the State List. And the Constitutional framers thought

that this authority would be used sparingly by the Union Government. But what has happened in relation to GATT and WTO? I am afraid to submit that the good intentions of the Constitutional framers have been defeated by the actions of the then Union Government. Sir, I would like to underline the point that the present WTO is totally different in its scope to the issues which the present WTO is dealing with. When the Uruguay negotiations started, the developing countries wanted that GATT should confine itself to its chosen topic of trade and tariff. But in the name of trade related intellectual property rights being brought into and trade related investment being brought into the ambit of all negotiations, the services have been brought into the ambit of GATT and later WTO. Sir, through this process almost all important economic activities have been brought under the purview of the present WTO. So it is in this particular context that this Bill was introduced in the year 1992.

This is an unprecedented situation. If the Executive, the Government of India, utilises the authority to enter into international treaties like GATT without taking Parliament into confidence, without taking the people of this country into confidence, without taking with it different sections of people such as industrialists, farmers, scientists, lawyers, intellectuals, etc., then it would adversely affect the interests of India as a country generally and its economic sovereignty in particular. It is in that context that a demand has been made, through this Bill, that any international treaty or MoU or an agreement entered into by the Government of India would come into operation only if the Indian Parliament ratifies it.

In this connection, I would like to draw the attention of this House to certain observations made by some legal luminaries which have been taken recourse to by those who have been defending the extraordinary power of the Executive. Let me first refer to an observation made by Mr. Justice Hidayatulla. If we forget that this is a contextual observation, it may lead one to think that the Executive is empowered with enormous powers to do whatever it wants in