

[Shri Tindivanam G. Venkatraman] to conclude and it has also to decide about powers. To give powers to decide about the procedure by itself will not serve the purpose for which this Act is enacted.

The third point is this. You are investing it with the powers to investigate, to summon witnesses and to summon documents etc. In that event, you are also investing it with the powers of a Civil Court. In that case, you can constitute this as a Court of Justice for that particular end. If the other party goes to the Civil court and gets an injunction over this party, namely, the Scheduled Caste and Scheduled Tribe Commission, there will be parallel justice. Whether this Commission's recommendation has to be taken into consideration or the Court's decision has to be taken into consideration is a thing to be decided and by investing the powers of a Civil Court, you may as well make it a Court of Judgement.

Court means also investigation, document and evidence, then why not invest the powers of judgement also? And simply taking the statement and other things and simply by taking and collecting everything, and sending it to the President means it is nothing but sending a person or group of persons sending a petition to the President of India. Therefore, all these points must be considered. These are all legal issues which may be taken into consideration by the hon. Minister and with this, I conclude my speech.

4.00 P.M.

ANNOUNCEMENT BY DEPUTY CHAIRMAN REGARDING REPRIMAND TO SHRI K. K. TEWARY—
Contd.

THE DEPUTY CHAIRMAN: Honourable Members, I have been informed by the Secretary-General that the office has not been able to serve the summons on Mr. K. K. Tewary to

appear at 4 o'clock today due to his absence from his residence. It was the only available address with us.

Now, I leave it to the House to decide as it pleases.

(Interruptions)

SOME HON. MEMBERS: Arrest warrant should be issued... (Interruptions)

THE DEPUTY CHAIRMAN: I cannot hear anything at all because everybody is speaking... (Interruptions)... Yes, Mr. Jaipal Reddy... (Interruptions)... Just a minute...

(Interruptions)

श्री ईश चतुर्वर्तु (उत्तर प्रदेश) : वह जान-बूझकर हाजिर नहीं हो रहे हैं। इसलिए अरेस्ट के लिए वारंट इशु किया जाए।

श्री राम अश्वधेश सिंह (बिहार) : अगर वह अंडरग्राउंड हो गये हैं, तो क्या इस सरकार का खुफिया विभाग उनको खोज नहीं सकता है? अगर खोज नहीं सकता है, तो यह इस सरकार के लिए शम की बात है।

यदि वह अंडरग्राउंड हैं, तो पता लगायें और यदि अंडरग्राउंड नहीं हैं, कोर्ट में हैं, तो उनको गिरफ्तार करके सदन में लाया जाए।

सदन की कार्यवाही बारह बजे तक चलाई जाए, लेकिन आज सदन में के०के० तिवारी को लाया जाए और आज उनको सजा सुनाई जाए।

SHRI VIREN J. SHAW (Maharashtra): Madam, the House is entitled to issue a warrant of arrest because this is a deliberate contempt of the House, a continuous contempt of the House... (Interruptions)...

SHRI M. A. BABY (Kerala): This is further contempt of the House. (Interruptions)

SHRI DIPEN GHOSH (West Bengal): Madam, the charge against Mr. K. K. Tewary was contempt of the House and there was a unanimous

resolution first by the House that Mr. K. K. Tewary, by having issued such a statement to the Press, had brought the House into contempt and had violated the privilege of the House. This House discussed it for three hours and having discussed and considered all aspects, the House came to the conclusion that Mr. Tewary had brought the House into contempt by issuing such a statement to the Press. The only thing that the House wanted to know was whether he had issued that statement and the House wanted a confirmation. Now, three letters have been issued to him and he has also confirmed that he had issued such a statement. It was the intention or the idea behind the resolution that if his issuing such a statement was confirmed, then he should be summoned to the Bar of the House, the Rajya Sabha, and that we should reprimand him.

Now a question has arisen: He has not appeared in spite of the notices served by him... (*Interruptions*)

SOME HON. MEMBERS: No notice... (*Interruptions*)...

SHRI DIPEN GHOSH: The only course left to the House now is... (*Interruptions*)... to issue a warrant of arrest... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Just a minute... (*Interruptions*)... I will allow the Members to have their say, but let Mr. Dipen Ghosh finish first. I have already identified Mr. Thakur. Yes, Mr. Ghosh.

SHRI DIPEN GHOSH: Madam, if somebody evades the summons, as it happens in the case of court summons, it also happens in the case of summons issued by the Rajya Sabha. Therefore, if one evades the summons, in this case the summons issued by the Rajya Sabha, this House is entitled to issue a warrant of arrest.

