

MR. DEPUTY CHAIRMAN: Dr. Sasmit Patra to move for leave to introduce the Criminal Laws (Amendment) Bill, 2021.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. MURALEEDHARAN): Sir, Criminal Laws (Amendment) Bill, 2021 is in the name of Shri Prashanta Nanda.

MR. DEPUTY CHAIRMAN: This has been changed by the office and given to me.

DR. SASMIT PATRA: Sir, he had authorised us.

MR. DEPUTY CHAIRMAN: Please, it is not introduced.

Now, Shri Subhash Chandra Singh to move for leave to introduce the Code of Criminal Procedure (Amendment) Bill, 2021; he is not present. Dr. Banda Prakash to move for leave to introduce the Orphan Child (Welfare and Reservations) Bill, 2021; not present. Now, Shri Tiruchi Siva.

### **The Women's (Reservation in Workplace) Bill, 2021**

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I move for leave to introduce a Bill to provide for reservation of posts for women in establishments and for matters connected therewith and incidental thereto.

*The question was put and the motion was adopted.*

SHRI TIRUCHI SIVA: Sir, I introduce the Bill.

### **The Constitution (Amendment) Bill, 2021 (amendment of the Preamble)**

MR. DEPUTY CHAIRMAN: Now, Shri K.J. Alphons to move for leave to introduce the Constitution (Amendment) Bill, 2021 (amendment of the Preamble).

SHRI K.J. ALPHONS (Rajasthan): Sir, I move for leave to introduce a Bill further to amend the Constitution of India. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Now, the question is that leave be granted to introduce the Bill. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA (Bihar): Sir, no. ...(*Interruptions*)... Sir, Noes actually are prominent in numbers and you went for Ayes.

MR. DEPUTY CHAIRMAN: No, no. ...(*Interruptions*)... You tell your reservations. It is not introduced. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: It says, 'Amendment of the Preamble'; Preamble is a part of basic structure. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You have every right to oppose the Bill. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: Sir, amendment to Constitution Preamble, its basic structure. ...(*Interruptions*)... Sir, please don't do this. ...(*Interruptions*)...

SHRI VAIKO: Sir, it is a very serious matter. You should not allow it.

MR. DEPUTY CHAIRMAN: Please one minute. ...(*Interruptions*)... Let him speak. ...(*Interruptions*)... He is speaking. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: Sir, please don't do this. ...(*Interruptions*)...

SHRI K.J. ALPHONS: Sir, would you allow me to speak? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The House will decide, it's not me. ...(*Interruptions*)... Please. ...(*Interruptions*)...

SHRI K.J. ALPHONS: Since there is Opposition, would I be allowed to speak, please?

MR. DEPUTY CHAIRMAN: At this juncture, ...(*Interruptions*)..., please Jhaji, ...(*Interruptions*)... please Vaikoji, you are not allowed to discuss about the Bill. If anything is there, then House has to decide not me, not the Chair. Please be clear about it.

SHRI VAIKO: But, we can oppose the introduction of the Bill itself.

MR. DEPUTY CHAIRMAN: Yes, you are right. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: Sir, it should not have been admitted. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: No, it has not been. ...(*Interruptions*)... The Member has that right. As per rules, he has the right. Yes, the House has to decide it, Tiruchi Sivaji.

SHRI TIRUCHI SIVA: Whether it has to be admitted or not, it has to be decided by the Chair, not by the Secretariat.

PROF. MANOJ KUMAR JHA: Sir, I have a point of order. I want you to look at Rule 62. Sir, I saw the asterisk put at the Schedule that we have. There it is written, subject to receiving of President's recommendation under Article 117 Clause 3. Sir, amendment to Preamble, as I said earlier, is an attack on the very edifice of the Constitution. Are we allowing this House to ransack everything?

SHRI TIRUCHI SIVA: It is a prelude to .....

PROF. MANOJ KUMAR JHA: Sir, when you called for 'Ayes' and 'Noes', the 'Noes' were much more prominent. Yet you chose 'Ayes' I do not know why.

MR. DEPUTY CHAIRMAN: I have to go by the rules. ...(*Interruptions*)... I will just quote the rules by which I am going, please take your seat.

PROF. MANOJ KUMAR JHA: Sir, I will take my seat, but, you have asked for 'Ayes' and 'Noes' in every Bill, which has been introduced. But, in this case, 'Noes' were much prominent and you chose 'Ayes', I do not know why.

MR. DEPUTY CHAIRMAN: I have to follow the process. ...(*Interruptions*)... जो procedure इस हाउस में follow होता रहा है, I will just let you know. झा साहब प्लीज़, प्लीज़।

**प्रो. मनोज कुमार झा :** बुरी परंपराओं को क्यों लें?

**श्री उपसभापति:** झा साहब, प्लीज़। कृपया आपस में बात न करें। जो private member के इस तरह के बिल्स आते हैं, मोशन्स आते हैं, उनको लेकर जो चीजें होती रही हैं, I will just let you know क्या procedure रहा है। If the introduction of a Bill is opposed on general grounds, then, brief explanatory statements from both sides होता है। आपने बोला, उन्होंने बोला, दोनों व्यक्तियों ने बोला। Without allowing anybody else, he can put the question of the decision of the House. यह decision हाउस को करना पड़ेगा। It is for the court to decide whether Preamble can be amended or not. We can just discuss in the House whether it is accepted or not that decision has to be taken by the House, not by me.

PROF. MANOJ KUMAR JHA: Sir, I will also quote a rule. According to Rule 62, sub-rule (2) 'if the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President, I think, if hon. President is watching, he will not agree to a Bill which has not been sanctioned by him. In fact, amending the very Preamble, Sir, what are we left with? My friends from the other side said that it has happened before. Sir, a bad precedent should not become a norm. Please avoid these kind of temptations, Sir.

SHRI K.J. ALPHONS: Sir, if you permit me ...(*Interruptions*)...

SHRI JAIRAM RAMESH (Karnataka): Sir, he cannot be allowed to speak. ...(*Interruptions*)...

**श्री उपसभापति:** झा साहब, प्लीज़, प्लीज़। इस बिल में President का पहले से consent required नहीं है। I am making it clear to you. ठीक है, लेकिन this is a property of the House, the House has to decide, not me; not the Chair, Jhaji, please be clear about it.

SHRI TIRUCHI SIVA: Sir, I have a small submission.

SHRI V. MURALEEDHARAN: I would suggest to the Chair to reserve this and give a ruling at a later date. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: Looking at the merits of the Bill, then admit it or not admit it.

MR. DEPUTY CHAIRMAN: If this is the opinion of the House, then we will reserve it, and I will come back.