

The question was put and the motion was adopted.

श्रीमती सुषमा स्वराज: महोदय, मैं विधेयक को पुरःस्थापित करती हूँ।

The Girl Child (Compulsory Basic Education) Bill, 2005

श्रीमती सुषमा स्वराज (उत्तरांचल): उपसभापति महोदय, मैं प्रस्ताव करती हूँ कि बालिकाओं में निरक्षरता को दूर करने हेतु उन्हें विद्यालय स्तर की बुनियादी अनिवार्य शिक्षा निःशुल्क दिये जाने और बालिका को विद्यालय जाने तथा उसे किसी भी रूप में अध्ययन करने से रोकने वाले व्यक्तियों को निवारक दण्ड दिये जाने और उससे सम्बन्धित तथा उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

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The Visually Handicapped Persons (Employment Opportunities and Miscellaneous Provisions) Bill, 2005

श्रीमती सुषमा स्वराज (उत्तरांचल): उपसभापति महोदय, मैं प्रस्ताव करती हूँ कि आरक्षण और अन्य तरीकों से रोजगार के अवसर उत्पन्न करने तथा केन्द्रीय सरकार द्वारा नेत्रहीन नागरिकों को बेरोजगारी भत्ते का अनिवार्य भुगतान करने तथा तत्संसक्त और उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

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MR. DEPUTY CHAIRMAN: Dr. Prabha Thakur to move for leave to introduce The Constitution (amendment) Bill, 2005; absent. Now, Bill for consideration and passing—further consideration of following motion moved by Shri Sharad Anantrao Joshi on 25th August, 2005.

The Representation of the People (Amendment) Bill, 2004—Contd.

SHRI SHARAD ANATRAO JOSHI (Maharashtra): Sir, I beg to move that the Bill further to amend the Representation of the People Act, 1951, be taken into consideration...(Interruptions)...

MR. DEPUTY CHAIRMAN: You may speak on the Bill now.

SHRI SHARAD ANATRAO JOSHI: Mr. Deputy Chairman, Sir, I hope, everybody has a copy of the Bill that I have moved. It is one of the shortest Bills that ever came up for consideration before this House. If you omit the Preamble, Title, etc., the operative clause is only one line. It says that in the Representation of the People Act, 1951, in Sub-section 5 of Section 29 (A), the word, 'socialism' may be omitted. It is only a one-line sentence. I would like to make some kind of an introduction.

Section 29 (A) deals with the registration of political parties, and this is sub-section 5 of that, which reads as follows. The application, that is, by the political parties' associations under sub-section 1," shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by Law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India."

Now, as far as this clause is concerned, the bearing of true faith and allegiance to the Constitution of India, as by law established, does not present any problem. We are all here because we share this. Similarly, we all stand for sovereignty, unity and integrity of india. There is no problem about it. There is a small problem which comes up later and, if you permit me Mr. Vice-Chairman, I would like to give the genesis of the situation. In the whole of the Independence movement, was fought under Mahatma Gandhi's leadership, it was not fought under the banner of socialism. In fact, socialists were a very small group. In the 1942 Movement, they played a very significant role by their underground activities.

[THE VICE-CHAIRMAN (SHRI KALRAJ MISHRA) in the Chair]

All the same, Sardar Vallabhbhai Patel compared the socialists in india to a dog walking under the bullock cart, which thinks that it is driving the bullock cart. It is clear that by 15th August, 1947, socialism was not even a significant philosophy or significant thought in the Indian polity. In 1951, when the Constitution was adopted by the people, our Preamble said: "We, the people of India, having solemnly resolved to constitute India into a Sovereign, Democratic Republic and to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity before law." That is all that had agreed by that time when the Constitution was established. It

