

[Dr. Jinendra Kumar Jain] requested him. I apologised on his behalf. I cannot do anything else.

THE DEPUTY CHAIRMAN: Why can't you do anything? . . . (Interruptions) I am not permitting you. Sit down now.

DR. JINENDRA KUMAR JAIN: I only request you. . . (Interruptions)

उपसभापति: मंत्री जी बोलिए... (व्यवधान)  
चतुरानन जी आप बोलिए... (व्यवधान)

SHRI DIGVIJAY SINGH (Bihar): The Home Minister has assured that he will issue a statement on Bihar.

THE DEPUTY CHAIRMAN: Nothing except the Red Cross... (Interruptions)

SHRI DIGVIJAY SINGH: The Home Minister has assured...

THE DEPUTY CHAIRMAN: He is not here... (Interruptions)

श्री दिग्विजय सिंह: बिहार का क्या हुआ. . . (व्यवधान)

THE DEPUTY CHAIRMAN: I will not. I am answerable to you. I have called Mr. Chaturanan Mishra... (Interruptions) What is this? Is this the way of running the House? It is worse than a market place . . . (Interruptions)

DR. JINENDRA KUMAR JAIN: Did I do anything wrong?

THE DEPUTY CHAIRMAN: Everybody has done everything wrong.

DR. JINENDRA KUMAR JAIN: Everybody including me?

THE DEPUTY CHAIRMAN: Look into the order paper and see what is listed. When you come to the House, please sometime look into the order paper and see what is listed. That is why it is sent to you. The Minister is not here. There is an adjournment motion in the Lok Sabha. Mr. S.B. Chavan is not well. Mr. Jacob is to look after the adjournment motion. The first thing listed on the business is the Statutory Resolution on the Indian Red Cross Society Bill, which I am going to take... (Interruptions) चतुरानन जी, बोलिए।

DR. JINENDRA KUMAR JAIN: Before that, you had allowed me on a point of order.

THE DEPUTY CHAIRMAN: I have not allowed you. I have withdrawn my allowance... (Interruptions) It is very unfortunate.

DR. JINENDRA KUMAR JAIN: Madam, I will obey your decision.

THE DEPUTY CHAIRMAN: The Senior Members are behaving like this.

PROF. SAURIN BHATTACHARYA (West Bengal): If one Member behaves like this, others are not accountable for that.

# STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDIAN RED CROSS SOCIETY (AMENDMENT) ORDINANCE, 1992

## AND THE INDIAN RED CROSS SOCIETY (AMENDMENT) BILL, 1992

श्री चतुरानन मिश्र: बिहार) : उपसभापति महोदय, मैं प्रस्ताव करता हूँ कि:

"That this House disapproves of the Indian Red Cross Society (Amendment) Ordinance, 1992 (No. 3 of 1922) promulgated by the President on the 23rd January, 1992."

उपसभापति महोदय, मैं इस आर्डिनेंस का इसलिए विरोध कर रहा हूँ कि इस तरह का जो सवाल हो रेडक्रास सोसायटी वगैरह का, इसमें हम लोगों को यह देखना चाहिए कि सदन के सभी पक्ष के लोग मिलकर इसको एडॉप्ट करें, इसको पास करें और इसको ऐसा रखें क्योंकि इसके रिपरकशंस जो हैं, वह दुनियाव्यापी होता है और सिर्फ अपने ही देश की बात नहीं है और यह एक ऐसी संस्था है जिस पर तमाम लोगों का विश्वास होता है। इसलिए अध्यादेश करने के बखल में इन बातों का ख्याल रखना चाहिए था। दुर्भाग्य से इसका ख्याल नहीं रखा गया और जब मैंने कहा कि अंतर्राष्ट्रीय बातों को तो आप जानते ही हैं कि रेडक्रास के मामले में जेनेवा कन्वेंशंस में तय करवा रहा है और उसके लिए ऐक्ट गवर्नमेंट ऑफ इंडिया ने भी स्वीकार किया है और जो स्टैच्यूट है इंटरनेशनल रेडक्रास का और फंडामेंटल प्रिंसिपल्स ऑफ रेडक्रास का, इस मिलसिले में अनेक कन्वेंशंस हुए हैं जिनको गवर्नमेंट ऑफ इंडिया ने खय स्वीकार किया है। इस तरह रेडक्रास की जो एटोमोमी है उस पर यह बिल और यह आर्डिनेंस कुठाराघात करता है। इसीलिए पहली बात तो यही है जिसके कारण मैं मंत्री महोदय से अनुरोध करूंगा कि इस तरह का आर्डिनेंस लाना नहीं चाहिए था और कोई ऐसी व्यवस्था करें जिसे मिल-जुलकर एक होकर हम लोग इस सवाल पर रहें ताकि इसकी प्रतिष्ठा में कोई आंच न आए।

दूसरी बात मैं यह कहना चाहूंगा कि जो इंटरनेशनल रेडक्रास है, उसने मेरी सूचना के मुताबिक कुछ आपत्ति

प्रकट की है भारत सरकार के सामने कि इस तरह से जो यह किया जा रहा है, यह उचित नहीं है। इसका हमें ख्याल रखना चाहिए और कुछ ऐसा काम नहीं करना चाहिए जिससे कि भारतीय रेडक्रॉस यह डि-रिगोना-इज हो जाए और आज जो स्थिति हो गई है उसमें इसका बहुत बड़ा महत्व है। खुद हम लोगों के लिए इसका बहुत बड़ा महत्व है क्योंकि कश्मीर में, पंजाब में या आसाम में जो कुछ चीजें हो रही हैं उस पर हमको वर्ल्ड ओपिनियन को अपने साथ रखने की जरूरत है। न कि कुछ ऐसा करना चाहिए जिससे वर्ल्ड ओपिनियन हमारे एडवर्स में जाए। दूसरे इस आर्डिनेंस में, बिल में हम जो देखते हैं दो बातें देखने में आती हैं। एक तो यह कि राज्य सरकारों का जो प्रतिनिधित्व था उसको काट दिया गया। जिस ढंग से रखा गया उसमें राज्य सरकारों में शायद आधे राज्यों की सरकारों का प्रतिनिधित्व भी नहीं हो सकेगा और यूनिवर्सल टेरिटोरियल का तो शायद होगा ही नहीं। इसी से यह बात प्रकट होती है कि शायद सरकार इस बिल के जरिये, इस आर्डिनेंस के जरिये ऐसी अटोमोमस संस्थाएं जिनको अन्तर्राष्ट्रीय ख्याति प्राप्त होती है उसको अपने नियंत्रण में लाना चाहती है। बात ऐसी भी है, जो हम को सूचित किया गया है कि इसके जरिये इसका जो प्रेजिडेंट होगा वह तो होगा ही परन्तु जो इसका चेयरमैन होगा उनके बारे में यह कहा जा रहा है कि मिनिस्टर हो इसके चेयरमैन होंगे। मिनिस्टर को इसमें काम करने में दिक्कत हो जायेगी क्योंकि बहुत सी कंट्रोवर्शियल बातें आयेगी, और दूसरी बातें आयेगी और इससे जो विश्वास है इस संस्था पर वह समाप्त हो जायेगा। इस लिए इस तरह का काम नहीं होना चाहिए। मैं अनुरोध करूंगा स्वास्थ्य मंत्री जी से कि इस को जल्दबाजी में आज पास न करके इसको सेलेक्ट कमेटी में भेज दें। उस पर सारी बातों पर हम लोग जब गम्भीरता से विचार कर लेंगे तब आप इसको लायें। इस सवाल पर हाउस को डिवाइड न करें, यह मेरा आप से अनुरोध होगा। इसके रिपरकशन्स भी बहुत होने वाले हैं। यह कहकर मैं इस आर्डिनेंस के डिसअप्रूवल के लिए सदन से दखिस्त करता हूँ और एक बार फिर मंत्री महोदय से अनुरोध करता हूँ कि अभी भी वक्त हाथ से गया नहीं है इसलिए वह स्वयं उठकर कहें कि हम इसको सेलेक्ट कमेटी में रखते हैं। सही तरह से इश्युवमेंट इसमें आ जायेगी और सदन में उसको उस रूप में रखा जायेगा जब नानकंट्रोवर्शियल रूप में हम इसे पास कर देंगे। यही मुझे निवेदन करना था।

THE DEPUTY CHAIRMAN: Mr. Makhan Lal Fotedar.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M. L. FOTEDAR): I do not know whether Mr. Balaram also would speak on this.

THE DEPUTY CHAIRMAN: No. Only one person. The resolution has been given by three Members, Shri Chaturanan Mishra, Shri Gurudas Das Gupta and Shri N.E. Balaram. Chaturananji has already spoken on it.

SHRI M. L. FOTEDAR: Madam Deputy Chairperson, I beg the leave of the House to move:

"That the Bill further to amend the Indian Red Cross Society Act, 1920, as passed by the Lok Sabha, be taken into consideration."

I have heard the hon. Member Shri Chaturanan Mishra who has raised some important points. I have an impression that these are misplaced. Let me assure ... (Interruptions).

AN HON. MEMBER: Misconceived.

SHRI M. L. FOTEDAR: These apprehensions are not correctly placed. Let me say like that.

My point is that hon. Members are aware that on account of internal wranglings—of which some hon. Members in the Opposition are also aware—the Indian Red Cross Society has not been able to discharge the responsibilities like holding of the Annual General Meeting, passing of annual accounts and approval of the budget in 1990 as also in 1991.

The Indian Red Cross Society Act was enacted as far back as 1920 and it has proved to be a little out of date now. The present amendments are aimed at removing certain inadequacies and loopholes. The entire management structure of the Society, under the existing Act, has been left to be decided by the rules framed by the Managing Body itself. The working of the Indian Red Cross Society has come in for sharp criticism from several quarters in the recent past and the affairs of the Society were being conducted in a manner prejudicial to the carrying out of the objectives of the Society enunciated in the Act. The Society was also unable to appoint a regular Chief Executive because of several litigations.

The Bill which is now before the House contains provisions relating to the appointment of the President of the Society, the composition of the Managing Body and the appointment of the Secretary-General and Treasurer. Madam, the

[Shri M.K. Foredar]

Bill seeks to provide that the Managing Body existing immediately before the promulgation of the Ordinance dated the 23rd January, 1992, shall cease to operate and a new Managing Body would be reconstituted within a period of six months from the date of the Ordinance.

I would like to allay any apprehensions in the minds of the honourable Members that the Bill seeks to alter in any way the voluntary nature of the organization. The affairs of the Society are to be completely managed by the Managing Body. There will be 12 elected members and six nominated members. This will ensure the democratic nature of the Society. The intention is to keep the voluntary and autonomous nature of the Society intact.

The Bill seeks to replace the Ordinance promulgated by the President on the 23rd January, 1992 for saving the Society from the chaotic state of affairs into which it had sunk due to internal wranglings.

Madam, as the Members are aware, the Red Cross Societies all over the world perform humanitarian and other relief works in times of war and natural calamities. Every Red Cross Society is headed by the Head of the State and this adds to the prestige and effectiveness of the organization. The Indian Red Cross Society has also, from its very inception, followed this policy. The basic scheme of the Act is not proposed to be affected by the recent amendments. It is intended to provide only an enabling mechanism by which any failure on the part of the Managing Body to perform its duties and functions is corrected in time.

Some misgivings have been expressed that the proposed amendments will not find favour with the International Federation of Red Cross and the Red Cross Societies and the International Committee of the Red Cross. We are conscious of the international character of the Red Cross Societies and are committed to upholding the fundamental principles enshrined in the constitution of the League of Red Cross Societies now known as the Federation.

I would like to assure the House that we would maintain the harmonious relationship that exists between the Indian Red Cross Society and the international

bodies and there needs to be no apprehension on this count.

The other point that the honourable Member has mentioned is that this should be referred to a Select Committee. I would like to tell the honourable Members that this Bill is only for replacing the Ordinance.

With these words, Madam, I that this Bill will receive support from all sections of the House and I commend the Bill for the consideration and approval of this august House.

**THE DEPUTY CHAIRMAN:** Now, Mr. Balaram to move his motion.

**SHRI N. E. BALARAM (Kerala):** Madam, I beg to move:

That the Bill further to amend the Indian Red Cross Society Act, 1920, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Yashwant Sinha,
  2. Shri S. Jaipal Reddy,
  3. Shri Sikander Bakht,
  - (I) 4. Shrimati Renuka Chowdhury,
  5. Shri Dipen Ghosh, and
  6. Shri N. E. Balaram,
- with instructions to report by the first day of the next Session.

