

KSK/GS/2.30/1R

**The House reassembled after lunch at thirty-one minutes
past two of the clock,**

MR. DEPUTY CHAIRMAN in the Chair.

SHRI JAIRAM RAMESH: Sir...

MR. DEPUTY CHAIRMAN: What is your problem? Always, you have some problem or the other.

SHRI JAIRAM RAMESH: Sir, I had raised this issue in the morning. You had remarked about a senior colleague of ours and you had used the word *. It is unparliamentary.

MR. DEPUTY CHAIRMAN: I said that if I had said anything unparliamentary, it should be expunged. I have already said that.

SHRI JAIRAM RAMESH: Have you expunged that?

MR. DEPUTY CHAIRMAN: Once the Chair says something, why do you ask about it again? You should know that if the Chair says something, it is done; not like you.

Now, the Private Members' Legislative Business; Bills for introduction.

* Expunged as ordered by the Chair.

PRIVATE MEMBERS' LEGISLATIVE BUSINESS

BILLS INTRODUCED

**THE COMPULSORY PROTECTION OF WITNESSES AND VICTIMS
OF CRIMES BILL, 2017.**

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I move for leave to introduce a Bill to provide for the compulsory protection of witnesses and victims of crimes by the State who are intimidated, harassed, physically attacked by various means or of their family members or their near and dear ones by the accused of crimes or by their accomplices or friends or relatives or co-accused or sympathizers committed either directly against the victims or against their family members or their near and dear ones and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

**THE HERITAGE CITIES AND SITES (CONSERVATION AND
DEVELOPMENT) BILL, 2017.**

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I move for leave to introduce a Bill to provide for the conservation and development of heritage cities and sites by way of retaining their historical identification and

promoting international and domestic tourism and publishing their historical importance through booklets, pamphlets and such other material and for declaring heritage cities as smart cities for overall development and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

**THE ENVIRONMENT PROTECTION (MANAGEMENT OF LANDFILL
SITES AND CONTROL OF NON-BIODEGRADABLE GARBAGE)
BILL, 2017**

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I move for leave to introduce a Bill to provide for the formulation of a national policy to set up engineered landfill sites at conspicuous places away from human settlements, for their scientific management and for preparing a model solid waste management policy to prevent throwing or depositing non-biodegradable garbage or waste at public places such as roads, parks, public drains or places open to public view so as to protect the environment and ultimately mother earth from being polluted by such garbage or waste responsible for the climate change and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: Shri Vivek Gupta; not present. Dr. T. Subbarami Reddy; not present. Shri V. Vijayasai Reddy.

(Followed by 1S - GSP)

GSP-PRB/1S/2.35

**THE CONSTITUTION (AMENDMENT) BILL, 2018
(INSERTION OF NEW ARTICLES 330A, 332A, etc.)**

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, I 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. VIJAYASAI REDDY: Sir, I move the Bill.

(Ends)

**THE CONSTITUTION (AMENDMENT) BILL, 2018
(AMENDMENT OF ARTICLES 15 and 16)**

SHRI V. VIJAYASAI REDDY (ANDHRA PRADESH): Sir, I 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. VIJAYASAI REDDY: Sir, I move the Bill.

(Ends)

SHRI JAIRAM RAMESH: Sir, I have a question. Sir, today is Friday, and, by tradition and convention and common consensus, no Government legislative Business is taken up on Friday. But, today, we find that a very important Bill on which everybody has a view, which had gone to the Select Committee, has been scheduled for passage. Sir, I want your understanding, are we going to take this Bill today or not?

MR. DEPUTY CHAIRMAN: Are you saying that all the Bills listed...
...(Interruptions)...

SHRI JAIRAM RAMESH: It is listed here, Sir.

MR. DEPUTY CHAIRMAN: I am asking you one question. Are you saying that all the Bills listed in the List of Business should be taken up?

SHRI JAIRAM RAMESH: All I am saying is that, except on one occasion when * on a Friday evening, on Fridays, the Government legislative Business is never taken up. This goes against the convention of the House.

MR. DEPUTY CHAIRMAN: You are unnecessarily raising this issue. Number one, you cannot say, *. That is an insult to the Parliament because the * ...(Interruptions)...

SHRI JAIRAM RAMESH: But they * it in. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)...

SHRI NEERAJ SHEKHAR: Sir, it was the Enemy Property Bill.
...(Interruptions)...

***Expunged as ordered by the Chair.**

MR. DEPUTY CHAIRMAN: You cannot say that. Even though * is not unparliamentary, but this whole sentence is an insult to Parliament, I remove it. ...(Interruptions)... * when the Government is bringing the Bill to the Parliament? ...(Interruptions)...