was only in 1977 that an amendment was made to the Preamble. By the Forty-Second (Amendment) Act, 1976, which came into effect on 3rd January, 1977, three words, 'socialists', 'secular', 'Integrity' were introduced in the Preamble to the Constitution. At that time, no modification was made in the representation of the people's Act. What was the purpose of this modification? We have some comments in the Preamble to the Amendment Act, in which it is clearly said that the word 'socialism' having been added to the Preamble of the Constitution by the Forty-Second Amendment. The addition of the word 'socialist' indicates incorporation of the philosophy of socialism in the Constitution and may enable the courts to lean more and more in favour of nationalisation and State ownership of industry. This was the purpose of introducing this word 'socialism' in the Preamble. Till 1976, Mr. Vice-Chairman, nothing happened. It was in 1988 that Section 29A(5) of the Representation of the People's Act was amended to introduce the words, 'secular', 'democratic' and 'socialist' with the effect that any association or any group of people forming an association and wanting to be registered as a political party have got to have Memorandum of Association or Constitution which unequivocally, pledges allegiance to the Constitution and integrity of India, etc., but also declares that they subscribe to the tenets of socialism, secularism and democracy. Now, subscribing to the tenet of democracy, to the tenet of secularism should not pose any problem. For my Bill, there are some problems, problems which are raised by addition of the word 'socialist' and, therefore, my Bill demands that the word 'socialist' be deleted. The word 'secular' may remain, the word 'democratic' may remain, only the word 'socialist' is supposed to be removed. ...(*Interruptions*)...

PROF. P.J. KURIAN (Kerala): Will you yield for a question?

उपसभाध्यक्ष (श्री कलराज मिश्र): अभी इनको बोलने दीजिए, फिर आप अपनी बात कहिएगा।

PROF. P.J. KURIAN: Only one question. There may be some people who do not agree with the word 'socialism', they may want some amendment for that. There may be some others who do not agree with the word 'secularism' and there may be certain others who don't agree even with the word 'democracy' because there are different kind of people in our country. If your proposal is accepted, it means two other words should be deleted. What do you say about that?

SHRI SHARAD ANANTRAO JOSHI: Nobody has stopped constructing houses because eventually the rats may build houses in it.

उपसभाध्यक्ष (श्री कलराज मिश्र): जोशी जी, आप अपने भाषण के दौरान उनको उत्तर दे देंगे तो अच्छा होगा।

SHRI SHARAD-ANANTRAO JOSHI: I have given the reply. That point is over. There may be so many constitutional amendments which have been introduced even today. And, that will never end. The important thing in the Constitution of our type is that there will always be amendments that will be proposed, and, they will be accepted or rejected. But this is a continuous process and I am making one particular suggestion, one particular proposal about one thing.

Now, I would like to explain as to why I have come with an amendment for the omission of the word 'socialism'. I have nothing against socialism. I am not an anti-socialist but I am proposing for the omission of the word 'socialism' for one simple reason. It is said that every young man with heart is supposed to be socialist at one stage in life, and, so was I, in fact, with a certain status. It is only after visiting the USSR that I realised the importance of protecting my right to dissent, of protecting my right not to be a socialist, and, therefore, I started moving away from socialism, and, I retain that feeling that it is very important. While socialism may be perfectly good, may be perfectly ideal thing to have but I must have the right to dissent. I remember Mr. Manoj Bhattacharya in one of his speeches said that it is a principle that Voltaire has given; we will differ with you but we will protect your right to say what you want. That is exactly the position I am taking. I am not taking any anti-socialist position. I am not taking a position that the preamble is wrong but I should have the right to change the preamble, if necessary, in the ripe of time. ...*(Interruptions)*...

SHRI MANOJ BHATTACHARYA (West Bengal): Sir, while my name has been taken, I must respond to it. *(Interruptions)*

उपसभाध्यक्ष (श्री कलराज मिश्र): इनको बोल लेने दीजिए।...*(व्यवधान)*...