**श्री ईश दत्त यादव (उत्तर प्रदेश):** महोदया, मैं प्रस्ताव करता हूँ:

That the Bill further to amend the Indian Red Cross Society Act, 1920, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Satya Prakash Malaviya,
  2. Shrimati Sushma Swaraj,
  3. Shri S. S. Ahluwalia,
  4. Shrimati Renuka Chowdhury,
  5. Shri Shankar Dayal Singh,
  6. Shri Chaturanan Mishra,
  - (II) 7. Shrimati Jayanthi Natarajan,
  8. Dr. Ratnakar Pandey,
  9. Shri Sikander Bakht,
  10. Shri Shiv Pratap Mishra,
  11. Shri M. A. Baby, and
  12. Shri Ish Dutt Yadav,
- with instructions to report by the first week of the next Session.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश):  
महोदया, मैं प्रस्ताव करता हूँ:

That the Bill further to amend the Indian Red Cross Society Act, 1920, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Yashwant Sinha,
  2. Shri N. E. Balaram,
  3. Shri Ram Awadhesh Singh,
  - (III) 4. Shri Jagdish Prasad Mathur,
  5. Shri M. A. Baby,
  6. Shri Dipen Ghosh, and
  7. Shri Satya Prakash Malaviya,
- with instructions to report by the first week of the next Session.

*The questions were proposed.*

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, you want to speak?

THE LEADER OF THE OPPOSITION (SHRI S. JAIPAL REDDY): No, Madam. I am not speaking. But I would like to make a very humble submission to the honourable Health Minister. This is a matter which cannot be approached in a partisan spirit. On this issue not only all the Members on this side of the House but, I know for sure, many Members on the other side of this House have grave apprehensions and serious reservations. While our Health Minister in his characteristically dynamic fashion is trying to ram the Bill down the throat of the House, I would like to urge him to reconsider the whole matter and not to take it as a point of personal prestige. I am afraid he is treating the whole thing as a matter of personal prestige. He must defer to the prevailing sentiments of the House. Heavens will not fall if the matter is referred to the Select Committee, because we are all bothered about two elements. One, about the autonomy of the society; two, its international recognition. May be, as you have mentioned, our misapprehensions are not well founded. May be, you are right. But we need to be convinced. And what is the harm if you agree to refer it to a Select Committee. In the Select Committee also your party will be represented. You will be there. You will be there to guide us. In this House, at this point of time, we will be talking of one another; we will not be talking to one another.

Therefore, I request the hon. Minister

to re-consider this matter. It is my humble plea.

श्री सत्य प्रकाश मालवीय: महोदया, श्री जयपाल रेड्डी का जो सुझाव है यह बहुत महत्वपूर्ण है। मेरा भी मंत्री जी से निवेदन है कि इसको आम सहमति के आधार पर प्रवर समिति में भेज दें। वहां इस पर विचार-विमर्श हो जायेगा। सब पार्टियों के प्रतिनिधि उसमें रहेंगे और उसके बाद आम सहमति से यह पारित हो जायेगा। इसमें मंत्री जी को कोई दिक्कत नहीं होनी चाहिये। इसलिये मेरा निवेदन है कि सदन की भावना का आदर करिये और इसे प्रवर समिति को भेज दीजिये।

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, we can save time also. I think that the Treasury Benches will also agree that let it be referred to the Select Committee of Rajya Sabha, with instructions to report on it by the next session. We are meeting in the last week of this month itself. We accepted that no discussion is necessary.

THE DEPUTY CHAIRMAN: Anybody else wants to say anything on this? Just a minute. Mr. Baby wants to say something.

SHRI M. A. BABY (Kerala): Madam, I totally associate myself with the Leader of the Opposition. I understand that Fotedarji will also be kind enough to consider the feelings not only of the Members on this side but most of the Members on the other side also. We are only concerned about protecting the autonomous pattern of the Society and also see that it is not de-recognized.

Therefore, with a time stipulation if this is referred to a Select Committee of Rajya Sabha we can come out with a consensus. I do not see why we do not take up this issue on a healthy ground.

This is what I would like to submit.

SARDAR JAGJIT SINGH AURORA (Punjab): I feel that Red Cross Society has not only national but even international responsibilities. That is one point why, I think, it should not be controlled so strictly by the Government of a country.

The second thing is that we have the habit: if anything does not function well, the Government takes over. We do not let a Municipal Committee run or a Municipal Corporation run. Now, this is wrong. If we want to teach people in a democratic country, certain respon-

[Sardar Jagjit Singh Aurora]

sibilities must be given to the citizens and must be given to the elected people to let the people run them properly. The moment they do it badly, Government takes over. You stunt the growth of such bodies. These bodies definitely require in a democratic country with international reputation, that they can be trusted and they can carry out the job without being controlled by the Government and following Government policy. So, I recommend strongly that it should be given to a Select Committee at the moment, and we can come out with our views in a very short time. I, therefore, would like to request the hon. Minister to accede to our request.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Madam, I am giving my opinion and my Party's stand on a limited issue whether we should not discuss it and refer it to the Select Committee. All the sections of the House, including the Members of the Congress Party—they are not speaking here because of the Whip—understand, appreciate and respect the independent, neutral and autonomous nature of the Red Cross organisation, national as well as international. Now it is obvious that this Ordinance and this Bill will take away the non-governmental independence and neutrality of this organisation and make it as a Sarkari Department. Now, in view of our respect for a movement like the people to people movement that the Red Cross is, keeping in conformity with the Prime Minister's call in this House again and again that on every issue Parliament should not be divided, at least on some issues of humanitarian nature, helping people in war and calamity, the House should be one, all sections of the House have requested the hon. Minister. I only request him to reciprocate, keep up the harmony of the debate, and agree with the request for humanity, for international understanding, for the national interest, for the suffering people for which the Red Cross works. I agree with the suggestion that we may not discuss it now. You may choose your Select Committee. I will go to the extent of saying, don't keep my name or my Party's name. That is not the issue. The issue is that the House should not be divided on such issues like

the Red Cross and humanitarian organisations. Thank you, Madam.

SHRI V. GOPALSAMY (Tamil Nadu): Madam, I would like to register my point of view in very clear terms that the very idea should be given up. Therefore, I would like to request the hon. Minister not to pursue this because it will totally eradicate the cardinal principles for which the Red Cross Society was started. Independence, neutrality and impartiality are the cardinal principles. And when you take such a move to turn the Red Cross Society into a branch office of the Health Ministry, that will totally kill the autonomous spirit of the Red Cross. You are putting the final nail on the coffin of autonomy. And you are running a grave risk of derecognition by the World Federation of Red Cross Society. The very purpose for which it was started will be defeated. It was started by Mr. Dunant after his traumatic experience in the battle-field. Many countries joined together in the year 1864 to start it. It has branches throughout the world, in more than 100 countries. And crores and crores of people are getting the benefit from the Red Cross. And it is a very blatant attempt on the part of the Government to turn this Red Cross Society into a branch office of the Health Ministry. Therefore, with folded hands, I request the hon. Health Minister that he should give up the idea. There is no question of sehding it to any Select Committee at all. I oppose the Bill lock, stock, and barrel. There should not be any such move.

PROF. SAURIN BHATTACHARYA (West Bengal): Madam, this is an issue in which I am in agreement with those who are proposing a Select Committee for the Bill. I do not know the legal position, whether the Ordinance needs to be outright converted into a law or the process of converting it into a law through a Select Committee can be taken up. Let the Government be sure on the point. I had a few words with the Health Minister on this Bill, and during those talks he assured me that once this Bill is passed, he is open to any reasonable suggestions in order to protect the autonomy of the Red Cross and also its international acceptability. I would humbly submit to the Minister that if it is per-

missible, he may accept our suggestion, without resorting to that course of first converting it into law and then considering our suggestions and then amending the Bill, which will be a dual process and a lengthy process, and in the meantime there may be some difficult situation for the Indian Red Cross due to changes to be effected in the law as it exists today, and even the International Red Cross may think of derecognising it, and a Super-301 type position may be there. It is better, therefore, to accede to the suggestions that have been made for referring it to a Select Committee or a Joint Select Committee naturally of both Houses. If that is agreed to, I think everybody would be satisfied. So I put this suggestion before the hon. Minister for his consideration.

I have just one more point to make which may not be strictly germane to this Bill. I don't know what the Government will do, but we do give our views. And that point is regarding the electronic media which supposed to refer—and it used to refer also—to all those who participate in the House. I find that names of some speakers who spoke yesterday on the Bofors issue and on the other Bill were ignored. I do not know whether it constitutes a departure or it was just the vagaries of the individual commentator. If that would be the position, it is very unfortunate. I expect the Deputy Chairman to do something about it. She assured me that she would allow me to raise this issue and in an indirect way she is allowing me; she has not stopped me. I expect the Deputy Chairman to ensure that nothing is done by the electronic media whimsically or according to their own sweet will. It is not the question of an individual or a particular person or a particular party being ignored. It is a question of giving due importance to what the Members say in the House. That is where their interest lies. I have also addressed a letter to the Chairman and that is with you, Madam, and I hope that it will be taken up and redress would be made available.

**THE DEPUTY CHAIRMAN:** I think what Prof. Saurin Bhattacharya has said to the Minister, that is apart but what he spoke to me about is that his name was not mentioned in the debate on the T.V.

perhaps, and he says that it is not the name, it is his viewpoint he is interested in. So, it should be taken care of that names of all those who speak on the floor of the House should at least be mentioned. So, Prof. Bhattacharya, they will take care of it and convey your sentiments to the proper competent authorities. Now, Mr. ... (व्यवधान) आपका भी टीवी पर नाम नहीं आया था।

**श्री शारदा महन्ती (उड़ीसा):** कल तो टीवी पर किसी का नाम नहीं आया। सेस (cess) का जो बिल था उसके ऊपर बहस हुई मगर टीवी में 3 आदमियों का सिर्फ नाम आया, और किसी का नाम नहीं आया। ऐसे ही हो रहा है टीवी में ..... (व्यवधान) स्पेशल मेशन में हम लोग जो कहते हैं वह भी नहीं आता रमा है (व्यवधान)

**PROF. SAURIN BHATTACHARYA:** That is understandable. Some names are mentioned and others are ignored.

**THE DEPUTY CHAIRMAN:** I think I will ask the Secretariat to take up the matter with those people who are concerned. I might call a meeting of all those who are dealing with it. शायद नाम कभी सुन नहीं पाते हैं। कभी कुछ मिस अंडरस्टैंडिंग होती है या कम्युनिकेशन बराबर नहीं होता। हम लोग आपके मामले को सेटिल कर लेंगे।

**श्री शारदा महन्ती:** कल चतुरानन जी जो बोले, उनका नाम भी नहीं था। (व्यवधान)

**उपसभापति:** ठीक है, वह देख लेंगे।

**SHRI N.K.P. SALVE (Maharashtra):** Madam Deputy Chairman, on a bare reading of the Indian Red Cross Society (Amendment) Bill, 1992, *per se*, it will be difficult for me not to accept the view canvassed by Mr. Gopalsamy that this Bill goes not to some extent but quite some extent in tinkering with the autonomy. It cannot be that the Indian Red Cross Society is taken over by the Government, but the Minister's assurance must be read with it. He must assure us that this would not become, the Indian Red Cross Society will not be made a sanctuary for the retired bureaucrats and the freelance politicians. It has an autonomous character and it can happen. As a result of these provisions, Mr. Minister, I must make it clear to you that it could be a virtual take over by the Government. But if you were to assure the House, make one thing clear. The President is to

[Shri N.K.P. Salve]

act under the advice of the Cabinet and if the Cabinet were to say "All right, take three or four politicians who are loose at or at large, at the moment, and take three of our bureaucrats or make a retired bureaucrat as the Chairman" then, I am afraid, it will be a virtual take over by the Government. That is the only aspect of the matter; otherwise the other thing which is raised in that Bill, not going outside the Geneva convention, is made clear. He has also said that other countries have similar provisions and their Constitutions are the same. If other countries have similar constitution as this constitution, then, the objection cannot have much merit that we are going against the conventions accepted by the World Federation of the Red Cross. I don't think there is much merit in that criticism. It is an Ordinance which is sought to be replaced and it has got to be replaced today. But if the Ordinance itself were of a nature where the institution of Red Cross were to be taken over by the Government, that would not only go against the basic policies of the Government but it will be highly undesirable. Nobody, this side or that side, would have agreed about it.

But I want the hon. Members, Mr. Gopalsamy, Mr. Jaipal Reddy and Mr. Chaturanan Mishra Babu to consider one aspect of the matter that under this formulation itself, under this provision itself, there can be a proper assurance that it will not be taken over by the Government, but prominent men from the medical profession, prominent social workers will come in who will not go at the dictates of the Ministry or of the President who will have their own independent judgement. What is necessary is to ensure the sanctity and autonomy of the institution and to have people who are capable of acting independently in Red Cross. That will add to your prestige. That will add to the prestige of Red Cross. It will add to the prestige of India. It is all that, I think, I need to submit so far as this aspect of the matter is concerned.

