

**RAJYA SABHA**

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**\*SYNOPSIS OF DEBATE**

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**(Proceedings other than Questions and Answers)**

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**Friday, February 02, 2018/ Magha 13, 1939 (Saka)**

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**Reference to the Victims of Bus Accident in Murshidabad District  
of West Bengal**

**MR. DEPUTY CHAIRMAN:** Hon. Members, as you might be aware, 42 persons, including two children, reportedly lost their lives and many others were injured, when a State Transport bus accidentally fell over the Balirghat Bridge in Murshidabad District of West Bengal on the 29th of January, 2018.

The loss of precious lives in this tragic incident is indeed painful and unfortunate.

The House joins me in expressing our heartfelt condolences and sympathy to the bereaved families and pray for the speedy recovery of the injured.

*(One Minute's silence was observed as a mark of respect to the memory of those who lost their lives in this tragedy.)*

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## **PRIVATE MEMBERS' BILLS**

The Following Bills were introduced:

1. The Compulsory Protection of Witnesses and Victims of Crimes Bill, 2017
2. The Heritage Cities and Sites (Conservation and Development) Bill, 2017
3. The Environment Protection (Management of Landfill Sites and Control of Non-Biodegradable Garbage) Bill, 2017
4. The Constitution (Amendment) Bill, 2018 (Insertion of New Articles 330a, 332a, Etc.)
5. The Constitution (Amendment) Bill, 2018 (Amendment of Articles 15 and 16)

### **The Cow Protection Bill, 2017**

**DR. SUBRAMANIAN SWAMY, moving the motion for consideration of the Bill, said:** In fact, it is mentioned 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. It is in the Directive Principles. In other words, prohibition of slaughter of cows is there in the Directive Principles. It is a direction, and 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. It is a mandate. This matter was debated in great detail in the Constituent Assembly. Cow eating was not prevalent during the Mughal period. Bahadur Shah declared ban on cow slaughter. It is the British who introduce the cow eating. It is not the religious angle alone – that is part of it, also the modern science has shown that cow has multiple uses. The fact is, patent has been given to cow urine because the urea that is produced is used in medicines. The US has given patents for urine to be used in medicine. The cow-dung has been converted into bricks for building solid

houses. The cow milk today is being sold in American super-markets, as they say that the medicinal quality of this is far superior. Our ancient Rishis and Munis have told us this fact. 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. This veneration of cow is because of its justifiable qualities, special qualities. 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. What happens to cow once it ceases to give milk? That is a big problem today in the rural areas. We should set up gaushalas in practically every village. To meet the expenditure for that one more cess for gaushalas be introduced and paying thereof should be made voluntary. The cow meat has very high export values. We have to provide an extraordinarily harsh, deterrent and pungent punishment. That punishment could be considered only deterrent if we make it that capital punishment

**SHRI ANANDA BHASKAR RAPOLU:** We have travelled from the ancient times of Kamadhenu to the political animal that is called cow. The present day agenda of the Ruling Party and the diversionary tactics of its parallel organisations are having a terrifying impact all across the country. I am bothered about the problems of the farmers those who are rearing cows individually. We used to worship cows as Kamadhenu. We have our own attachment with the heritage and spiritual value besides the nutritional value of cow milk and cow by-products. What is happening to the small farmers those who are having the cows with them? The big farmers, the dairies which are involved in milk extraction, milch too much milk from the cows, which result in total ill-health to the cow population. Have any one 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 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? We are not addressing the real issues. We are giving just emotional tinge to the aspects. Why are we so much unconcerned towards the protection of those breeds? The small farmers, who are in poverty and not able to feed those cows which are not giving any milk any more, need an

explanation. This situation has to be properly looked into. Cow is always having the spiritual highness in Indian Vedic livelihood. The cow will sustain to have the respect and it will also continue to have the nutritional value. The quality of the packed cow milk should be ensured. People are thoroughly convinced that packaged milk is not healthy but, children and elders have to be fed with the same. Let the cow does not become a political tool. Cow is getting into problems due to mechanization of milk-sucking and excessive extraction of milk. Let us focus about the health of cow instead of making it a political tool. I plead the Union Government to look at the farmers' issues, who are having problems in cow rearing and support them so that they can safely continue to sustain cow population in our rural milieu.