श्री मनोज भट्टाचार्य: हम उनको जरूर बोलने देंगे। वे बोलेंगे भी, हम उनको रोकते नहीं हैं, क्योंकि वे जो बोलते हैं, हम उस बात को मानते हैं that I will protect his right to give his own thoughts. But the question is whether that is relevant to the cause of the nation, to the cause of the international community or not. Now, the Chair must decide as to whether anything and everything can be said and allowed in the House. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री कलराज मिश्र): देखिए, ये अपने विधेयक पर बोल रहे हैं।

SHRI MANOJ BHATTACHARYA: Sir, I understand. But, what I want to say... *(Interruptions)*...With all humility, I must say...*(Interruptions)*...

उपसभाध्यक्ष (श्री कलराज मिश्र): आप भी अपनी बात रख सकते हैं, इसमें कोई हर्ज नहीं है।

SHRI MANOJ BHATTACHARYA: Sir, let us not subvert this House to a talking shop to speak anything and everything whatever comes in our mind. That is not fair. I will humbly implore upon you to kindly use your own discretion because the issue that he is trying to raise is of no relevance today. It does not matter to the people. Neither does it matter to the nation nor does it matter to the international scenario. So, Sir, my humble submission to you is to please exercise your own power from the Chair either to allow him to continue this, or to ask him to conclude. *(Interruptions)*

उपसभाध्यक्ष (श्री कलराज मिश्र): ये अनुमति के आधार पर ही बोल रहे हैं, इसलिए इन्हें बोलने दें। आप भी बोलना चाहें, तो अपनी बात रख सकते हैं।

SHRI SHARAD ANANTRAO JOSHI: Sir, I have not said anything against socialism. I have not said anything... *(Interruptions)*...

उपसभाध्यक्ष (श्री कलराज मिश्र): जोशी जी, आप अपनी बात बोलिए, बोलने में कोई हर्ज नहीं है।

SHRI SHARAD ANANTRAO JOSHI: Now, Sir, what happened is that I formed an association of people which was certainly not socialist because in the Farmers' Movement, I learned the importance of economic freedom, and, I came to the conclusion that the poverty of the farmers and misery were on account of the intervention by the States in agricultural commodity markets. Therefore, we formed an association that believed, "less the Government the better", which is again a very common dictum. And, we decided to form a political party. We got a reply from the Election Commission saying that you will have to or, have a clause in your Memorandum of Association that you subscribe to the tenet of socialism. Now, as that would have been rank dishonesty, I did not want to do that, and, therefore, we were refused the registration.

Sir, the Writ Petition is still there in the Mumbai High Court. It has been

pending there for the last seven years and it has not come up for hearing. Today, I am coming to this forum, the most important forum, for demanding that the word 'socialism' be removed. Now, when I was refused that permission, there was one party--it is in Maharashtra and every body recognizes it as a crassly-communal party--that signed an affidavit saying that they were secular and the Election Commission gave them the registration, not only the registration but also the electoral symbol. After the electoral symbol was given, next day, the leader of that party, the supremo of that party, in a public meeting, said "one has to play these tricks in order to get the electoral symbol. We are not secular and we stand for a particular religion". Even then, the Election Commission did not take *suo motu* notice in order to cancel the registration of that party. In fact, I went before the Election Commission, demanding that if you are not taking *suo motu* action, I am approaching you. This is the proof, this is the evidence, and this is the confession of that party that they are not secular. Therefore, you should withdraw the registration. The Election Commission refused to do that saying that once the registration has been given and once the electoral symbol has been given, it can be withdrawn only by the Parliament, and not by the Election Commission. So, Sir, here we are in a situation where they demand to subscribe to a particular tenet or several tenets. But, if you only make a false statement, then, there will be no remedial action for that. I know several leftist parties, revolutionary parties which have said that they believe in democracy. There were communal parties which have said that they believe in democracy. There were communal parties which have said that they believe in secularism. Similarly, we were asked to say that we subscribe to socialism. Now, this is something which is alright for those with a pliable conscience. If you are prepared to fold up your conscience for some time and make a fake statement, you will get a registration. The problem is for the honest people who do not want to make a false statement. The stipulations of Section 29 (A) 1 (5) of the Representation of the Peoples Act, 1951, as amended in 1988, create problems of conscience and principles, which are circumvented by prevarication and falsehood by most political parties in the country. For example, the extreme leftist revolutionary parties have memoranda, which contain a provision to the effect that they bear allegiance to the principle of democracy; crassly communal parties have sworn allegiance to secularism and the liberal parties despite their declared objective of liberalisation and globalisation to pledge allegiance to the