**श्री चतुरानन मिश्र:** अगर आप एक मिनट योल्ड करें। हम लोगों ने यह कहा है कि हम तो इस सवाल पर आपका साथ देने के लिए तैयार हैं, ताकि वह ऐसी अथाहिटी हो, जिसको वर्ल्डवाइड एक्सेप्ट किया जाए। लेकिन आप हाऊस को डिवाइड करके अगर पास भी

करवा लेंगे, तो दूसरे लोग क्या कहेंगे कि वहां खुद इस सवाल पर मतभेद था। हम आपकी सहायता के लिए तैयार हैं।

गवर्नमेंट को सोचना चाहिए कि हाऊस को डिवाइड नहीं करें, बैठ करके सिलेक्ट कमेटी में तय करके कर लीजिए। इसकी फुल बैकिंग हो, नेशन एंड ए होल की बैकिंग हो, यह मैं चाहता था। इसलिये मैंने इसको कहा।

**श्री एन.के.पी. साल्वे:** आपका आक्षेप सिर-आंखों पर, चतुरानन जी। मगर आपका जो आबजैक्शन है, वह आबजैक्शन इस बात को लेकर आता है कि इसको तो भाई सरकारीकरण हो रहा है, सरकारीकरण कर रहे हैं। सरकारीकरण हमको भी नहीं चाहिए।

**श्री चतुरानन मिश्र:** वह आप कहिए ना।

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : You are an eminent lawyer, if you read the Bill....(Interruptions).....

SHRI N.K.P. SALVE: Mr. Jain, in my opening sentence, I said, on a reading of the Bill, *per se*, I am not in agreement with him that it does not go to the substantive provisions. These are not merely enabling provisions-- you are correct--you are changing the character of management which might go to the root of the autonomy. That is the theme song of whatever I am speaking today. But under these very provisions, it is possible to ensure that the autonomy remains unaffected, respectable people, people in high positions, in medical profession, in social service and those people who are not dependent on favours and mercies of the Government, can be brought in. Will that not augment, will that not increase the prestige of the institution itself? If that is the assurance that can come on the floor of the House.....

SHRI S. JAIPAL REDDY: Salveji has expressed on pious wish. A piece of legislation--Salveji knows, he is a veteran parliamentarian--can never be based on the pious intentions of the powers that be. I have no doubt about the bonafides of the present Health Minister. The present Health Minister will not be there for eternity nor will bonafide veteran parliamentarians like Mr. Salve be there

all the time. He must take such circumstances into consideration. We cannot leave these matters under the law to the discretion of the Government.

SHRI N.K.P. SALVE: Madam, all that I want to submit in the end is.....

उपसभापति: मिनिस्टर साहब नहीं जवाब देंगे?

श्री एन्केपी० साल्वे: जवाब तो वह देंगे। जवाब देना तो उनकी जिम्मेदारी है, लेकिन जो मेरी एग्जिपेंडेंस है बिल पर, उनको मैं यहाँ पर आपके सामने रख रहा हूँ, मैडम। I must submit that there is considerable force in the apprehensions which have been expressed on the floor of the House. I cannot get away from it. If the Minister's assurance you are not willing to accept on the floor of the House, then what I would suggest is a via media. Would the Minister assure that in due course of time, he will come with an amendment to this Bill? We can pass it if he gives an assurance that in due course of time he will come with an amendment in which he lays down, the kind of Chairman, the kind of Members who will constitute the managing committee.

SHRI M.L. FOTEDAR: Madam, Deputy Chairperson, I treat the suggestion of my esteemed friend and colleague, Mr. Jaipal Reddy with respect. But I must say in all humility, as he mentioned I am not going to ram this thing, by training or by temperament, I am not made that way. I have come to the ranks from the grass-root level. I know the seasons of the year and the seasons of life. Politics is in my blood and that politics is of democracy and the sovereignty of India.

One Member has mentioned that consent of the World Body should be obtained. I think India has not come to that stage to obtain consent from the World Body. First we must consult about it among ourselves and then get consent of the House on a piece of legislation like this.

SHRI CHATURANAN MISHRA: Whether any.....

SHRI M.L. FOTEDAR: Just listen. All that we have to see is that the independence, the impartiality of an institution like the Indian Red Cross Society is not undermined in any way. Perhaps the Members are aware and more so an esteemed colleague like Mr. Malaviya that I am proposing a legislation on the

basis of legacy which has been left by them. I have no intention to divide the House. I want such a piece of legislation in whatever form it is, should have the unanimous approval of the House. But simultaneously, I have no intention to divide the Indian Red Cross Society. The way it has been functioning in the last 6 or 8 months, I can assure the hon. Members that I would have definitely gone in for the Select Committee or the Joint Select Committee of both the Houses. And I would have accepted anything that honourable Members would have said. But before I come to that I would like to remove one apprehension from the minds of the Members of the House—some Members have this apprehension—that perhaps this is a take-over by the Government. With all the force at my command I say that this is not correct and I deny this emphatically. Why? The President of India functions in two or three, rather three, capacities here. Firstly, he is the President of India. Second, he is the President of India acting under the Constitution of India. And third, he is the President of the Indian Red Cross Society. As President of India he performs duties under Article 75 of the Constitution whereby he is bound by the advice tendered to him by the Council of Ministers. That is mandatory. There is only one discretion, that he can refer a matter back to the Cabinet and once the Cabinet stands by its earlier advice, he has to sign on the dotted line. That is the President of India under the Constitution. Here he is President of the Indian Red Cross Society and as President of the Indian Red Cross Society he is not bound, I should say, he is not even supposed to accept the advice tendered by the Chairman. He has to make his own judgment. And you cannot have a more independent person or a higher person in the country than the Head of the State. This is the tradition, this is the convention, in almost all parts of the world. Everywhere you have the Head of the State as the Ex-officio President of the Red Cross Society. I can assure honourable Members that this Bill which is replacing the Ordinance is in complete consonance or conformity with the International Red Cross model. In case honourable Members would like to suggest



[Shri M.L. Fotdar]

anything and we consider that it is reasonably correct to include it, I assure the House that during the next Session I will bring a Bill before this very House and seek its approval. I have no personal prestige involved in this. I am not personally involved. This is a decision of the Cabinet. The Cabinet has taken a view because something happened in the past. Had it happened in my presence, I don't think I would have allowed that thing to happen. In the Indian Red Cross Society things came to such a pass that money was, I don't say misappropriated but, used in such a way that the person arrogated unto himself all the authority and the President of the Indian Red Cross Society had to take action invoking the provisions of the General Clauses Act, because the person appointed at that time---he was Chairman or Acting Chairman--- was some Deputy Minister previously who, in collusion with one of the chief executives of the Red Cross, had made it not Red Cross, but made it red for the country and for everybody. So it is a matter of shame for me to say that such things happened in the Red Cross Society. I must tell honourable Members that I have come here to remove that Zamindari system that had been established in the Red Cross. I am making it more democratic, I am making it more autonomous. And if honourable Members feel so, I will be guided by all sections of the House. This is not my personal thing. (Interruption) Mr. Jaipal Reddy is correct in saying one is here today, one may be there tomorrow but the House belongs to the people of India. If tomorrow we feel, if Mr. Jaipal Reddy and other honourable Members feel that there is something in this which needs to be amended, I will bring a Bill before the House and seek the unanimous approval of this House. With these words, I would request the hon. Members that this Bill, as passed by the Lok Sabha, should be passed unanimously.

SHRI V. GOPALSAMY (Tamil Nadu): We don't agree. (Interruptions).

SHRI BHASKAR ANNAJI MASODKAR (Maharashtra): Now, it does not appear that I have to speak on this Bill. Now that the Minister has said...(Interruptions)

SHRI N.K.P. SALVE: Since Mr. Masodkar is speaking, he may tell us

certain things because I am not a constitutional expert. My field is different. This proposition that the President of India acting as ex-officio President would not be bound by the Cabinet, is a view which is a little difficult for me to accept at any rate because when we amended the Constitution, at that time, it was explicitly said that there cannot be two authorities at the top. There has to be only one authority and that is, Government of India. So, the President is only a constitutional head who has to act at the behest of the Cabinet. Therefore, so far as that aspect of the matter is concerned, I dare not say that. I mean, he must have taken some legal expert's opinion on that matter because in that respect, the Constitution of India is a little different. The Governor can act in his individual capacity in certain matters but the President, I thought, had no authority. Therefore, since Mr. Masodkar is intervening--he is an authority on Constitutional Law--he might also deal with this aspect. (Interruptions).

SHRI SATYA PRAKASH MALA-VIYA: Madam, since Mr. Masodkar is speaking...(Interruptions)

THE DEPUTY CHAIRMAN: No, he is not speaking.

SHRI SATYA PRAKASH MALA-VIYA: The President also happens to be the Chancellor of the Vishwa Bharati University. The Governors also function as Chancellors. Kindly enlighten us about that...(Interruptions)

SHRI MADAN BHATIA (Nominated): Madam, a question arose that the Governor exercises these powers as a Chancellor under the Act and the objection was raised by the West Bengal Government that the Governor must act on the advice of the State Government. The Governor said, "No, I am not functioning as a Governor but I am exercising my statutory functions as a Chancellor under the Statute". The Constitution says, the President, in the discharge of his executive functions under the Constitution, shall be bound by the advice of the Council of Ministers. The Constitution does not say that if any statutory power is conferred upon the President, then in the discharge of that statutory power, he is

again bound by the advice of the Council of Ministers. As for instance, the Supreme Court has now held that when the Speaker is exercising his powers under the Tenth Schedule, he is not, in fact, acting as Speaker but he is acting as a designated constitutional Tribunal. So, this is the position.

**SHRI BHASKAR ANNAJI MASOD-KAR:** Madam, I could not have done better than Mr. Bhatia on this aspect which was raised by Mr. Salve.

**THE DEPUTY CHAIRMAN:** I have only two minutes before I adjourn the House for lunch. *(Interruptions)*

**SHRI BHASKAR ANNAJI MASOD-KAR:** Madam, I was appealing to the hon. Members that they are unnecessarily raising doubts. Personally, when the laws are there ...*(Interruptions)*

**SHRI S. JAIPAL REDDY:** Madam, I welcome the assurance given by the Health Minister. But many Members have studied the Bill. They would like to participated in this discussion. They would like to make substantive suggestions. May be, towards the end of the discussion, our Health Minister will become even more open-minded, accept some of them right now, accept some others later on, in the next Session. Therefore, let discussion follow. *(Interruptions)*

**THE DEPUTY CHAIRMAN:** We will take up the discussion when we meet after lunch. The Statutory Resolution and the Bill are open for discussion. We will meet at 2.30 after lunch hours. At 2.30, it will be taken up for discussion. The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, **The Vice-Chairman (Shrimati Jayanthi Natarajan)** in the Chair.

**STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDIAN RED CROSS SOCIETY (AMENDMENT) ORDINANCE, 1992 AND THE INDIAN RED CROSS SOCIETY (AMENDMENT) BILL, 1992—Contd.**

**THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):** We will now take up the discussion on the Statutory Resolution and the Indian Red Cross Society (Amendment) Bill, 1992. **Shri Kulabidhu Singh.**

**SHRI BHASKAR ANNAJI MASOD-KAR:** Madam, in fact, I had opened ...*(Interruptions)*...

**THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):** Were you called upon to speak? The discussion has not begun.

**SHRI BHASKAR ANNAJI MASOD-KAR:** I think so. That was my impression.

**SHRI SATYA PRAKASH MALAVIYA:** His name was called out but he has not started.

**THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):** I think you were making some observations.

**SHRI BHASKAR ANNAJI MASOD-KAR:** It is perfectly for you to decide.

**PROF. SAURIN BHATTACHARYA:** He was making some submissions and...

**THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):** Do you want to complete those submissions?

**PROF. SAURIN BHATTACHARYA:** ...we are very eager to listen to him.

**THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):** You want to complete making those submissions or you will speak when you are called upon?

**SHRI BHASKAR ANNAJI MASOD-KAR:** I can make my speech and cover that point also.

**THE VICE-CHAIRMAN**

(SHRIMATI JAYANTHI NATARAJAN): All right.

SHRI W. KULABIDHU SINGH (Manipur): Thank you, Madam Vice-Chairman, for giving me this opportunity to speak on this important topic, the Indian Red Cross Society (Amendment) Bill, 1992. The original Act is an old Act of 1920 enacted 72 years back and in the course of the last 72 years things have changed and many unsavoury incidents have also happened in the functioning and working of the Indian Red Cross Society. By and large I would like to support this Bill as initiated by the Government. But when we read it a little more minutely, we could see that ultimately the autonomy of the Indian Red Cross Society, the functioning of the India Red Cross Society is going to be the loser and the Government of India is likely to take more vigorous initiative in the matter. The new Sections 4A to 4E, except Section 4E are quite all right. It will smoothen the functioning of the Indian Red Cross Society and its branches in various States of the country. As regards Section 4A—the President of India shall be the President of the Society—it is all right. As far as Section 4B is concerned, it is proposed that a Chairman will be nominated by the President, six members will be nominated by the President and 12 members will be elected by the State Branch Committees. This composition of the Managing Body is also all right. There is nothing wrong in it. I fully endorse and support this Section.

As far as Section 4C is concerned, the Secretary-General should be a very active and vigorous man to be appointed by the Government. The Treasurer should be a person who can keep the exchequer of the Red Cross Society in proper order. This Section is also quite right.

Similarly in Section 4D powers and functions of the Chairman and Vice-Chairman are nicely described. There is nothing wrong in that.