**SHRI RAMKUMAR VERMA:** Cow is part of Indian Culture. She is so useful that it has been considered as Mother. Now-a-days some words like 'Dalit' and 'Cow' have become very sensitive. As 'Dalit' deserves mercy, in the same way 'Cow' too deserves the same. In Constitution not only Fundamental Principles and Directive Principles were envisaged but provisions were made for the upliftment of Dalit, Backward, Farmers and poors etc. Livestock is also mentioned among them but unfortunately even after 70 years of our independence Dalits, victims did not get the respect which they deserved. Every Party says with the commitment that it is committed for the upliftment of these classes but in fact they could not benefited at all. Provisions in this respect were not suitably implemented by the erstwhile Government. Cow is rendered poor. There is no doubt that Cow is very much beneficial not only for Indians but for the whole world. Provision of reservation was made for providing respect and economic upliftment to dalits, victims and poor class but it did not happen and they were deprived of the benefit by making the issue complicated. Our party has initiated many schemes for the welfare of poors, backwards and dalits. Had the Articles related to the Dalit Class been put under 9th Schedule, we could have called them as progressive society. I am very much acquainted with the rearing of cow. But people make it a political issue. Cow is so pious that it has been linked with each religion since beginning.

**SHRI JAVED ALI KHAN:** The importance of cow and its usefulness has suitably been mentioned in this Bill. Some of our political parties have been misusing it for their vested interest. Certainly, Cow is an important animal. Even, iota of it should not be misused by any political party in India to fulfil its political agenda. I salute the cow as this is the power of the cow only that those who talk about taking revenge from Babar's progeny, they appreciated Babar and Bahadur Sah Zafar in the House today. Cow should be declared as national animal of the country with immediate effect. Undoubtedly, cow is very important animal and even calling her animal is not proper. Instead of animal, cow can be called as creature. Cow is ill treated. She is sold to the meat traders. Rearing of cow, from birth to death, should not be in the hands of individual. Cow rearing should be provided with the status of industry and it should be nationalised. Not only beef eaters and beef traders but those also should be punished who are instrumental in taking the cows to the beef traders. Cow is our culture. Foreign leaders too should be warned that if they love our culture then only they should love us. Countries which are engaged in beef trading, political relationship with them should be reconsidered. Ensure that neither cow nor any other class of society or political party will be ill treated.

**SHRI D. RAJA:** I oppose this Bill. Cow is a National Animal. But, she is being used as a weapon of hate. The Government should make its position clear. Dalits and Muslims are being lynched in the name of cow in this country. This Bill will legitimize the so-called cow protection groups and they will take law into their own hands. Government should frame laws for ensuring justice to all sections of the society. The Constitution is very clear. Article 48 talks about organization of agriculture and animal husbandry. It has nothing to do with religion. Hence, I appeal to all sides of the House to reject this Bill and save the country.

**SHRI SHANKARBHAI N. VEGAD:** On 31st March, 2017 Gujarat Assembly has made cow slaughter, transportation of cow or beef, beef products a cognizable and non-bailable offence. I would like to mention benefits from cow. Cow urine and cow dung are extremely precious. Cow milk helps in curing deadly diseases like cancer. Soaps made from cow dung are beneficial in skin ailments. Hence, in view of such numerous benefits, we should ensure protection and proper upkeep of mother cows and calves. I urge the entire House to pass this Bill.

**SHRI MAHESH PODDAR:** I support the Bill introduced by the Hon. Member. Cow is considered as a mother throughout the country. Since the very beginning bovine has been an integral part of social civilisation, culture, life style and economy. It is true that technological advancement is essential for more production but one should not forget that bovine-based agriculture is still providing livelihood to rural people despite continuous increasing population.