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principle of socialism. Section 29 (A) 1 (5) of the Representation of the Peoples Act possess no problem that cannot be overcome by recourse to a pliable conscience. There is no provision for any verification of the truth—the Election Commission does not verify truth of your stated belief—of the memoranda or regulations, nor is there any instance of registration being withdrawn from any party on the basis of proven falsehood of the provisions in the memorandum of association of that party. Now, that means, that Section has become really inoperative. It is only used according to the convenience and all the parties play the game.

The second point that I would like to make, Sir, is that when there is certain important condition, it should be very specific and clear and it should not suffer from the vice of vagueness. The Sub-section 29 (A) 1(5) suffers from the vice of vagueness. In that, it compels an association to swear allegiance to the principle of socialism without any attempt to define or even indicate the meaning of the term socialism. The sub-section is, therefore, illegal and unconstitutional being arbitrary and, therefore, violative of Article 14 of the Constitution of India.

The term 'socialism' has not been defined in the Constitution of India or in the Representation of the Peoples Act. The requirement to declare allegiance to a tenet so shrouded in vagueness can serve no possible purpose. If the provisions contained in the Constitution represent in view of the authors of the stipulation, the essential contents of socialism, the specific requirement of the Section 29 (A)—to swear allegiance to the tenet to socialism—is unnecessary since the oath of allegiance to the Constitution includes the oath of socialism. The term 'socialism' has been applied to a large spectrum of theories over the last two centuries. I will only try to make a brief enumeration which will certainly not be exhaustive. Saint Simonism based on compassion for the less fortunate and suffering fraternity; Owenism, named after Robert Owen, as a serious attempt to organisation of the weaker section to economically viable units; then we have the Fabianism with its mighty intellectual prestige provided by G.B. Shaw, Sidney and Beatrice Webb; we have the Guild socialism advocated by G.D.H. Cole; then we have Welfarism providing a contrived and misplaced justification for equal distribution of wealth; then we have the European type of liberal, democratic, welfare socialism; we have the Keynesian model entrusting the responsibility of ensuring fuller levels of employment and investment to the State; various socialistic patterns adopted in the Third

World countries after the Second World War that wanted to resort to some kind of a planning, hoping that that would accelerate the process of development; then we have the Soviet type of Bolshevik 'scientific' socialism based on dialectical materialism, historical determinism, class conflict, theory of surplus value and aimed at industrialisation, nationalisation, planning and dictatorship of the proletariat; and, the last but not the least, we have the whole rainbow of the Maoist, the Guevarist, the Castroist, Socialism and the Radical humanism of Manavendra Roy. These are all various shades that have been reflected in the word 'socialism'. It provide only a part of the spectrum of the ideas that have been identified with the word 'socialism'.

By vices of the vast expanse and the political and economic power of the erstwhile Soviet Union and the use of the word 'socialist' in the nomenclature of the Soviet bloc countries, the world is now understood to mean, in popular parlance, a system associated with the Soviet model. Other schools of socialist thought are identified by the appendage of qualificatives like Democratic, Christian, Liberal, Gandhian, etc. Even the BJP for some time had talked of Gandhian Socialism.

The term 'socialism' used without qualificative is interpreted to refer to the system of thought propagated by Marx, Engels and supplemented by lesser prophets like Lenin and Stalin, etc.

The Concise Oxford dictionary defines the word 'socialism' as 'Political and economic theory of social organisation which advocates that community as a whole should own and control the means of production, distribution and exchange; a policy or practice based on this theory'.

Now, which particular meaning you have, is not clarified either in the Constitution or in the People's Representation Act. Therefore, there is a question whether all these or any of these definition of socialism go with our Constitution at all. Or whether there is contradiction between the allegiance to the Constitution and allegiance to the tenet of socialism.