But I and my party don't support Section 4E. Here you provide for powers of the President to supersede the Managing Body. It means whenever the President of India considers that there is

mismanagement in the affairs of the Society the President will supersede the Managing Body. Madam, the replacement of some of the Members of the Managing Body may be there but not in the case of those Members who have been elected members and who are elected by the State Branches.

It is mentioned in the Statement of Objects and Reasons that there have been various litigations and internal wranglings among the Executive Members. All the litigations and internal wranglings among the members of the Managing Body are personal issues. They are not concerned with the system as a whole. When the internal wrangling and litigations are there, it is the responsibility of those persons who are in-charge of the Organisation to take care of them. In the Statement of Objects and Reasons, it has been stated that internal wranglings among the members in-charge are there. That is not satisfactory. Also, this Bill totally annihilates the autonomy of the Indian Red Cross Society in its functioning and as expressed by the Members in the forenoon, the President will act on the advice of the Council of Ministers, more particularly, the hon. Minister for Health and Family Welfare. In this point of view, this autonomy of the society will definitely be missing. Regarding the assurance given by our hon. and respected Health and Family Welfare Minister, Mr. Fotedar, that there will be no misuse of this power of supervision and all other things and that the autonomy will be preserved — he has assured these things in the forenoon — we earnestly welcome the spirit in which he expressed that it will not be misused. But if our respected Minister, Mr. Fotedar, continues as the Health Minister for all the time to come, it is quite well and good. But if some other Minister comes in future, after some years, will the assurance given by Mr. Fotedar be binding on the medical and health administration? This is very doubtful and I don't think that it will be binding. In the very Act itself, there is something in writing and when any conflict crops up, the written thing will prevail over the oral assurances given by him. I will not take the valuable time of the House. What I feel is that the pattern of autonomy of the Indian Red Cross

Society might be taken away, even though not by the present Government, but when some other Government, some unscrupulous Government comes into power, this might be taken away. Therefore, what I would like to say is that this amendment must be considered and also the suggestions put forward by the hon. Members that it should be referred to a Select Committee should be considered. With these few words, I thank you again, Madam Vice-Chairman.

**SHRI BHASKAR ANNAJI MASODKAR :** I rise to support this Bill which has already been passed by the Lok Sabha. One of my friends asked why I am speaking today? Probably, he was referring to my usual silence in the House and I must answer Prof. Bhattacharya as to why I am speaking on it. I found that, Madam, if you would permit me to say, the cannons on the left and the cannons on the right are all silent. Therefore, there must be somebody to project the correct perspective behind this law. I really wish that I could share the anxiety of Mishraji, Balamraji, Malaviyaji and Guptaji who are my sincere and true friends, who are proposing that this Bill should go to a Joint Committee. Madam, I cannot share this view for the simple reason that this is really the occasion when the Minister should be congratulated for taking the first step to shed the imperial structure of this particularly statute. I need not tell this House that this particular statute which has been touched by the present Bill is a product of the war times, the First World War, and in 1920 when a lot of funds had accumulated and the property had come to what you call the Joint War Committee, a statute was made by the British Legislature. That statute is being for the first time touched and I must say it is being brought in line with the Constitution of India, it is being brought within the conspectus of the high constitutional principles for the first time. Therefore, I said the Health Minister, apart from being my friend, deserves all encomiums and congratulations for this effort. He has looked into this statute and has come out with a very frank account of what is happening in the Red Cross Society. He has shared his anxiety with the House and has come out with certain structural changes.

Before I go to the present statute it will be necessary for me to give a brief history of the Red Cross Society. And really this is one of the reasons why I decided to speak today, to recall the brave and noble attempts of humanity which were institutionalised in the Red Cross Movement. It will be interesting to note, as far as India is concerned, we go back to the times of Asoka when compassion ruled in the mind of the King after looking at the devastation caused by the Kalinga war. And we look to it as a message of peace out of the war, as a message of friendship out of the troubled and strangled humanity. It was in this spirit that efforts were made in the western world since the 16th century and the movement was called, as you are aware, a Movement of the Fathers of the Good Cross. Mr. Salve will bear me out, the first effort to articulate this noble compassion was made by the Fathers of the Good Cross in the 16th century. It did not articulate in a structural form. Then came the Movement of Florence Nightingale. And in the 19th century Henri Dumas, the Swiss humanist, articulated this concept of human compassion into an institution, in shape of what you see today the Red Cross Society Movement. It is the hope of humanity for survival and eternal peace. Therefore, I said at the beginning that I thought it my duty to salute to the memory of this great human being who thought of peace out of war, who thought of compassion in the world full of cruelty, who thought of reaching out to the people in a major way wherever there were destitutes and refugees. Now I need not go on with this topic as far as the historical concept is concerned. The First World War brought out what you call today the Indian Red Cross Society. As I indicated, in 1920 — this is the first legislation of 1920 — by Act No. 15 of 1920 which is the subject-matter of amendment here, the Indian Red Cross Society was constituted. And I want to read only the preamble so that the House will understand what the purpose of that Act was and why so far we have not touched it. It actually needed a lot of amendments, a lot of careful consideration. But, as you know, our habit is that we go on with the statutes as they are. This is what the purpose is:

"Moreover, it is expedient to provide

for the future administration of the various moneys and gifts received from the public, for the purpose of medical and other aids to the sick and the wounded and other properties of like nature during the late War—"that is the First World War—"and more especially for the administration of the moneys and properties held by the Committee known as the Joint War Group, etc., etc...."

This was the purpose for which this particular statute was made and a separate body was formed. Today, you are objecting to the President nominating the members. How was this body formed? If you read the constitution of the Indian Red Cross Society, you will find this in section 2 thereof:

"There shall be constituted a society to be known as the Indian Red Cross Society. The first members of this Society shall be nominated."

All were nominated, all the 25 members, out of the Joint War Group of that time. No question, and they had the power to nominate a Managing Committee. Now, instead of that, after the constitution, what could have happened? Exactly this is what is being done by the President of India, and this is what section 4 says:

"The first members of the society and all persons who may hereafter become members thereof, so long as they continue so to be, are hereby constituted into a corporate body under the name of the Indian Red Cross Society."

Now, this is the constitution and this is a statute made by the competent Legislature. I do not see what purpose will be served by referring such a statute or the structural arrangements to a Select Committee of this House.

Now, if you look at it from this angle, what is now being done is that the President of India, who is the Head of the State, after the Indian Constitution was adopted, shall be the President of the Society. There is no question to doubt legislative intent. In other words, the War Group has been replaced by the President who is the constitutional Head of this Republic. I do not see what objection can be taken to this. Now, this

President is the co-nominee of this statute. Some arguments were raised, as to whether he will act on the advice of the Cabinet, by my friend, and colleague, Shri Salve, which were answered by Shri Bhatia. I do not wish to enter into those things now. But suffice it to say that he is a statutory functionary under this statute and statute is within the powers of the Union Legislature. If you see the constitution of the Managing Body, you will find that the President has been given the powers to nominate a Chairman, six Members and twelve members from the other Branches. Then, there is the Secretary-General and the powers and functions of the Chairman have been mentioned and also the powers of the President have been mentioned and I think this will remove the misgivings which some of the Members have or may have. Clause 4E(1) says:

"If, at any time, the President is of opinion—

- (a) that there has been gross failure in the management of the affairs of the Society by the Managing Body; or
- (b) that the Managing Body is acting in a manner which is prejudicial to carrying out the objectives of the Society,

the President may, by order in writing, supersede the Managing Body for such period....."

Now, this power, I submit, is a statutory power and is preceded and conditioned by clauses (a) and (b) and will be exercised by the President in the manner laid down under this statute. There cannot be any objection to this. If the Managing Committee is not adequate for carrying out the objectives of the Act, that need not be continued. That is the normal and necessary power given to the Head of the State and I hope that the honourable Members will not impute motives to exercise of this power to the high constitutional functionary like the president.

I do not see on any ground for any of the provisions being objectionable as such and any reason why it should be referred to the larger consideration, now particularly when the Minister has said that he will consider all the suggestions and come

out again with amendments. That should be enough, I believe. I would earnestly request the hon. Members on the other side that they should help the Minister in giving good amendments so that statute becomes work all instrument any work powerful this is structurally better, and if there is any lacuna he can really make it up.

So, Madam, the present objective of this Bill is to streamline and strengthen the structure of Indian Red Cross Society and further the purpose behind the Act.

The President is the symbol of Indian civilization. And the President of India, apart from being the symbol of civilisation, is also the constitutional head. Powers conferred on him would be used with circumspection and all caution.

When we make law the confer such power... (Time bell rings).....it is the first principle. It can not be presumed that the power so conferred will be misused. We have to presume that powers conferred will be exercised to further the objects and purposes of the Act. There is no scope to doubt.

With these words, Madam, since you are ringing the Bell, I think I must conclude.

I again congratulate the Health Ministry for taking a look at this particular law and shaking off the imperial structure that was there so far.

Thank You.

**श्री पोहम्पद अमीन** (पश्चिमी बंगाल): मैडम वाइस-चेयरपर्सन, रेड क्रॉस सोसाइटी अमेडमेंट का जो कानून, जो बिल मंत्री जी लाये हैं, मैं उसकी मुखालफत करने के लिये खड़ा हुआ हूँ। रेडक्रॉस सोसाइटी

[उपसभाध्यक्ष (श्री भास्कर अत्राजी मासोदकर) पीठासीन हुए]

जिसको हमारी जुबान में सलीबे अहमर कहते हैं, आप यह जानते हैं कि सारी दुनिया में यह तंजीम फैली हुई है। इसने दुखी इंसानियत को गहरे खिदमत अंजाम दिये हैं। चाहे वह पार्लियामेंटरी जम्हूरियत हो या किसी तरह की जम्हूरियत, सभी मुल्कों में रेड क्रॉस की शाखें हैं और वे काम कर रही हैं। जहाँ तक मैं समझता हूँ चंद ऐसी बुनियादे हैं जैसे इंसानियत, गैर-जानिबदारी, आजादी। रजायेदाना-खिदमत। आलमगीरियत इन 6 बुनियादों पर इस बिल की इमारत खड़ी है और कमोवेश इस इंदरे में जो लोग काम करते हैं उन्होंने इस बात का सबूत दिया है कि वे इंसानियत की खिदमत के जन्मे से

सरशार हैं। इसके अलावा उनका कोई मुकाम नहीं है। यहाँ इस बिल को पेश करते हुए मंत्री जी ने जिन दिक्कों का जिक्र किया, हो सकता है कि कुछ प्राबलम आ गई हो। लेकिन इस प्राबलम को साल्व करने के लिये, इस मसले को हल करने के लिये वे जो कदम उठाना चाहते हैं, इस नये कानून के जरिये उससे हम लोगों को इस बात का अंदेसा है कि इससे वह मसला पूरा होने वाला नहीं है। इसलिये बेहतर होता कि इस पर सलेक्ट कमेटी में खुलकर बात होती। मंत्री जी अवाम के लोगों में जो बात नहीं पहुँचा रहे हैं वे उसको सलेक्ट कमेटी में बता सकते थे, उनको कन्विश कर सकते थे कि इसमें क्या है। ये जो बुनियादे मैंने रेडक्रॉस सोसाइटी की बताई, जो कानून यहाँ लाया जा रहा है इससे उन बुनियादी असुलों की बुनियाद पर चोट पड़ रही है। मिसाल के 3.00 P.M. तौर पर एक तो यह बात जेहन में रखनी चाहिये कि जब यह आर्डिनेंस माफिज हुआ था, उस वक्त आर्डिनेंस के खिलाफ कुछ लोग अपील में चले गये थे। चैलेंज हुआ था और गालिबन अभी तक अदालत में उसका तसबिया नहीं हुआ। अगर इस कंट्रोवर्सी को तय किए बगैर उसी के हिसाब से कानून बना तो यह कानून भी अदालत में चैलेंज हो सकता है और मंत्री जी जो काम इससे लेना चाहते हैं वह ले नहीं पाएंगे। तो फिर इसमें फायदा क्या है बिलावजह लिटीगेशन में जाने का? सवाल यह नहीं है कि राष्ट्रपति जी को क्यों इसका सदर बनाया जा रहा है। अभी भी रेड क्रॉस के लोग उनको अपने तौर पर राजी-खुशी से चुन लेते हैं, सदर बना लेते हैं। यह तो एक बात हुई लेकिन बजरिये कानून वह जगह उनको मिल जाएगी तो इसका मतलब दूसरा होता है। इस सिलसिले में मैं साल्वे जी के साथ मुताफिक हूँ उन्होंने जो कहा है कि कानून के मुताबिक किसी भी मामले में किसी भी बोहरान के वक्त राष्ट्रपति को काउंसिल आफ मिनिस्टर्स की राय के मुताबिक चलना पड़ेगा। हम सब लोग जानते हैं तो फिर राष्ट्रपति जैसी पोजीशन को किसी कंट्रोवर्सी में, किसी इख्तालाफ में क्यों घसीटा जायें, यह बात किसी की समझ में नहीं आई।

दूसरी बात यह है कि अभी इनका एक चेयरमैन भी होता है, जिसको गवर्निंग बाडी के लोग चुनते हैं। इस कानून के मुताबिक वह चेयरमैन चुना नहीं जाएगा बल्कि राष्ट्रपति जी उसको नामीनेट करेंगे। एक और मुसीबत इससे पैदा हो सकती है। इस इंदरे की खुदमुखतारी और आज्ञादाना काम करने के रवैये के ऊपर असर पड़ सकता है। यह हम सब लोगों का तजरूबा है। इससे भी जो ज्यादा संगीन बात है, वह यह है कि सारी चीजें मरकज़ की मुट्ठी में चली जाएंगी। रियासतों को कुछ भी अख्तियार नहीं रहेगा। कानून में यह लिखा हुआ है कि—

"Twelve members to be elected by the State Branch Committees for a term of two years in accordance with the rules made by the Managing Body under section 5: provided that not more than one member shall be elected by any State Branch Committee."