**SHRI MEGHRAJ JAIN:** People of all religions have immensely contributed for protection of cows. It is a matter not related to any religion. I would like to put forward here only economic aspects. I would appeal to the Government to conduct a scientific testing of cow urine as it finds a mention in Ayurveda. Cow is a backbone of agricultural economy. Use of cow dung and cow urine in fields will reduce dependency on chemical fertilizers. If chemical fertilizer is boycotted and organic manure is used in farming, people will remain healthy. I travelled extensively throughout the country and asked the people that it was essential to restore to cow in order to save our existence. The milk from the cows of only Indian breed is beneficial for human health. Cow dung can be used in producing gas, manure and in irrigation. Cow urine has medicinal properties. There should be research on it. Keeping all these in view, cow must be protected and a law should be brought unanimously.

**SHRI A. NAVANEETHAKRISHNAN:** In all villages, each and every household has a cow because the cow urine and cow milk are used for the family members. From health point of view, cow milk

is very essential. But nowadays, we see that no milk is available without adulteration. We have to create sensitization among our own people to protect the cows so that we can get pure and unadulterated milk. Cow urine is used in organic farming and also for the preparation of thiruneer, vibhuthi, which is worn on the forehead of human being. Cow has to be protected at any cost.

**THE MINISTER OF AGRICULTURE AND FARMERS WELFARE (SHRI RADHA MOHAN SINGH), intervening in the debate, said:** Our eight Hon'ble Members gave a message that cow is important for the life of our country. Livestock is the backbone of rural economy. Just after coming in power, our government launched 'Rashtriya Gokul Mission' for cow protection and our 27 projects have also been almost completed through different states. After that 'Gokul Gram' were set up to make the farmers acquainted with the important of cow dung. We have set up 18 'Gokul Gram' in 12 states so far. We have set up two national breeding centres in the country for improvement in domestic breeds and separate budgetary provision has been made for the same. We also launched 'Rashtriya Gaumata Utpadakta Mission' under which 'Pashu Sanjeevani', for high quality breeding, e-pashudhan hat and 'Rashtriya Gaumata Jaivik Centre' for domestic breed have been started. Very good results are being noticed of the same. We created 'e-Pashudhan hat portal' for domestic breeds for identification of milk by domestic animals, National Genomic Centre has been established. Even in the recent Budget, announcement of KC Card for our Cattle-rearers has been made. Government has been working for cow protection with full commitment and I would like to assure that Government is doing as per the spirit of the Hon'ble Member. With these words, I request you all to withdraw this Bill.

**The Hon'ble Member, replying to the debate, said:** There are two types of cows in the world – one is Bos indicus which is only found in India and the other is Bos taurus which is found in many parts of the world. When I am speaking about preventing the killing of a cow, I am only talking about Bos indicus. Therefore, to bring in all these extraneous issues is not relevant. It is this cow which is specialised in the quality of its milk, its urine and its cow-dung, on

which we need to do further research and come to a conclusion. throughout history, there is evidence that the Muslim community never made it an issue that they have a fundamental right to eat cow. as far as Mr. Raja is concerned, he got unduly emotional. his Aryan Dravidian theory is all bogus. The DNA of all the people from Kanyakumari to Kashmir is the same. There is a law today banning the killing of a peacock but nobody is talking about that. Cow protection has got nothing to do with religion. It has got great economic value and that is why I have brought it. I want the Government to seriously consider putting a voluntary cess, for the purpose of ensuring that cows are looked after, after they cease to give milk. Gaushalas should be established and a commission should be set up, which is part of my Bill, for this. I want to give a chance to my Government and therefore, I request you to permit me to withdraw the Bill.

*The Bill was, by leave of the House, withdrawn.*

**The Constitution (Amendment) Bill, 2017  
(Amendment of Article 366)**

**SHRI SUKHENDU SEKHAR RAY, moving the motion for consideration of the Bill, said:** I am deeply obliged that I have got the opportunity to present my Bill on the Constitutional Amendment, that is, amendment of Article 366 for insertion of Clause 5(A) thereunder. I would like to say that in our Constitution many words and expressions have been properly defined under Article 366 but the word 'consultation' has not been defined in our Constitution as a result of which a lot of controversy and conflict has taken place in this country over the years. In democracy, the will of the people is supreme. It is our duty to address this serious matter which has taken place very recently. Nepotism is going on in a particular constitutional institution. Through this Amendment Bill, I propose to insert one Clause (5A) under Article 366. This is regarding the word - consultation. It is used in a number of Articles. This particular word has been misutilized in the absence of a proper definition. Article 124 says that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted. In a



