

ले सकें और मई दिवस को उसी उत्साह के साथ मना सकें जिस उत्साह के साथ हम दूसरे राष्ट्रीय त्यौहार मनाते हैं या दूसरे आयोजन करते हैं। तमाम मजदूर संगठनों ने पिछले कई वर्षों से यह मांग की है कि मई दिवस की छुट्टी होनी चाहिये। यह सवेतन अवकाश होना चाहिये। इसको सार्वजनिक अवकाश सवेतन अवकाश घोषित किया जाना चाहिये। मुझे खुशी है गत वर्ष मैंने एक विशेष उल्लेख के जरिये और उसके पहले भी मैंने यह मांग की थी कि राम नवमी की छुट्टी होनी चाहिये और इस साल से हमारी सरकार ने राम नवमी की छुट्टी घोषित कर दी है। मैं आशा करता हूँ कि मई दिवस के विषय में भी उदारतापूर्वक विचार कर के अपने मजदूरों के लिए एक दिन का सवेतन अवकाश घोषित कर के सारे दफ्तर, कार्यालय, फैक्टरीज़ तथा संस्थान बन्द रखेंगे ताकि मजदूर अपने मई दिवस के समारोह को मना सकें और उस में भाग ले सकें। धन्यवाद।

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Now the House stands adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at twenty two minutes past one of the clock.

The House reassembled, after lunch, at thirty-two minutes past two of the clock, the Vice-Chairman, (Shri H. Hanumanthappa) in the Chair.

THE CONSTITUTION (AMENDMENT) BILL, 1987 (INSERTION OF NEW ARTICLES 75A and 164A)

SHRI CHITTA BASU (West Bengal): 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 CHITTA BASU: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1987 (SUBSTITUTION OF NEW ARTICLE FOR ARTICLE 263)

SHRI CHITTA BASU (West Bengal): 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 CHITTA BASU: Sir, I introduce the Bill.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1987

SHRI CHITTA BASU (West Bengal): Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce the Bill.

THE NATIONAL HONOUR AND INTEGRITY (PROTECTION) BILL, 1987

श्री शिव कुमार मिश्र (उत्तर प्रदेश) : श्रीमन्, मैं यह प्रस्ताव करता हूँ कि राष्ट्रीय गौरव और अखंडता के संरक्षण का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री शिव कुमार मिश्र : श्रीमान मैं विधेयक को पुरःस्थापित करता हूँ।

THE CONSTITUTION (AMENDMENT) BILL, 1987 (INSERTION OF NEW ARTICLE 30A (Etc.))

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : श्रीमान्, मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री सत्य प्रकाश मालवीय : श्रीमान्, मैं विधेयक को पुरःस्थापित करता हूँ।

THE CONSTITUTION (AMENDMENT) BILL, 1985 (TO AMEND ARTICLE 311)—Contd.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up further consideration of the Bill moved by Dr. Bapu Kaldate on 13th March, 1987. Shri Bir Bhadra Pratap Singh to continue his speech.

SHRI BIR BHADRA PRATAP SINGH (Uttar Pradesh): Sir, last time, while speaking on this Bill, I said that the proviso provided under the Constitution was fully justifiable, was reasonable, was rational and was grounded upon substantial requirements and, therefore, I supported that proviso. So, in the general scheme, the opportunity has been rightly abridged in the proviso. Now, I will place three provisos to justify my argument and I will explain how it is justifiable.

Now, the first proviso says, "Where a person is dismissed, removed or reduced in rank on the ground of conduct that has led to his conviction on a criminal charge, etc etc..." Now, why should it be argued at all that a criminal should be allowed to continue in Government service? If that is the only rationale behind this proviso then any argument to the contrary, that is, that a criminal person must

be allowed to continue in Government service would be a preposterous proposition and I think Dr. Bapu Kaldate will agree with my contention that in no case should a criminal be allowed to continue in Government service and if a criminal is allowed after conviction, a second innings is provided in the general scheme of (1) and (2). Then it will take another twenty years and by the time the superannuation comes, the criminal will continue in service. Therefore, the proposition that this proviso is unreasonable is an untenable proposition. Now, Sir, I come to proviso (c) to article 311(2) which says like this:

"where the President or the Governor as the case may be is satisfied that in the interest of security of the State it is not expedient to hold such an inquiry."

Now, the highest authority in the State—not in any way a partisan authority, because both the President and the Governor, whatever may be the mode of their appointment to their respective posts, are supposed to be Constitutional heads and impartial authorities—should be satisfied and the power vested in them requires that he is to be satisfied that in the interest of the security of the State it is not expedient to hold such an inquiry. So, I think no reasonable man in this country would question the wisdom which lies in such an authority who is the highest authority under the Constitution, who is the Constitutional authority in the State, and he does it for a limited purpose, that is, in the interest of the security of the State.

Now, I come to the most controversial part of it; that is, sub-section (b). Now, the power may be different, but the safeguard is provided in sub-section (b) itself and if some statute provides a safeguard in itself, then it is a double safeguard. Probably that was subjected to attack when Dr. Bapu Kaldate enunciated this amendment under which the authority empowered to dismiss or remove a person or