12 लोग होंगे। अब हिन्दुस्तान में छोटी बड़ी कुल मिला कर 30-32 रियासतें हैं। इससे तमाम रियासतों का रिप्रेजेंटेशन नहीं हो सकेगा, नुमाइंदगी नहीं हो सकेगी। जाहिर है कि इस इदारे से देश के लोगों को जो असूदगी होनी चाहिये उसके रास्ते में यह विधेयक एक रूकावट बन जाएगा। इसलिए मेरी यह राय है कि राज्य सभा की सेलेक्ट कमेटी की जो तजवीजें हमारे कई रफीकों ने रखी हैं उसमें से किसी को भी मान लें, थोड़ा वक्त लें, तमाम बातों और पहलुओं पर गौर किया जाए। सलीबे अहमर सोसाइटी ज्यादा मुअस्सिर तरीके पर काम करे। हम सब लोग चाहते हैं, इसके कोई खिलाफ नहीं है। इसलिए जल्दबाजी में यह कानून पास न किया जाए। मैं इस की मुखालफत करता हूँ।

**डा० रत्नाकर पाण्डेय** (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, भारतीय रेड क्रॉस सोसाइटी अधिनियम, 1920 में जो नया संशोधन उपस्थित किया है और जो भारतीय रेड क्रॉस सोसायटी संशोधन विधेयक, 1992 है, उसका समर्थन करने के लिए मैं खड़ा हुआ हूँ। रेड क्रॉस सोसायटी ऐसी विश्वव्यापी संस्था है जो युद्ध के समय, शान्ति के समय, प्रदूषण के दूषण के समय, ऐसी समस्त मानवीय संवेदनाओं के प्रति जहां करुणा का सम्मिलन होता है, वहां अपना कार्य करती है और दुनियां के समस्त चाहे युद्ध का मैदान हो, चाहे प्लेग, हैजा या अन्य कोई बीमारी हो या हमारी भोपाल गैस त्रासदी के विक्रम हो या कहीं बाढ़ आई हो, सूखा पड़ा हो, कहीं भूकम्प आ गया, इन परिस्थितियों में यह संस्था अपनी विशिष्ट भूमिका निभाती है। कोई भी इसके ऊपर अस्व-शस्त्र नहीं उठाता है। घायलों की तीमारदारी करने से ले कर पीड़ित और दुखियों को शान्ति प्रदान करने का काम यह करती है।

भारतीय रेडक्रॉस सोसाइटी, जेनेवा में जो कांग्रेस हुई थी, उसमें भी सम्मिलित हुई थी जो इसके अंदर राष्ट्रीय उपबंध, नियम और जो अंतर्राष्ट्रीय प्रावधान हैं उनका पालन करते हुए इसमें संशोधन लाना अपने आप में नया और क्रांतिकारी कदम मैं मानता हूँ भारत सरकार के स्वास्थ्य मंत्री जी का। जब दसई चौधरी जी उपमंत्री थे स्वास्थ्य के और जो सरकार थी उस समय, उन्होंने जिस तरह से इस संस्था का बुरी तरह से दुरुपयोग किया, इसकी जो करुणामय प्रतिमूर्ति, छवि थी उसको धूमिल किया और इसकी आटोनामी को मारपीट करने वाली

एकजीक्यूटिव में बदल दिया, वह चिंता की बात थी और इस पर हमारे राष्ट्रपति जी का ध्यान गया। राष्ट्रपति जी ने 23 जनवरी को एक अध्यादेश जारी किया जिसमें भारतीय रेडक्रॉस सोसाइटी के प्रबंध मंडल को भंग करके सोसाइटी को अध्यक्ष पद स्वयं उनकी संपालना पड़ा। मानवीय करुणा और वेदना से संबंधित इस संस्थान के अध्यक्ष भारत के राष्ट्रपति स्वयं हैं। आन बिहाल्फ आफ द प्रेजिडेंट हम हर काम करते हैं और प्रेजिडेंट ने वहां की कुव्ववस्था, दुर्व्यवस्था और जो कि तृष्ठीकरण की नीति वहां चल रही थी, और रिटायर्ड हो रहे लोगों को प्रोवाइड करने की जो वह संस्था बन गयी थी इसको देखकर उन्होंने रेडक्रॉस सोसाइटी संशोधन अध्यादेश, 1972 में नयी धारा जोड़ी और उसके तहत प्रबंध मंडल को भंग कर दिया। इसके दूसरे सदस्यों ने भी पद त्याग दिये थे। राष्ट्रपति जी को अधिकार दिया गया था कि जब वे महसूस करें कि सोसाइटी के प्रबन्धन में प्रबंध मंडल नाकाम हो रहा है तो उसे भंग करके अध्यक्ष का दायित्व स्वयं संपाल लें और ऐसी स्थिति में उनको यह काम करना पड़ा। इस संस्था की जो गतिविधियां थीं उसके दो एक उदाहरण देना मैं आवश्यक समझता हूँ क्योंकि केवल सेलेक्ट कमेटी में भेज देने से चीज को कोई बात बनती नहीं है। जो रिपोर्ट मुझे मिली है इसमें कई ऐसे ही तथ्य हैं जो चौंकाने वाले हैं। उन तथ्यों के आधार पर अगर हम देखें तो सोसाइटी की नवम्बर 1991 में फाइनेशियल स्थिति दयनीय हो नहीं थी बल्कि उसमें, अगर स्पष्ट शब्दों में कहूँ तो सदाचार नहीं बल्कि भ्रष्टाचार व्याप्त था और करीब 46 लाख 7 हजार रुपये का एकाउंट मिलने में गड़बड़ी थी। 1992 का जो बजट था वह भी ठीक से नहीं बना था। इसको 1 करोड़ 7 लाख रूपया एक्सटर्नल अफेयर्स मिनिस्ट्री के माध्यम से मिलता है वह भी पेंडिंग रीइन्वर्समेंट के अंतर्गत था। जब इसका स्टॉक चेकिंग किया गया तो उसमें बहुत से आइटम्स, कपड़ा.... (समय की घंटी) खाने की सामग्री, फर्नीचर और भी बहुत से सामान, मेडिकल इक्विपमेंट, मेडिसिन्स सबमें गड़बड़ियां पायी गयीं। इनके केन्द्र बहादुरगढ़, कलकत्ता, अरनाकुलम में जो चलते हैं उन स्थानों पर भी ऐसी ऐसी गड़बड़ियां थीं जिनके विस्तार में अगर मैं जाऊँ तो एक बहुत बड़े भ्रष्टाचार का खाका सामने आ सकता है। इनके स्टॉक की जब चेकिंग हुई तो.... "Secretary and Joint Secretary have visited and inspected the warehouses at Bahadurgarh, Calcutta and Ernakulam. The following stocks of food-stuffs had been lying in the warehouses for a considerable period: चावल 1,55,889 किलोग्राम, मिल्क पाऊडर 7,715 किलोग्राम, बटर आइल 1,77,521 किलोग्राम, रेपसोड आयल 28,244 किलोग्राम, इमरजेंसी राशन 22,851 किलोग्राम ऐसा था

जिसकी कार्यक्षमता चुक गई थी और यह सब सामान खर्च हो जाना चाहिए था, लेकिन इसको खर्च नहीं किया गया। और बेअरी फूड, कुकिंग आयल की क्वॉंटीटीज़ में और चावल का जो स्तर होना चाहिए, उसमें बहुत कुछ भेद मिला।

तो राष्ट्रपति जी की अध्यक्षता में जो यह समिति बनी है और जो यह संशोधनात्मक प्रावधान माननीय मंत्री जी लाये हैं, उसमें सारे प्रावधान हैं और उन प्रावधानों के तहत इसमें जो प्रबंध की संरचना है, उसमें नॉमिनेशन का प्रावधान है। अध्यक्ष जिसे उचित समझे, नाम-निर्देशित करेंगे। छह सदस्य इसमें बनेंगे, बारह सदस्य धारा (5) के अधीन प्रबंध निकाय द्वारा बनाये गये नियमों के अनुसार दो वर्ष की अवधि के लिए राज्य शाखा और समितियों द्वारा निर्वाचित किये जायेंगे, परंतु किसी राज्य शाखा समिति द्वारा एक से अधिक सदस्य निर्वाचित नहीं किये जायेंगे।

भारतीय रेड क्रॉस सोसाइटी अधिनियम, 1992 के प्रारंभ में जो उपबंध दिये गये हैं, उनमें सोसाइटी का महासचिव और कोषाध्यक्ष भी नियुक्त होगा। अध्यक्ष की शक्ति और कृत्य का भी वर्णन है और उपाध्यक्ष को भी अधिकार दिये गये हैं। प्रधान के प्रबंध निकाय को प्रतिष्ठित करने की शक्तियां भी प्रदान की गई हैं और सब से बड़ करके जो सन् 1920 से अब तक एक मानोटोनी इसमें बनी हुई थी और रेड क्रॉस का नाम आते ही जैसे बुद्ध के प्रति करुणा का भाव उत्पन्न हो जाता है, अशोक ने जैसे कलिंग विजय के बाद हृदय परिवर्तन कर दिया था, जब रेड क्रॉस जैसा पवित्र निशान सामने आता है, तो खामखाह एक श्रद्धा की भावना मन में जागृत होती है, जिसका विस्तृत निरूपण, विवेचन और इतिहास आपने बताया है। उसके विस्तार में मैं नहीं जाना चाहता। रेड क्रॉस को बुद्ध की करुणा से हमको जोड़ना चाहिए और इस देश में बुद्ध के युग का, अशोक का जो चक्र है, वही हमारा राष्ट्र चिन्ह है।

रेड क्रॉस सोसाइटी को अशोक के शांतिवादी नियमों से जोड़ करके हमको भारत में उसको एक ऐसा रूप देना है जिससे सारी दुनिया के रेड क्रॉस संस्थान उससे प्रभावित हो और हम विश्वास करते हैं कि इस विधेयक में जो 23 जनवरी, 1992 के आर्डिनेंस से लागू हुआ है, इसमें किसी तरह से—यह विरोधी दल का काम है कि कुछ न कुछ जरूर भजते रहें, कभी आंकलन समिति, कभी प्राक्कलन समिति को, किसी न किसी समिति को भजते रहें, लटकाये रहें, न लौलते बने, न उगलते बने, इस स्थिति में रखें—यह विरोधी दलों का काम होता है। इससे ऊपर उठ कर के इस काम को हमें देखना चाहिए।

जो प्रस्ताव आया है, जो विधेयक आया है, उसमें बहुत सी चीज़ें करनी हैं और उसमें जो सब से महत्वपूर्ण चीज़ है, वह यह है कि वर्तमान संस्थानों में मूल योजना

बदलने का कोई प्रस्ताव नहीं है। (समय की घंटी) मैं अंत ही कर रहा हूं। बल्कि उसको हम एक शेष दे रहे हैं। अटॉर्नीजी के माने यह नहीं है कि अकाउंटेंटबिल्टी न हो। अटॉर्नीजी के माने स्वायत्ता होनी चाहिए। स्वतंत्रता की सब से बड़ी शक्ति स्वायत्ता है, लेकिन स्वायत्ता के माने गवर्नमेंट, ट्रेजरी से सारी चीज़ें आये भारत सरकार के नाम पर, विदेशी संस्थानों से और फाइनेंशल जो चैरिटेबल फंड्स हैं। वह रेड क्रॉस सोसाइटी को आवे, लेकिन जो लोग स्वायत्ता के नाम पर अकाउंटेंटबिल्टी नहीं करना चाहते हैं, अपने दायित्व का निर्वहन नहीं करना चाहते हैं, वह लोग इस विधेयक के आने से परेशान हैं और उनकी परेशानी इसलिए है कि दसईं चौधरी ने जिस तरह से भौमिक जी की नियुक्ति की थी.... जिस तरह से उसको ले करके रिटायर होने के बाद मार-पीट तक की नौबत आई एंजीक्यूटिव की मीटिंग में, सुप्रीम कोर्ट तक में जाना पड़ा। तो उससे रेड क्रॉस सोसाइटी की छवि बनती नहीं, उससे उसकी छवि पर कालिख लगती है, कीचड़ पोता जाता है। उस छवि को साफ करने का काम अगर भारत के स्वास्थ्य मंत्री ने राष्ट्रपति के आदेश से किया है तो इस काम की तारीफ होनी चाहिए और मैं विश्वास करता हूं कि इसमें, जो विधेयक है, उसमें जो....(व्यवधान)

SHRI YASHWANT SINHA (Bihar): Is he referring to the President?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): He is referring to the Ordinance.