It is quite clear that the word 'socialism' in its unmixed form means much more or much less than a system based on Justice, Liberty, Equality and Fraternity that is envisaged in the Constitution of India. It, therefore, follows that oath of allegiance to both the Constitution of India and to 'socialism' are, in good part, mutually contradictory.

Certain traits of mainstream theory of socialism are clearly opposed if not repugnant to the basic principles and structure of the Constitution of India; for example, class-contradiction, atheism, and dictatorship of the proletariat are certainly contradictory to the basic structure of the Indian Constitution.

An argument may be made that the term 'socialism' is so vague that no individual should have any difficulty in adhering to it or should feel any need to dissociate himself from it. The obvious corollary is that the declaration of allegiance to the principle of socialism means nothing or anything and is, therefore unnecessary. Further, the argument is far from truth. The essential part of all brands of socialism is the notion of the paramountcy of society over an individual, of social decision making over individual behaviour. This concept of paramountcy of the collectivity stands in ruins today. It is now accepted quasi-universally that the market is not a good thing, but that the mankind has not invented anything better; that the market mechanism is the best mechanism for arriving at optimal decisions for the society as a whole. The holistic decision-making is a masquerade for a few individuals hijacking the system to their advantage; that individuals are unique and hence, equal; that individuals pursuing fulfilment of their unique personality interact amongst each other to produce the most desirable results and that there are no masters, neither spiritual nor economic, with superior lights.

Now, I am going to make an argument that this provision of the Constitution or requirement that we should adhere to the tenets of socialism is in a certain way contrary to the Constitution. It really conflicts with the Constitution. Section 29A of the Representation of the People Act which says, in as much as it compels an association for a political party to bear allegiance to the principles of socialism, as a precondition to its applying for registration as a political party, is *ultra vires* Article 19(1)(a) and (c) of the Constitution of India which gives the freedom of expression and thought. The said section has the effect of hindering and inhibiting the formation of a political party with full advantages of registration and its functioning in the political arena of the country unless it conforms to a certain point of view. The said provision is not saved even by sub-clause (2) and (4) of Article 19 of the Constitution of India, in that it has no bearing on the sovereignty and the integrity of India or public order. If, for example, the question of sovereignty and integrity of India was concerned, we could

consider it as an exception, but there is nothing like that involved there. If the dispositions of the Constitution of India are not entirely socialistic, but are a little less or a little more, there would arise a contradiction between the declaration of allegiance to the Constitution and the adherence to the principle of socialism.

I would now argue that this provision is also anachronic, outdated and has no particular role in the present times. As demonstrated above the concept of the paramountcy of the collectivity stands in ruins. The world historic fall of the Soviet Union has put a question mark on all notions associated with socialism. Socialistic economics have been found to be bad, not only in theory but also in practice. In most countries of the world, the socialist systems are collapsing under the weight of their own non-viability. Even the Government of India admitted in 1991, when our Prime Minister was the Minister for Finance, the errors of its socialist past and professed to be pursuing the path of market oriented economies. It makes little sense in this era to deny the non socialists the possibility of organising themselves as a party in order to be able to contest political elections with a view to confront effectively the very basics of the world view, economics, sociology and politics that is associated with the term 'socialism'.

So, Mr. Vice-Chairman, Sir, you will see that my demand is extremely modest. I am not trying to override socialism. When the whole world's historic turn is towards using market-based systems, all that I am saying is let us live. Let us live. You continue; you are the masters. You probably have the popular support also. But let us also survive and give us the right to put forward our views in an effective manner. Now, there is a very strange thing. The Third Schedule to the Constitution of India, which contains the texts of oaths to be taken by candidates to the election of Lok Sabha and of the State Legislatures, has not been modified. Even though the Representation of People's Act was modified, the Third Schedule to the Constitution was not modified, with the result that the oath to be taken by individual member remains the same, it does not require swearing by either socialism, democracy or secularism. The texts of oaths required to be taken by individual candidates continue to be limited to swearing true faith and allegiance to the Constitution of India, as by law established, without any reference to the principle of socialism. Allegiance to socialism is insisted upon only in case of associations of persons, wishing to be registered as a political party. The provisions of the Representation of