SHRI JAIRAM RAMESH: They brought the Bill unexpectedly.
...(Interruptions)... They got it in unexpectedly.

MR. DEPUTY CHAIRMAN: That is okay. 'Unexpectedly' is okay. But since you referred to that, let me clarify that. Yes, that Bill was brought unexpectedly because you were not expecting it. That is all. 'Unexpectedly' means that you were not expecting it. ...(Interruptions)...

Let me complete. Let me complete.

SHRI JAIRAM RAMESH: Except the Treasury Benches, nobody was expecting it. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: However, the sense of the House was taken at that time and the Chair found that the majority was for the Bill and, that is why, that Bill was taken up at that time. Therefore, this issue is unnecessary. ...(Interruptions)...

***Expunged as ordered by the Chair.**

SHRI NEERAJ SHEKHAR: Sir, that can be done today also. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: With regard to this, I want to say that yes, there is a Government Bill listed to be taken up after 5.00 p.m. but I can assure you that it will not be taken up. What more do you want? ...(Interruptions)... That is over.

श्री प्रमोद तिवारी: सर, मुझे सिर्फ यह कहना है कि ...(व्यवधान)... देश से बड़ा कुछ नहीं होता ...(व्यवधान)...

SHRI D. RAJA: Sir, I have a question. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)... This is Private Members' Business. ...(Interruptions)... Dr. Subramanian Swamy to move the Bill. ...(Interruptions)... Mr. Raja, please.

SHRI SUKHENDU SEKHAR RAY: I have a point of order.
...(Interruptions)...

SHRI D. RAJA: Sir, on the next Bill, The Cow Protection Bill, 2017, I have a question.

MR. DEPUTY CHAIRMAN: Is it on this subject?

SHRI D. RAJA: Sir, with regard to this Bill, the List of Business says, "Subject to receiving of the President's recommendation under article 117(3) of the Constitution".

MR. DEPUTY CHAIRMAN: Your question is relevant. I will explain it.
...(Interruptions)... You are right in putting that question.

MR. DEPUTY CHAIRMAN: Let me first deal with this issue. On the Bill to be moved by Dr. Subramanian Swamy, there is an asterisk, which mentions about receiving of the President's recommendation.

(Continued by YSR/1T)

YSR- HMS/2.40/1T

MR. DEPUTY CHAIRMAN (CONTD.): I would like to know from the Secretary-General whether the recommendation has been received or not.

SECRETARY-GENERAL: Sir, I wish to inform the House that the President's recommendation for consideration of the Cow Protection Bill,

2017 by Dr. Subramanian Swamy, Member of the Rajya Sabha, as required under Article 117(3) of the Constitution has been received.

MR. DEPUTY CHAIRMAN: It is received. So, that problem is over.

SHRI D. RAJA: That should have been informed to us.

श्री प्रमोद तिवारी : सर, ये खबरें आ रही हैं कि भारत के भू-भाग डोकलाम पर चीनी सेनाओं का जमाव बढ़ रहा है।

MR. DEPUTY CHAIRMAN: No, no. You cannot raise that during Private Members' Legislative Business. You give notice for that. Dr. Subramanian Swamy.

श्री प्रमोद तिवारी : इस संबंध में सरकार स्पष्टीकरण दे।

MR. DEPUTY CHAIRMAN: You give a notice for that. Sit down. Sit down. Give a notice for that. Dr. Subramanian Swamy.

THE COW PROTECTION BILL, 2017

DR. SUBRAMANIAN SWAMY (NOMINATED): Sir, I move:

That the Bill to create an Authority to ensure stabilization of population of cows (*Bos Indicus*) and to suggest such measures to comply with articles 37 and 48 of the Constitution, to ban the slaughter of cows and to provide for deterrent punishment including death penalty for slaughter of cows and for matters connected therewith or incidental thereto, be taken into consideration.

Sir, I rise to place before this House a Bill for consideration and passing which has constitutional sanction. In fact, in the Concurrent List in the Constitution, it is listed at Sl. Nos.17 and 17B. It empowers the Central Government to bring legislation to give effect to Article 48 of the Constitution. Mr. Deputy Chairman, if you permit me, I would like to read it because it is so explicit. It is in the Directive Principles. It says the following:

“Organisation of agriculture and animal husbandry – The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.”