SHRI YASHWANT SINHA: I hope he is not referring to the President.

SHRI M.L. FOTEDAR: No. He is referring to the Ordinance.

डा० रत्नाकर पाण्डेय: आर्डिनेंस, आर्डिनेंस इश्यू किया है। इसमें जो कुछ भाई-भतीजावाद, एक-दूसरे को आब्लाइज़ करने की प्रवृत्ति चल रही थी, उस प्रवृत्ति पर अंकुश माननीय स्वास्थ्य मंत्री फोतेदार जी को लगाना होगा।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude.

डा० रत्नाकर पाण्डेय: और रिटायर होने के बाद लोगों को प्रोवाइड करने का, यह एक भय जो है लोगों को कि रिटायरमेंट के बाद लोगों को प्रोविज़न मिले और उसमें एक काम पा जाए, उस प्रवृत्ति से अलग हटा करके इसको हमको देखना पड़ेगा। मैं विश्वास करता हूं कि राष्ट्रपति जी के मस्तिष्क में जो अवधारणा आई है, उस अवधारणा के पीछे चाहे कैबिनेट का डिस्ज़िन हो और हमारे राष्ट्रपति जी इतने कड़े हैं कि पोस्टल आर्डर आर्डिनेंस को उन्होंने लौटा दिया, तो अगर इसमें भारत



की जनता की और दुनिया के जो मूल्य हैं, आदर्श हैं रेड क्रॉस सोसाइटी के, उस पर जरा भी आंच आती तो वर्तमान महामहिम राष्ट्रपति श्री वेंकटरमन जी ऐसे नहीं हैं कि इस चीज को स्वीकार करते। तो जब राष्ट्रपति जी ने इसको, आर्डिनेंस लागू किया और उसका विस्तृत उपबंध और जो उसमें एक निरंकुशता एक प्रकार का प्राइवेट लिमिटेड कंपनी की तरह रेड क्रॉस सोसाइटी जो चल रही थी उसको सार्वजनिक सर्व हितकारी और हमारे भूकंप पीड़ित हों, चाहे हमारे अनावृष्टि से या सूखा से मरने वाले लोग हों या रोगों से गांवों से प्लेग फैलता है उसके लोग हों या भगवान न करे जब युद्ध की विभीषिका छा जाती है और निर्दोष इसान मारे जाते हैं उस समय उनकी जो सहायता होती है, रक्तदान से लेकर स्वास्थ्य चिकित्सा तक और सेवा सुश्रुता तक, उस भावना को हमें उसी स्प्रिट के साथ... (व्यवधान)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude.

डा० रत्नाकर पाण्डेय: उस जनभावना के साथ लागू करना पड़ेगा जिससे इस देश की 85 करोड़ जनता को विश्वास इस संस्था पर हो सके और उस विश्वास को जो उठ चुका था, पिछली सरकार के डिप्टी मिनिस्टर ने उस विश्वास को तहस-नहस करके दसईं चौधरी ने नष्ट कर दिया था और उस पर ध्यान गया मंत्री महोदय का, उस पर ध्यान गया सारे स्वास्थ्य मंत्रालय का और रेड क्रॉस सोसाइटी की अटोनामी को बरकरार रखते हुए अंतर्राष्ट्रीय छवि इसकी और भी दुगुनी और प्रभाव उन्नतमय हो। इस व्यवस्था के साथ इसमें जो सुधार किए जा रहे हैं उन सुधारों से लोगों को अधिक से अधिक करुणा से पीड़ित लोगों को मानवीय हित चिंतन का लाभ मिले।

इन शब्दों के साथ, मैं इस संशोधन विधेयक का समर्थन करता हूँ।  
धन्यवाद।

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Thank you, Mr. Vice Chairman.

I rise in the House to oppose the Indian Red Cross Society (Amendment) Bill, 1992 because it seeks to amend the original Red Cross Society Act, 1920, it wants to finish the autonomous status of the Society and it wants to bring it under the total control of the Government.

Mr. Vice-Chairman, when I saw Bill at the outset, I did not understand the rationale. I tried to study the Statement of Objects and Reasons. The hon. Minister has said in that that in this Society there are wranglings and that there are irregularities to an extent that elections

could not be held, the general body meeting could not be held, that the accounts could not be passed etc. etc. I would request you to ask of the hon. health Minister, who was responsible for not holding the meeting of the general body because the Health Minister is the Chairman.

He himself had the powers. And if the Health Minister did not perform his duty, should the country be penalised changing the Act altogether? When I say the Health Minister, I do not mean the present incumbent. I do not mean to say anything as to the conduct of my dear friend, Shri Fotedar. What I am talking is not about the person. I am talking about the institution. This Act will remain whether I will remain or not or whether the Minister will remain or not. Just now Dr. Ratnakar Pandey was making all kinds of allegations against an ex-minister. Without going into the name of the person and whether whatever he did... (Interruptions) but he could and become in that capacity, because he was the Health Minister. Now this is the conduct of one ex-Health Minister, who had all the powers. He led the society to such a mess that the present Health Minister comes out with a remedy. I want to submit that that remedy seems to be more dangerous and more horrible than the disease itself. I do not wish to defend corruption that exists in the Red Cross or any where. All irregularities everywhere need to be corrected. What I wish to state here is that the remedy that we are proposing is very dangerous. All throughout I have been a medical student. Before coming to the Medical College and having a long standing my medical profession, I have always taken interest in the Red Cross activities. I know the Health Minister has always been its Chairman. The President of India has always been the President of the Red Cross. What is this new amendment that it will effect certain changes. This Amendment says that the President of India shall be the President of the Red Cross. I am not a lawyer, but two legal opinions and implications of this amendment have been placed in this House. Both the lawyers belong to the Treasury Benches. Both the explanations tried to understand...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): They are speaking here as Members, not as lawyers. You can also speak.

DR. JINENDRA KUMAR JAIN: Shri Salve presented a viewpoint and his understanding of the Act is like this. According to the language of the Act the President will be bound by the advice of the Cabinet. It means, the President, whenever he acts, will act on the advice of the Cabinet. So, the Government will have a total control and the autonomy and the independence and the impartiality of the organisation will be considered to be compromised because Government in a democracy is not an impartial body. It will lower us in the eyes of the international understanding. In case of a war, when at such a time they need an organisation like the Red Cross, its impartiality should not be in doubt. I think Mr. Salve is a wise man and he must be giving a right interpretation of the Act, but I was confronted with another opinion from a Member of the same party, from another wise man. Let me come to my opinion as a layman. If Mr. Salve is right, then this kind of an Act will make it a *Sarkari* Red Cross and all the bad things of a Government Department may creep into the functioning of this wonderful organisation, which may be sick right now, but has a tradition of serving the humanity. But according to another Member of this House, Mr. Madan Bhatia, who is also an eminent lawyer, another wise man, his opinion was different from Mr. Salve.

According to his opinion the President has a different position. He said Governor can act like the Chancellor of a University the President also can act independent of Cabinet advice.

PROF. SAURIN BHATTACHARYA: Like two doctors, two lawyers never do agree.

DR. JINENDRA KUMAR JAIN: Mr. Bhattacharya, please let me explain my point.

If Mr. Madan Bhatia is right, I am more afraid because once Mr. Fotedar wants us to pass this Bill, because there are wranglings in the functioning of an organisation, will you bring down the

Office of the President of India to the wrangling, to the charges of corruption, to the infight in the functioning of the voluntary body? Then, this Bill is not only ill-advised but it is ill-timed. This is the time where this Government of which my hon. Health Minister is a part, is talking of decentralisation, devolution of powers, opening up and giving up the controls, even deregulation, debureaucratisation. All these are key words of today's Government. All these beautiful slogans have been in the fields of economy and other things. you are bringing deregulation, devolution, debureaucratisation but in the celebrated sector of health, when the declared policy of the Ministry of Health is to encourage the voluntary sector, you are replacing the voluntary sector with a Government sector...(Interruptions)...

(Time bell rings): I know that the Vice-Chairman is kind enough to yield. He has just given me a warning. He has not asked me to stop. I will conclude very soon.

...(Interruptions)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let him complete.

डा० रत्नाकर पाण्डेय: मेडिकल का आदमी टेलीविजन को कैसे बनाए यह विचारणीय विषय है। इस पर भी मिनिस्टर साहब अपने जवाब में बोलें।

DR. JINENDRA KUMAR JAIN: Some people are blessed by the elders and gifted by God to do more things than one profession. You should not be shy of your colleagues. you should be proud of such talented people in this House if there are any. I am not one of those.

SHRI V. NARAYANASAMY: Pandeyji is blessing you.

THE VICE-CHAIRMAN: (SHRI BHASKAR ANNAJI MASODKAR) Let him complete.

DR. JINENDRA KUMAR JAIN: Sir, I want to bring, through you, to the attention of the hon. Health Minister the document of the International League of the Red Cross and it says that there are fundamental principles of Red Cross. I need not tell what are the fundamental principles because my time is short. He knows about it. But let this House know





[श्री ईश दत्त यादव]

हमने एक एमेंडमेंट दिया है, स्वास्थ्य मंत्री जी को इसमें जल्दीबाजी नहीं करनी चाहिए और जल्दी बाजी करने से नुकसान होगा और इसलिए जो हमने संशोधन दिया है, कि इस सदन के 12 सदस्यों की एक प्रवर समिति बना दी जाए, वह समिति इसका अध्ययन करे और इस पर अपने सुझाव दे ताकि इस सदन में अगर इस तरह का कोई संशोधन आए तो वह सर्वसम्मति से पारित किया जाए जो कि रेडक्रास सोसाइटी के हित में होगा, मानवता के हित में होगा और दुनिया की जिन दूसरी संस्थाओं से हमारे संबंध हैं वे खत्म न होने पाएं। पता नहीं स्वास्थ्य मंत्री जी क्यों नहीं इसको अगले सेशन में जो सुझाव हमने दिए हैं उनको इनकारपोरेट करते हुए इसको पास कराने पर तैयार होते। हमारा यह प्रस्ताव है कि आज अंतिम दिन की बैठक है और जब अगला सत्र शुरू होता है तो उस प्रवर समिति की रिपोर्ट भी आ जाएगी। तो मैं आपके माध्यम से स्वास्थ्य मंत्री जी से चाहूंगा कि हिन्दुस्तान के अंदर रेडक्रास की जितनी भी संस्थाएं हैं उनसे भी राय ले लीजिए, इस पर जनमत संग्रह भी कर लीजिए और सबकी राय-मशविरे से जो यह समाज सेवा संस्था है, उसके कोरेक्टर को नष्ट न होने दीजिए।

श्रीमान, इस बिल के बारे में दलील देते हुए उस तरफ से स्वास्थ्य मंत्री जी ने कहा है कि प्रेसिडेंट आफ इंडिया इसके प्रेसिडेंट होंगे। मान्यवर, मैं प्रेसिडेंट साहब, महामहिम राष्ट्रपति के प्रति बहुत सम्मान रखता हूँ। उनके सम्मान के प्रतिकूल कोई बात नहीं कहना चाहता, लेकिन मैं चाहता हूँ कि राष्ट्रपति जी को इस संस्था में ले आने की कोई जरूरत नहीं है। स्वास्थ्य मंत्री जी को इस पर विचार करना चाहिए, सरकार को विचार करना चाहिए कि ऐसा करने से वे विवादास्पद हो जाएंगे। देश को जो राष्ट्रपति होता है उसके बारे में देश के अंदर चर्चा नहीं होनी चाहिए और अभी हमारे पोंडे जी बोल रहे थे कि किसी पूर्व मंत्री के बारे में। इसी तरह से अगर यह संशोधन पास हो गया तो राष्ट्रपति जी इसके प्रेसिडेंट हो जाएंगे और फिर उस संस्था के बारे में चर्चा होने लगे तो राष्ट्रपति के पद की गरिमा गिरेगी और उस गरिमा पर आघात होगा। इसलिए मेरा आपके माध्यम से माननीय स्वास्थ्य मंत्री जी से निवेदन है कि इस संशोधन बिल को आप वापस ले लें। इस पर गंभीरता से विचार करें। सेलेक्ट कमेटी की रिपोर्ट इस पर लें और उसको इसमें इनकारपोरेट करके एक जनसेवा और समाजसेवी संस्था, रेडक्रास सोसाइटी जो देश के अंदर काम कर रही है, उन सबकी राय लें और उनकी मंजूरी लेकर देश के हित में काम करने वाली संस्था के बारे में आप उपयुक्त संशोधन करें ताकि इसका जो सैकड़ों सालों का इतिहास है, गौरव है उसकी रक्षा हो सके। आप सुना रहे थे, मैं उसके इतिहास में नहीं जाना चाहता, कि स्विट्जरलैंड के

एक महान सेवी के मन में यह कल्पना आई थी जब पूरी दुनिया युद्ध की विभीषिका में जल रही थी। तो उसकी भावना और उसकी आत्मा को ठेस आप न पहुंचाएं और उसका सरकारीकरण न करें, इसका राजनीतिकरण न करें इसके स्वरूप को नष्ट न करें।

इन्हीं शब्दों के साथ मैं अपनी ओर से, अपनी पार्टी की ओर से इस बिल का सख्त विरोध करता हूँ।

**THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):** Is the Congress withdrawing the other speakers?

**SHRI YASHWANT SINHA (Bihar):** They are withdrawing the Bill.

**THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):** They are very much pressing the Bill. We want to know whether they are withdrawing the speakers. There was a request. Is it not being considered? Mr. John F. Fernandes.