People's Act, which deal with qualification and disqualification for membership to Legislature, do not impose any such pre-condition, nor do the provisions which lay down the requirements of a valid nomination. The effect of the relevant provisions of the Representation of People's Act are that whereas individual candidates, that is, those not set up by a registered political party, may contest elections, without having to declare any allegiance to the principles of socialism, parties which seek registration for the same purpose are required to do so. For the purposes of the Representation of People's Act, namely to confer and regulate the right to contest election, there is no intelligible difference between political parties and individual candidates. The provision, that is, Section 29(A) which only requires political parties to bear allegiance to the principles of socialism, is wholly discriminatory and void, being in violation of article 14 of the Constitution of India. That socialists have the possibility of organising themselves as political parties while those having problems of conscience in declaring adherence to socialism should be stopped from organising themselves into a political party is wholly discriminatory, and hence clearly in breach of the fundamental right of association.

As far as the area of operation of the Representation of People's Act goes, there is no valid difference in individuals contesting elections and parties doing so. There is thus an arbitrariness and a hostile discrimination writ large in the scheme of section 29A of the Representation of People's Act. This constitutes an unreasonable and unjustified denial of the advantages of registration only because as an association, the said individuals are non-Socialists. The restriction which section 29(A) of the Representation of People's Act 1951 imposes on political parties, nullifies the very essential and basic feature of the Constitution of India, namely democracy and the fundamental right of freedom of association and of thoughts and expression, for the purposes of preserving the democracy. As I mentioned earlier, I am only being very modest and asking for the right to live. But the very curious thing is that today, in the world the most dominant School of Economics and Sociology, we are making it not acceptable; not viable and politically not admissible in India. Section 29A of the Representation of People's Act makes a hostile and invidious discrimination between political party which bears allegiance to the principle of socialism and those that do not qua the purpose of registration of political parties, that is, for the purpose of contesting elections and conferring certain rights and privileges, and imposing certain liabilities in relation

thereto. There is not intelligible difference between the two kinds of political parties.

Further, regarding the election laws, the differences in beliefs and political philosophies which parties may hold cannot become a ground for discriminating between them so as to confer certain privileges only on parties holding one set of beliefs as long as people do not contradict or adversely affect the sovereignty and intergrity of India or public order. Such a difference, as is sought to be made by sub-section 29(A)(5) of the Representation of the People's Act without any basis and has no nexus with the purpose of the Representation of the People's Act which is avowedly an Act which provides for "the conduct of elections to the Houses of Parliament and to the House or the Houses of Legislature of each State the qualifications and disqualifications for the membership of those Houses etcetera, etcetera.

The final point that I would like to make, Sir, is that you have put the word "socialist" where this word did not exist. In 1976, you made a change. But as Jefferson said that Constitution is not a deadbody. It does not mean that the old generations will dominate the generations to come. Every new generation in the light of the situation then prevailing has a right to modify the Constitution. Now, if you want to modify the Constitution, there is only one legal and Constitutional way of doing it, and that is through the legislation. Now, if entering into the Legislature itself is barred to certain schools of thoughts, that amounts to the denial of fundamental right to have the Constitution amended.

The right to amend the Constitution so as not to change its basic structure having been upheld and socialism not being part of the basic structure of the Constitution, the restriction imposed by section 29(A) of the RPA has the effect of virtually denying the right to attempt an amendment of the political philosophy of the Government in 1977 as reflected in the Constitution of India. The Preamble was amended.