In other words, prohibition of slaughter of cows is there in the Directive Principles. You read this with Article 37 of the Constitution which comes under Part IV. It says the following:

“Application of the principles contained in this Part – The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

So, it is a direction. As an individual, I cannot go to court and say that my fundamental right is affected because you are allowing slaughter of cows. But as the Government, you are directed to bring in laws in conformity with this Article of the Constitution.

There are two judgements of the Supreme Court which clearly say that Directive Principles have been regarded as the soul of the Constitution as India is a welfare State. They provide for guidance to interpretation of fundamental rights of citizens as also statutory rights. This is AIR2015 SC 839. There is another judgement which says Directive Principles of the State Policy laid down fundamental principles for governance of the country. Our Government has been constantly talking about governance. Through these principles, the State is directed to secure the control of material resources. In other words, it is not that Directive Principles are some utopian ideas put in the Constitution. This is a wrong notion that has been spread for such a long time. It is a mandate and a direction to the Government to enact laws in keeping with these principles. This is the obligation which the Government ought to discharge. Since there has been a delay, I thought I would help the Government by bringing in a Private Member Bill. I am thankful to this House for allowing me to move this Bill. I also like to say that this matter was debated in great detail and at length in the Constituent

Assembly. There were pros and cons, but it is very significant that the prominent Muslim members like Mr. Lari said that they had no objection to a ban on cow slaughter.

(Contd. by VKK/1U)

-YSR/VKK-ASC/1U/2.45

DR. SUBRAMANIAN SWAMY (CONTD.): But the Hindus should make their mind clear because they talk in two different voices. So, let us have a clear statement on what you want.” And then Ambedkar was asked to draft the compromise bill and he then moved the amendment. That amendment was adopted on the very last day of the Constituent Assembly meeting, which is 24th of November, 1949. Cow eating was not prevalent during the Mughal period. In fact, the last empire that we created was in 1857 when Bahadur Shah declared that. The first thing that he declared was a ban on cow slaughter. There is anecdotal information that Babar had told his son Humayun, “One thing is, don’t disturb the people and don’t allow slaughter of cows. It has got sentimental issue which you have got to keep in mind.” It is the British who made this cow-cutting as a part of our regular fashionable cuisine and that is how it became prevalent in our country. Now, therefore, I would say why I am particularly keen is not the religious angle alone – that is part of it – but the fact is now modern science has shown that cow has

multiple uses. And which cow? It is *Bos Indicus* as the breed name is given. That is the Indian cow. In America, they call it a Brahmin cow which I object to. I am sure Mr. Jairam Ramesh also must feel it because he does not identify with cows. To have Brahmin cow, he may not like it at all. But, the fact is, patents have been given to cow urine because the urea that is produced is used in medicines, modern allopathic medicines. ... (Interruptions)... I have got the patent certificate with me. I am not illiterate like you people. I am part of the BJP. ... (Interruptions)...

SHRI JAIRAM RAMESH: You can place it on the Table of the House. ... (Interruptions)...

DR. SUBRAMANIAN SWAMY: I can if you want, but I am not quoting from it. I am only giving information that the US has given patents for urine to be used in medicine. In the rural areas, now, some new institutions have come up in Nagpur and Bhopal. Our friend sitting here was chairman of one such commission which the State Government had appointed. I am sure when he speaks, he will give you much more details. The cow-dung has been converted into bricks for building solid houses. Therefore, those, who are westernised types and who had been stooges of the British, may snigger when I mention cow's urine and cow-dung but the fact is that the cow milk today is being sold in American supermarkets, which I have seen with my

own eyes, at four times the price of the American jersey cow milk. Why? It is because it is called A2 milk and they say that the medicinal quality of this is far superior. Therefore, they have separate cartons where they keep milk products. There, the milk from Indian cow is kept in a carton and it is sold at four times the price. Hence, I am saying, why we should wait for modern science to tell us all this. Our ancient *Rishis* and *Munis* have told us this. The reason that we have also raised the cow to the level of spiritual being is because that is the best way to protect it. I was recently in China. I was surprised to find that they don't have any cows. So, I asked them as to what they do for milk. They said that they use soyabeans for milk. They crush it and get milk out of it. I asked: What happened to their cows? They said that in every famine, cows were the first thing to be eaten and then they said, "You were lucky because you raised it as a religious symbol and, therefore, you have so many cows. If China also had adopted that, we would not have this problem." Therefore, this veneration of cow is because of its justifiable qualities, special qualities. At the same time, it also ensures that we now have 150 million cows which have to be nourished and made into healthy animals and need to be looked after.