**SHRI. JOHN F. FERNANDES (Goa):** Sir, I rise to support this Bill to replace the Ordinance issued by the President on the 23rd January, 1992. This institution is an international institution. It is a charitable institution with the noble cause to help the people in need, calamity and distress. But in India this institution was totally commercialised by unscrupulous elements. This institution was sought to be converted into a commodity board and it was run on political pattern. I fully support this Bill. But at the same time, I have some suggestions to make as the hon. Minister has already said that he is open for suggestions and he is likely to bring an amendment in the House. In Section 4B it is stated that only 12 members will be elected from the States. Sir, there are 25 States and six Union Territories in the country. I request the Minister to see that this quota is increased to 30. In Section 4C it is mentioned that the Secretary-General and the Treasurer of the Society shall be appointed by the Managing Body with the consent of the President. It is not mentioned here that whether these two persons will be the members of the Society or they will be official or non-official. I would like the hon. Minister to clarify this point. In Section 4E it is mentioned that the President of India will be the President of the Society. I have nothing

against the President of India being the president of the Society. But the President of India who will be the President of the Society will be the appointing authority.

There is no forum for appeal because it is said that the President of India will be the President of the Society. It will be some sort of President's rule.

I would like to give one more suggestion to the hon. Minister to consider in future. My suggestion is that the Vice-President of India should be made the President of the Red Cross Society so that appellate authority will lie with the President of India. Otherwise all the decisions of the President of the Indian Red Cross Society will be litigated in the Delhi High Court and the Supreme Court and it will not befit the office of the President.

We have not seen any activities of the Red Cross Society for the last two years. We have seen crisis in India and in the international community.

When the Indians were air-lifted from the Gulf, this Society could not come to the rescue of the people. I don't think they have done any worthy work in the earthquake-hit regions. I would like the hon. Minister to take some steps to revamp this Society and to see that more thrust is given for the social programmes. The other day, the hon. Minister replied to a question in this House that there are private blood banks. These blood banks are run commercially by the private institutions and there is a great risk of health hazard. I would like to know from the hon. Minister whether they will direct or request the Red Cross Society to see that blood banks are opened throughout the country and hygienic blood is supplied to the patients.

The AIDS has been the major disease of this century. I would also like the hon. Minister to see that AIDS detection centres are started by the Indian Red Cross Society, if not at the district level, at least at the State capital level.

Another good service which the Indian Red Cross Society can do is the Ambulance service. We have a lot of Government and municipal hospitals. But the Ambulance service is totally in disarray. I feel that if a charitable institution like the

Red Cross Society can maintain this Ambulance service, it will be of great help to the people. Regarding the problem of drug abuse the Red Cross Society can play a major role. I have many other suggestions also but I would only request the hon. Minister to reconsider these points and the legal implications also. I would like him to see that there is an appellate authority above the appointing authority. With these words I support the Bill.

SHRI V. GOPALSAMY: Mr. Vice-Chairman, Sir, this day will be one of the blackest days in the annals of the Rajya Sabha if this obnoxious Bill is passed. I am opposed to the very practice of promulgating ordinances. Whenever they want to annihilate the spirit of democracy or autonomy this is the channel that is used—promulgating ordinances. Sir, the three cardinal principles of the Red Cross are impartiality, neutrality and independence and these will be washed away if the Red Cross Society comes under the control of the Health Minister, under the direct control of the Central Government. This is being done when the whole world is moving towards globalisation and liberalisation and when we ourselves are opening our doors, when our Finance Minister is opening the doors in the name of liberalisation and globalisation. I am pained to say that in the areas in which we should not open our doors we are doing it and in the areas where openness should continue we are encroaching upon it and are trying to bring it under the control of the Government. This is a very painful paradox. What will happen then? Now this Bill is going to give more power to the Government. The Government can reallocate resources and funds can be transferred from one head to another. The strength of the Members representing the States has also been reduced. I will not go into the other minute details of the Bill. The great king Ashoka talked of the spirit of compassion, the spirit of tolerance, love and affection after his traumatic experience in the Kalinga battle. The same message was given by the Father of the Nation and the same message was also given by Mr. Jean Henri Dunant after his traumatic experience in the Solferino battle. He wrote a book, 'In Memory of Solferino'. After that some 4







Buddhism, that is: "प्रतीत्य समुत्पाद and four Noble Truths"

"चत्वारि आर्य सत्यानि"

There is suffering in the world, there is a cause for suffering there is freedom from suffering, there is a path of freedom from suffering. He was also very much influenced by the writing of Melind Panho, in the Upakhyan, which was inspired by the teachings of Nagarjuna, the great philosopher of Sunyavad who has given the theory that there should be no suffering in life. So, it was "शून्यमिति न वक्तव्यम् अशून्यमितनोभवे....

उभयं नो भवेत् चेदि  
प्रज्ञप्यथमे तु कश्यते"

For that, the perfect path was truth, that blissful stage of life when there is no suffering which cannot be described or defined. He has said, "It is void or not void, it is not either of it is not both." So, in this he has described the character.

"चत्वारि आर्य सत्यानि"

Later on, the same was in our philosophical systems.

"अष्टादत्त पुराणेषु... व्यासस्य वचद्वयम्  
परोपकाराय पुण्याय पापय परपीडनम्"

The crux of eighteen Puranas is: To give trouble to others is the greatest sin, and to give service to others or to give philanthropic works for the society is the greatest 'punnia' or greatest good. This has also been corroborated, by the Gita which is the essence of the Upnishadias, that is, the Geeta.

सर्वोपनिषदो गावो दोग्धा गोपाल नन्दनः

पार्थो वत्स सुर्ध्व भोक्ता दुग्धम् गीतामृतम् ।।

Because the Geeta is the essence, Lord Krishna is the cow-herd boy and the milk is the Geeta, which has been taken by Arjuna, like the knowledge.

So there it is said:

नाहं वेदा न तपसा न च दानेन न च ज्यया ।

शक्य एवम् विधोर्द्धुर्न दृष्ट वानसि मायया ।

भक्त्या त्वन्नभया शक्यअहम् एवम् विधोर्द्धुर्न

ज्ञातुं दृष्ट च तत्त्वेन प्रवेष्टम् च परतयः

मत्कर्म कृन्त्यस्यो मदर्थं संदे वर्जितः

निर्वैर सर्वभूतेषुयः सः मर्मेति पाण्डवः ।।

It is again followed by

Because it should be by compassion and self-less service to people that one can attain Me, one can reach Me.

Of course, Sir, I am giving the culture of Indian Red Cross Society. On this it was said by a Swiss writer who was influenced by this philosophy. After the death of Pt. Nehru, when I was a student, then Mrs. Sucheta Kripalani was the Chief Minister of Uttar Pradesh. Then I was with Vinobaji. Vinobaji came to Allahabad and a delegation of Red Cross Society met there. At that time, to that delegation Vinobaji said that they are the embodiment of 'Karuna', which means, they are doing service to the people. But later on, I had told you why people are opposing on the other side. The basis, the Principle, the ideal, on which this Red Cross Society was formed, then was that there is suffering, and to get the people freedom from the servitude of suffering. But here in this society we got the cause of suffering in Dasai Chaudhary in this system later on India. And that is why if careful consideration is not going to be given by the Government, then the Government of India should not be a party to the suffering of the people in our country also. And the very character of Red Cross Society will be spoiled and polluted. So again I will say that the people are telling that the President is going to take power and its autonomous character is going to be jeopardised. (Time bell rings)

One second, Sir. The International Red Cross Society was awarded in 1917 and 1944 Nobel Peace Prize. This was founded by Clara Barton. I would like to tell you, Sir, That when he became the president in 1947, its character was revised. The organization, with headquarters in Washington, D.C. is supported entirely by voluntary contributions. The President of the United States is honorary chairman of the Society and appoints its president and seven other members of a 50-man board of governors in this society.

When in the United States, this system is there for the American Red Cross Society, why should it not be so in India? I certainly support this. But here everybody is speaking against that. But there the voluntary contribution is also being maintained and its promotion is also strengthened. So like that if this Bill has been brought forward by the hon. Health

Minister in our country, I am supporting this vehemently.

Thank you, Sir.

श्री चतुरानन मिश्र: इन श्लोकों का कोई असर स्वास्थ्य मंत्री पर पड़ा कि नहीं? ..(व्यवधान)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Balaram, you have moved your Amendment. Do you want to speak now?

SHRI N.E. BALARAM: I don't take much time, Sir.

Sir, I have been listening to the speech made by the hon. Minister. I am sorry, I am not convinced. He said that he would like to give an assurance to the House that he would bring a much better, comprehensive Bill in the coming session. That is a different matter. I will express my opinion at that time. But, now I am talking about the present Bill. When he introduced the Bill, he was stated the reasons very clearly though the reasons are not convincing.

Sir, in the Statement of Objects and Reasons, the hon. Minister has stated that "the entire management structure has been left to be decided by the Managing Body by rules made by it. As a result, even the president and chairman of the Society are unable to exercise proper supervision and control. On account of internal wranglings, the Society has not been able to discharge the statutory responsibilities like holding the Annual General Meeting, passing of Annual Accounts and approval of the Budget." These are the reasons that he has stated. On the basis of the present Bill, I would like to ask the Minister one thing. I do not know what is happening inside the Red Cross Society. Much was said about the corruption or malpractices or non-functioning of that body, etc. I have nothing to say about it. But looking into the Bill and the 1920 Act, I think, these reasons are not complete or perfect and one cannot accept them because, on the basis of the old Act, i.e., 1920 Act, and another subsequent amendment made to that Act, they have framed certain rules. These rules are there in the Act. According to Rule 11(1) of the statutory rules framed under that Act and passed by the Parliament, "a General Body Meeting of the Society shall be held once a year at

the headquarters of the Government of India upon the date or dates to be fixed by the President." The President of the Society, according to the rule, is the President of India. There is no change in the present Bill and the old Act. So, it was the President's duty to convene a General Body Meeting of the Society, according to the rules passed by the Parliament. Then Rule 11(3) again says that "at each General Body Meeting, the Annual Report, the Annual Accounts and the budgets are presented and considered and adopted." And the auditors are selected by that meeting. So, these are the functions to be performed by certain functioning authorities. And it is said that an ordinary meeting of the Managing Body shall be held once a quarter at such time and place as may be fixed by the Chairman. At the meeting to be held in the first quarter, the Annual Budget of the Society shall be considered, etc. According to that Act, for the last 11 years, the Chairman is the Health Minister. So, it is the duty of the Health Minister for the last 11 years to convene the General Body Meeting of that Society to conduct the elections, to check up the accounts and appoint an auditor. So, that is the duty of the Chairman, that is the duty of the Health Minister. It is the duty of the Minister. Now many Members were saying so many things, suggesting this thing or the other. I don't go into it. My point is that you are doing the same thing. The same person, the same chairman is going to do the same job. That is the change you say you are introducing by this Bill. The crux of the problem is that the Chairman is bound to call a general body meeting and who is the Chairman? It is the Minister who is the Chairman. Now, suppose you don't want the meeting. What can we do? We can only depend upon the Bible which says when salt becomes unsaltish, nothing can be done. What can we do if the Minister does not want to call the meeting? The Minister has to convene a general body meeting and appoint a committee to go into the accounts and prepare the budget. But if he does not call the meeting, what can be done? It depends upon the person who has to convene it. I don't say there is no need of a legislation; but what I am saying is that it is not due to lack of any





isation for 30 or 35 years, was unauthorisedly given five years' extension. It is with a view to removing that thing that I can assure the House that the Indian Red Cross Society is not going to become a dumping ground for retired employees.

The second thing that I would like to assure the hon. Members is that it is not our intention to make it a political organisation. We will abide by whatever is mentioned in the fundamental principles of the International Red Cross and Red Cross Movement. We will not go beyond those fundamental principles. But I would like to say that it is not correct that India or the Indian Red Cross Society is bound to have prior consultation or prior approval or prior consent of this body. That hurts our national pride. All that has to be done is that once we move any amendments we have to inform the International Association that these amendments are consistent with the principles laid down under their convention.