famous case, the then President of India had interpreted the meaning of 'consultation' as 'concurrence'. Parliament passed a Constitution (Amendment) Bill and enacted the National Judicial Appointment Commission. This matter was discussed at length in the Constituent Assembly. Shri Alladi Krishnaswamy Iyer said that a judge of the Supreme Court shall be appointed by the President after consulting the Chief Justice. Shri S.L. Saksena moved an amendment and said that the Chief Justice of the Supreme Court shall be appointed by the President, but it shall be confirmed by at least two-thirds majority of both the Houses. Shri B. Pocker Sahib Bahadur advocated for concurrence of the Chief Justice of India, not only consultation. Concurrence is necessary. Constitution has given power to the Prime Minister with regard to appointments of Judges, Ambassadors, Governors, etc. Several members of the Constituent Assembly had expressed their views on this. Matter was discussed at length. Dr. B.R. Ambedkar said that there are three issues. First is concurrence of the Chief Justice in appointments of Judges. Second is two-third vote of Parliament is required for the appointments made by the President. Third is regarding consultation with the Upper House. He also said that judiciary must be an independent entity. Today there are different practices in the different countries so far as appointments of judges are concerned. According to Dr. Ambedkar, it would be dangerous to leave the appointments to be made by the President without any kind of limitations. President should not be given full power for appointment of Supreme Court Judges. There must be some restrictions. He said that it involves the possibility of the appointment being influenced by political pressure. Draft Article 80 does not make the President the supreme and absolute authority in the matter of making appointments. He said that the Chief Justice is also a human being like others. So, Constituent Assembly wants to give full power neither to the President nor to the Legislative nor even to the Chief Justice. Dr. Ambedkar ruled out the removal of concurrence in the process of consultation for appointment of judges. India is the only country in the world where judges appoint judges. This Parliament never wanted that that power should be given either to the Legislature or to the President of India. Constitution was reviewed by the National

Commission to review the working of the Indian Constitution. The Commission proposed the composition of the collegium. The Commission accordingly recommended the establishment of the National Judicial Commission, and we have seen the fate of the National Judicial Commission. Late Justice Verma said that my 1993 judgment has been both misunderstood and misused. Some kind of rethink is required on my judgment. The appointment process of High Courts and Supreme Court judges is basically a joint exercise between the Executive and the Judiciary. Today I have referred to views of certain Members of our Constituent Assembly. Later on I will explain how the Constitution has been rewritten.

**SHRI RANGASAYEE RAMAKRISHNA:** I think that it can create more problems in various other provisions of the Constitution. Many times we find that a little bit vagueness is more useful than complete precision. *(Speech unfinished)*

*Discussion not concluded.*

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## **SPECIAL MENTION**

### **Need to remove Irregularities in the Provisions of Reservation for SCs/STs and OBCs in Employment**

**SHRI P.L. PUNIA:** The number of Scheduled Castes, Scheduled Tribes, OBCs and General Castes in the country is 16.6, 8.6, 52 and 23 percent respectively. Thus, 77 percent Backward Castes are getting 49.5 percent reservation only and rest of the 50.5 percent reservation is being given to Upper Castes. Even then the backlog of reserved category is increasing. According to a clarification issued on 01.07.1989, if a reserved category candidate avails concessions in application fee, age limit, number of attempts, he would be deemed to have been selected through reserved category despite getting place in merit. Hon'ble Supreme Court has also given a similar ruling in Deepa E.V. (Appellant) versus Union of India and others (Respondent) on 6th April, 2017. Concessions to reserved category are provided to give a level playing field so that they could be made eligible for any kind

of competitions. It is, therefore, requested that reservations should be given on the basis of population and backwardness and merit should be made a norm of selection removing existing vagueness in reservation system.

*(Shri Ananda Bhaskar Rapolu associated.)*

**Desh Deepak Verma,**  
*Secretary-General.*

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