The purpose of the present amendment—the purpose of the present amendment means purpose of my amendment—is not to amend the Preamble—remember that; it is important—incorporating therein a reference to the word "socialism". The Constitution contains many dispositions not all of which need to be uniformly acceptable to any given individual or association of individuals. What is essential is that a citizen should have

the possibility to act and must have the right and the possibility to canvass by constitutional means, for changing the dispositions of the Constitution in accordance with his inclinations howsoever unreasonable they may look to others at a given point of time. Section 29(A) of the Representation of the People's Act prevents committed and sincere non-socialists from agitating as an organised force in favour of getting the Constitution modified in their favour by entering the Legislative State Assemblies as also the Parliament. It does not suffice that only one Member enters. You have to enter in sufficiently large numbers.

Thus, without going into question of the precise definition of the term "socialism", the right of a non-socialist citizen to hold his personal views and be entitled to all the privileges enjoyed by the socialist fellow-citizens cannot be denied. In particular, his access to the legislative body as an individual and as a party cannot be hindered by denying him the privileges of registration as a political party.

Having said all this, I would like to make a summary, Mr. Vice-Chairman, Sir, if you permit, of my points.

उपसभाध्यक्ष (श्री कलराज मिश्र) : जोशी जी, आपका कथन पूरा आ गया है।

SHRI SHARAD ANANTRAO JOSHI: Sir, I shall make a summary of the points.

उपसभाध्यक्ष (श्री कलराज मिश्र) : आपने बड़े विस्तार से अपना पक्ष रखा है। वह लोगों के संज्ञान में आ गया होगा, लेकिन अगर आप कुछ और बिंदु रखना चाहते हैं तो रख सकते हैं।

SHRI SHARAD ANANTRAO JOSHI: Sir, I would still like to summarise because it has been a fairly long speech for me. Firstly, the dispensation of section 29(A) does not serve any particular purpose because if people make a fake statement, there is no provision for its verification, nor is there any provision for *suo moto* or on application withdrawal of the registration in case that kind of a declaration is proved to be false.

Secondly, you are asking the people to swear by a word which has not been defined. I have shown that there are so many shades of meaning. The other day, while we had been discussing this problem, I think, the Law Minister, Mr. Bhardwaj, said, "The word "socialism" was sacrosanct for India because there are people like Narendra Dev who stood behind it". I want to make it clear that Narendra Dev's socialism was really meant to

give, in brief land to the tiller and the factory to the worker. It never meant land and factory for the Government or nationalisation. That is the important difference between Narendra Dev and Lohia School of socialism and the kind of socialism that we imported from the USSR in the first few years after independence.

Then, there are contradictions. An individual can become a Member of the Legislature without swearing to socialism, but an association cannot. If you think that our Constitution is not socialist, then there is a Contradiction between swearing to socialism and swearing to the Constitution. I think, it is a world where market-based structures are accepted. The other day, when we had a discussion on what is going to happen in the Ministerial Conference at Hong Kong, our hon. Minister had mentioned that we are going to Hong Kong because, after all, free exchanges of demand and supply are the best mechanism that the human beings have invented. The market may not be good, but it is the best. If that is the pervading philosophy, I think, we have an anachronistic provision in the Representation of the People Act.

I am not demanding any change in the Preamble. I am only demanding that subsequently the legislation should be modified to remove this kind of a contradictory position. Thank you.

उपसभाध्यक्ष (श्री कलराज मिश्र): अगर सदन की राय हो तो श्रीमती हेमा मालिनी एक बिल पुरःस्थापित करना चाहती हैं।

The Street, Rag-picking and vagabond Children (Protection of rights, Rehabilitation and Welfare) Bill, 2005

SHRIMATI HEMA MALINI (Nominated): Sir, I beg to move for leave to introduce a Bill to provide for the protection of the rights and welfare measures to be initiated by the State for the rag-picking, vagabond street children involved in petty crimes and who subsist on collection and selling of waste materials thrown in the garbage dumps by the households and others or who subsist on begging, immoral activities like flesh trade or petty crimes like stealing, pick-pocketing, snatching, etc., and for their rehabilitation through education, training, vocational education and through other reforming means and for matters connected therewith and incidental thereto.