One of the hon. Members has asked whether anything has been received from Geneva. I would like to say that our Parliament is supreme and that nobody can dictate terms to Parliament which is supreme and sovereign. It would not be appropriate for this Government or any other Government to consult international bodies before bringing a legislation before the House. We have, however, as I mentioned, informed them of the proposed amendments. The ICRS Federation has an established procedure of referring such proposals to a Joint Commission. They have informed that the Joint Commission, after considering, would be sending us their comments. Some interim responses have been received, and the position is being clarified. I may assure this House that the comments received from them would be duly considered with an open mind. Similarly, I would like to say...

**SHRI CHATURANAN MISHRA:** Can you say something about those comments?

**SHRI M.L. FOTEDAR:** They want us to say what amendments are being proposed, what the powers of the President are, what the rules are, what these

things are. You need not worry. Our Foreign Office is very strong to deal with that situation.

So far as the House is concerned, ....(Interruptions).... just listen.

**PROF. SAURIN BHATTACHARYA:** Just one minute. If it is possible for you to read out those points, only those points, in connection with....

**SHRI M.L. FOTEDAR:** They have sought some clarification on what is....

**PROF. SAURIN BHATTACHARYA:** Exactly, what are the comments they have given?

**SHRI M.L. FOTEDAR:** We will clarify that at an appropriate time. We are not bound. ....(Interruptions).... Those clarifications which are consistent with the international convention of the International Red Cross have to be made.

**SHRI CHATURANAN MISHRA:** We want to know as to what are their apprehensions.

**SHRI M.L. FOTEDAR:** There is no apprehension. All that we have to do is that any proposed amendment should be consistent with the international principles of the Indian Red Cross Society. So, our proposed amendment which is being passed now is in conformity with those fundamental principles. So, you need not worry on that. In case a need arises at any time—and as the hon. Members have said that something more is to be done and some more States have to be given representation—I assure the hon. Members, I will consider them and keep their suggestions in view.

Similarly, I would like to assure the hon. Members that whoever is appointed as a Member of this Committee or nominated as a Member of the Committee his integrity will be above board. He will be above suspicion as Caesar's wife. His integrity, I think, nobody can challenge.

**SHRI CHATURANAN MISHRA:** Then Caesar will have many wives.

**SHRI M.L. FOTEDAR:** Thirdly those people who are going to be elected, who are 12 in number, we will leave to the State units as to how best they can elect those people. I can assure about that. But so far as the nominated Members

are concerned, I can assure the hon. Members that those people will be really men of integrity and men of standards. With these words, I would request the hon. Members of the House to pass this Bill unanimously so that a clear message goes outside that India is one.

DR. JINENDRA KUMAR JAIN: Sir,....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You have already made your submission.

DR. JINENDRA KUMAR JAIN: I want to remind the hon. Minister that before the discussion he said he proposes to give some assurances to the House. I wish to ask about bringing the amendments in the next session. How about that?

SHRI V. GOPALSAMY: What merit those assurances would have?

SHRI M.L. FOTEDAR: I have only one assurance to make before this House. That is, my mind is open. It is not closed. I will consult the Leader of the Opposition. Whatever he feels is just and convenient for the passage of the Bill or for the interest of the Red Cross and is consistent with the international convention, I will not be failing in my duty to take that thing before the Cabinet and get it passed.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I shall now put the amendment moved by Shri N.E. Balaram for reference of the Indian Red Cross (Amendment) Bill, 1992 to a Select Committee to the vote of the House.

SHRI N.E. BALARAM: I am not pressing it. I want to withdraw it.

*The Amendment was, by leave, withdrawn*

SHRI S. JAIPAL REDDY: Sir, I would like to respond to the Minister's assurance and say that all of us decided not to press it because of his assurance.

SHRI V. GOPALSAMY: I do not believe in the assurance. I differ with him.

SHRI S. JAIPAL REDDY: I also do not believe. I agree with you, Mr. Gopal-samy. We are passing it under protest.

DR. JINENDRA KUMAR JAIN: The assurance given at the time of the doctor's strike has not been fulfilled. So,

kindly don't treat this assurance just like that one. Respect your assurance. That is all I would like to say.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I am not putting the amendments of Shri Ish Dutt Yadav and Shri Satya Prakash Malaviya to vote in view of what Shri Balaram Ji has said.

*The amendments were, by leave, withdrawn*

श्री सत्य प्रकाश-मालवीय: श्रीमन, मैं एक स्पष्टीकरण चाहता हूँ। भारत के राष्ट्रपति इस के प्रेसिडेंट होंगे। इस बिल से फौज धाराएं हैं और उनका नाम 17 बार आया है और कहा गया है कि एक मैनेजिंग कमेटी बनेगी। उसको व्यापक अधिकार दिए गए हैं। उनके आर्डर के खिलाफ कोर्ट में भी कोई नहीं जा सकता है। उस प्रेसिडेंट के आर्डर के खिलाफ जो भारत के राष्ट्रपति हैं। तो कम से कम जो संशोधन आप लाइए उसमें इस बात का ध्यान रखिए कि भारत के राष्ट्रपति को विवादग्रस्त नहीं बनाना चाहिए। आज संशोधन आपने किया है और 27 अप्रैल को अगला सेशन शुरू हो रहा है। मैं मानकर चल रहा हूँ कि उस में आप संशोधन लाएंगे। लेकिन मैं जानना चाहता हूँ कि जो भारत के राष्ट्रपति को विवाद का विषय बनाया गया है। इस के संबंध में विचार करेंगे या नहीं?

श्री एम. एल. फोतेदार: उपसभाध्यक्ष जी, भारत के राष्ट्रपति को कभी भी विवादग्रस्त नहीं बनाया गया है और न भारत की जनता भारत के राष्ट्रपति को विवादग्रस्त बनाएगी क्योंकि भारत महान है, भारत की प्रभुता महान है। कभी भी वह विवादग्रस्त नहीं बन सकते हैं। लेकिन आपसे मैं इतना ही कह सकता हूँ कि .... (व्यवधान)....

श्री चतुरानन मिश्र: सरकार तो विवादग्रस्त है .... (व्यवधान)....

श्री एम. एल. फोतेदार: सरकार विवादग्रस्त हो सकती है, लेकिन राष्ट्रपति विवादग्रस्त नहीं हो सकता है.... (व्यवधान)....

SHRI V. GOPALSAMY: You have mortgaged the economy .... (interruptions)....

SHRI M.L. FOTEDAR: I am responding to Mr. Mishra. दूसरी बात जो आपने कही, संशोधन के बारे में हम लीडर ऑफ ऑपोजिशन से बात करेंगे। जिस वक्त एक कंसेलर बनेगा.... The Indian Red Cross Society should become vibrant and dynamic and it must have good representation. I will examine all the details in depth. As soon as I am







हफ्ते से, जब से हेमन्त साही को गोली लगी है, तब से मैं इसकी मांग कर रहा हूँ। अब तो वे मर गये हैं। पहले वह बयान होना चाहिए....(व्यवधान) इस तरह से बुलडोज करने की जरूरत नहीं है....(व्यवधान)।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): The business is not over. (Interruptions).

SHRI VITHALRAO MADHAVRAO JADHAV: This should be taken up immediately. (Interruptions). What is wrong in it? (Interruptions).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down.

SHRI S. JAIPAL REDDY: Sir, I seek your protection. You kindly direct... (Interruptions)...

Sir, the Parliamentary Affairs Minister must intervene. (Interruptions).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Reddy, go ahead.

SHRI S. JAIPAL REDDY: Sir, what is this? How can I speak? Is this a House? (Interruptions). Mr. Fotedar got his Bill passed. We cooperated. Is this the approach? (Interruptions).

SHRI M.M. JACOB: Sir, the Deputy Chairman has made an announcement in the House earlier. (Interruptions). This should be taken up after the... (Interruptions).

SHRI S. JAIPAL REDDY: No announcement was made. I am telling you, no announcement was made. (Interruptions). You must control the Members of your party. (Interruptions).

डा० अब्दुल अहमद (राजस्थान): महोदय, बिहार में जो हत्या हुई है उस पर पहले गृह मंत्री जी का वक्तव्य होना चाहिए।

SHRI V. GOPALSAMY: If it is more serious, then why did you allow the other business? (Interruptions). He is discussing the next item according to the business. (Interruptions). According to the List of Business, Short Duration Discussion is the next item. (Interruptions).

SHRI H. HANUMANTHAPPA (Karnataka): Sir, Nagaland should be taken up after the.... (Interruptions).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Ahluwalia, if you don't want to sit I

have no objection. You can stand. Now, I have already ruled that the Short Duration Discussion will be taken up first. After talking to both sides I have decided it and I am calling Mr. Jaipal Reddy.

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman.... (Interruptions)...

SHRI S. S. AHLUWALIA: It is very unfortunate, Sir. In the morning the Leader of the Opposition accepted it. He is now running away from his commitment. (Interruptions).... He is running away from his commitment. It is very unfortunate. (Interruptions)....

SHRI S. JAIPAL REDDY: No, no. (Interruptions)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Ahluwalia, please sit down. (Interruptions).

श्री शंकर दयाल सिंह (बिहार): उपसभाध्यक्ष जी, मैं अपने हाफ-एन-आवर डिस्कशन के लिये कह रहा हूँ....(व्यवधान)...

My Half-an-Hour discussion is not yet taken. You have already given a ruling. (Interruptions)....

SHRI YASHWANT SINHA (Bihar): Mr. Vice-Chairman, Sir, we are all interested in the discussion on the Bihar incident. We had all raised it together. In the morning we were all ready to take it up immediately after the points that we were raising during the so-called Zero Hour. But at that time, unfortunately—the Minister of State for Home Affairs who was sitting in the House had left at that time—the sense of the House, as I understood it, was to take it up immediately even before the Red Cross Society Bill. But he was not here at that time. He unfortunately went away. That is the reason why that particular matter could not be taken up and then we decided and the Deputy Chairman who was in the Chair said that we shall follow the order of the business as listed in the agenda. Therefore, instead of wasting the time of the House and creating an unfortunate situation here, I would suggest, let us go ahead with the listed business. We are all interested in discussing the Bihar episode. We shall definitely take it up. We shall take it up after this discussion.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY

AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, he has drawn my name also. It is a fact that I was present in the House when the demand was made by Mr. Ahluwalia and many other Members and it was agreed upon by Mr. Jaipal Reddy that Bihar must be taken up right now. I was ready with the statement. Then the other subjects were taken up for discussion. Therefore, I went to the Lok Sabha to make a statement on the Nagaland issue. After that I returned and I am waiting here even now. I am in the hands of the House. I am ready with the statement on Bihar. I am ready to go ahead with the statement. (*Interruptions*)....

SHRI S. JAIPAL REDDY : No, no. When the Vice-Chairman has already given a ruling that ruling must be stuck to. (*Interruptions*).... There is a listed business. (*Interruptions*)....

SHRI S.S. AHLUWALIA : The opposition is not interested because his party has killed our MLA. (*Interruptions*)....

AN HON. MEMBER : No, no. That is totally wrong. (*Interruptions*)....

SHRI S.S. AHLUWALIA : They want to hide it. (*Interruptions*)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Ahluwalia, I have already ruled. (*Interruptions*)... You please sit down. (*Interruptions*)... Mr. Reddy, you go on. (*Interruptions*)....

SHRI S. JAIPAL REDDY : How can I go on, Mr. Vice-Chairman? If other Members are standing, how can I speak? You cannot restore the House to order; you cannot adjourn the House. ...(*Interruptions*)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Ahluwalia, with all your strong sonorous voice you must control yourself. It is not proper. I have given a ruling twice. Now you are still persisting. (*Interruptions*)....

SHRI S.S. AHLUWALIA : Now, you throw me out. I will go. What do you do? (*Interruptions*)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : I

am not going to name you. You have a right to raise the point. (*Interruptions*)....

SHRI S.S. AHLUWALIA : His party has killed our MLA. (*Interruptions*)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Jaipal Reddy, you go ahead. (*Interruptions*)....

SHRI S.S. AHLUWALIA : They did not want to discuss it. This is the reason.

#### SHORT DURATION DISCUSSION RE: AWARD OF CONTRACT FOR PURCHASE OF ELECTRIC LOCOMOTIVES TO A SWISS FIRM

SHRI S. JAIPAL REDDY : Mr. Vice-Chairman, today I wish to draw the attention of the House to the manner in which the Minister of Railways has placed a letter of acceptance for twenty AC III-phase 6000 horse power locomotives.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Reddy, if you don't mind there is one small matter, that is, a statement has to be laid on the Table of the House by Mr. Jacob. (*Interruptions*)....

SHRI YASHWANT SINHA (Bihar): That has to come later.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Why?

SHRI YASHWANT SINHA : We have some comments to offer.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Your comments will be reserved. Let him lay it.

SHRI YASHWANT SINHA : Why should he lay it right now?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : He is just laying it. (*Interruptions*)... Just listen to me. It is a constitutional requirement that the proclamation and the order has to be laid on the Table of the House.

5.00 P.M.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : It is a Constitutional requirement that the proclamation and order have to be