(Contd. by BHS/2W)

DR. SUBRAMANIAN SWAMY (CONTD.): Now, I would like to say that there is a general problem why I had to bring this Bill. I think, not only looking after cows, growing them into full adults, then produce milk from them and use the urine samples for medicines – you can, at least, export it if you are not in a position to do it – which are some of the things at one stage but what happens to cow once it ceases to give milk? That is a big problem today in the rural areas. I would say that we should set up *gaushalas* in practically every village. To meet the expenditure for that - our Government is putting cess on so many things - they can put one more cess for *gaushalass* but make it optional that only those who want to give should pay this cess. From this cess, this whole country will be unitedly giving you much more than you will get for anything else. That is the sentiment today. That is the sentiment across the country. This is what we want. This is part of our manifesto in the BJP. Therefore, this is something which has very wide support in the country.

Towards the end, I would also like to say that because cow meat has such high export values, we have to have an extraordinarily harsh, deterrent and pungent punishment. That punishment could be considered only deterrent if we make it that capital punishment should be given in extreme cases of people slaughtering cows.

So, this is the structure of the Bill. After hearing everybody, you would give me an opportunity to reply. At that time, I will cover the other grounds which I have not covered just now.

(Ends)

The question was proposed.

MR. DEPUTY CHAIRMAN: Okay, thank you. Now, Shri Ananda Bhaskar Rapolu.

SHRI ANANDA BHASKAR RAPOLU (TELANGANA): Respected Deputy Chairman Sir, we have travelled from the ancient times of *Kamadhenu* to the political animal that is called cow. Just on January 30th, we observed the 70th Death Anniversary of Mahatma Gandhi who taught to pray cow and to allow the freedom of choice of rearing, breeding and its on-going process. The present day agenda of the Ruling Party and the diversionary tactics of the parallel organisations of the Ruling Party are having a terrifying impact all across the country. In this backlog, I appreciate Dr. Subramanian Swamy for bringing in this private Bill for focusing the topicality of the cow protection. His intention is just for a national authority to protect cow. For that, though he is 'Nominated' in nature but a very important Member of the Ruling Party, he could have impressed upon the Union Government to come

with the requisite legal legislative remedies to ensure the authority and to take all the States on board, at least, those belonging to the Ruling Party to adhere to it so that a congenial and harmonious environment could be evolved within the society. I am mostly bothered about the problems of the farmers those who are rearing cows individually.

I am a regular visitor to *gaushalas*. During my childhood, in my family, we used to worship cows as *Kamadhenu*. With that reverence, we have our own attachment with the heritage and spiritual value besides the nutritional value of cow milk and cow by-products.

(Contd. by RL/1X)

-BHS/RL-KLG/2.55/1X

SHRI ANANDA BHASKAR RAPOLU (CONTD.): But, what is happening to the small farmers those who are having the cows with them? Wherever you could find the big farmers; wherever you could see the dairy promotion, you will find sucking blood like milk extraction missions which are giving total ill-health to the cow population. Have you ever bothered about the health of the cow that is giving milk? It has become just an agenda to divert the real issue of cow health. The farmers have cows in herds and they will try to rear Oxen. After three-four cycles, their breeding capacity is exhausted and the farmers are left with nowhere to go. It is something Nilgai like situation in

Bundelkhand. They are not able to feed them. Yes, the Indian Constitution has ensured through Articles 38 and 47 for the protection and promotion of cow and animal husbandry but have we ever ensured the non-milching cows to be taken care of? The Member who has moved the present Bill, private in nature, was the Commerce Minister besides holding several portfolios. His present day Union Ministry of Commerce is having a separate Committee to promote beef export, that is, cow meat and the expansion of the export activities. Have we ever looked into that? We are not addressing the real issues. We are giving just emotional tinge to the aspects which we can polarize, exploit and divert. There are several extraordinary breeds in India but today we can find the cow breed in only properly promoted and very well established *maths* owning and trusts owning *gaushalas*. Why is this situation happening? Why are we so much unconcerned towards the protection of those breeds? To find such breeds, we need to travel to *Brindavan*; we need to travel to Kaneri *Math* of Kolhapur, Maharashtra and we need to travel to several parts of Gujarat but, we are not regularly seeing them in our fields and in our homes. This Jersey Cow is becoming a burden to the farmer. Come and give answer to the small farmers who are in poverty and not able to feed those cows which are not giving any milk any more. This situation has to be properly looked into. Cow is always having

the spiritual highness in Indian *Vedic* livelihood. Yes, cow will sustain to have the respect and it will also continue to have the nutritional value. But can the Food Authority of India ensure that the quality of present day packed milk is anywhere near the value of the cow milk?

(CONTD. BY DC/1Y)