Let a warrant of arrest be issued and let Mr. K. K. Tewary be brought to the Bar of the House by tomorrow.

THE DEPUTY CHAIRMAN: Yes, Mr. Thakur.

PROF. CHANDRESH P. THAKUR (Bihar): Madam, let me confess here that I am a junior Member of Parliament and there are a lot of respectable and illustrious Members of Parliament... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please do not disturb him... (*Interruptions*)... I would request the Members to be calm.

PROF. CHANDRESH P. THAKUR: Madam, I am second to none so far as the protection of the privilege of the House or the office of the Chairman or his privilege is concerned. But the issue is getting curiouiser and curiouiser. Somehow or the other, I think we overreact individually or collectively sometimes. My submission to you, Madam, is, let us not overreact again. To suggest that a warrant of arrest should be issued for Mr. Tewary definitely indicates our enthusiasm to protect our privileges. I respect it... (*Interruptions*)

THE DEPUTY CHAIRMAN: I would very humbly request Members don't take upon the responsibility of the Chair. At the moment let me conduct this in a peaceful atmosphere. It is a serious matter and there is nothing to fight with each other.

PROF. CHANDRESH P. THAKUR: There are three issues, as far as I am concerned. I am not a lawyer and my training is in a different subject. The first issue is the privilege of the House and the privilege of the Chairman and we are totally unanimous that it must be protected by all means. The second issue is the likely risk of the matter heading to-

[Prof. Chandresh P. Thakur]

wards an avoidable confrontation between the Legislature and the Supreme Court of India. Are we in a position to avoid this possible confrontation? I humbly submit that it is possible. The third issue is this. All of us are Members of Parliament but before becoming Members of Parliament and after retiring from our membership we will be non-Members, we will be individual citizens. And we have every right to seek a protective umbrella from wherever the Constitution provides it. The Constitution provides it under Fundamental Rights. So, Mr. Tewari may be an ex-Minister or an ex-Member of Parliament. But as of today he happens to be an ordinary citizen to which category we all belonged and we are going to belong, and the number of free citizens in this country will always be overwhelmingly a larger multiple of any number of Members of Lok Sabha and Rajya Sabha put together at any time or cumulatively over decades. So in our anxiety to protect the privileges of the House to which I fully subscribe, let us not ignore the privilege of an individual to seek protection under... (*Interruption*) ... I would request my friends to have patience. I humbly submit, let us not even by implication, even by marginal implication, suggest that an individual citizen in this country does not have the protection of Fundamental Rights granted by the Constitution which is a creature of this institution of Parliament. We have every right to change the Fundamental Rights, to change the Constitution. But so long as the Fundamental Rights stay and we have that protection available, let us not deny it to anybody...

THE DEPUTY CHAIRMAN: Please be brief.

PROF. CHANDRESH P. THAKUR: Madam, in your absence Shri Shiv Shanker, the Leader of the Opposition, moved a resolution saying in

order to avoid all these problems let a revised resolution go which meets the purpose of protection... (*Interruptions*)... Madam, I have three simple submissions. You were presiding over these deliberations. Since the issue involves the Chairman and he cannot and he should not be present, you are the presiding officer when the House is deliberating on this aspect. In your absence the Leader of the Opposition moved a resolution...

SOME HON. MEMBERS: No, no.

THE DEPUTY CHAIRMAN: Please take your seats. (*Interruptions*) I would like you to react to what is before the House just now.

PROF. CHANDRESH P. THAKUR: I am making just two simple suggestions. The House should grant you the pleasure of listening to what Shri Shiv Shanker had said and if it meets the criteria that the dignity of the House, the privilege of the House, is not going to be compromised and a confrontation can be avoided, it could be carried with the unanimous support of the House.

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam,... (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down. All of you cannot speak together. (*Interruptions*) I have seen so many hands. I think we will have to discuss not the Constitution (Amendment) Bill, but discuss this.

SHRI S. JAIPAL REDDY: Madam Deputy Chairman, we are at the moment to react to the situation as it obtains today. We cannot retrace our steps, nor can we sit in judgment over what we did in the morning. The House in its collective wisdom gave time to Tewari to appear at 4

4 o'clock. It was an extraordinary act of generosity on the part of this House. Mr. K. K. Tewary, after having sought for time, is playing truant to the House, is playing hide-and-seek with this House. With this, Madam Deputy Chairman, his crime, if any has been infinitely compounded. (Interruptions) This only shows... (Interruptions)

THE DEPUTY CHAIRMAN: There is a query. At what time was the notice sent Secretary-General Sahib? ... (Interruptions) ... soon after the House decided, the notice was sent, I believe, I will read it out... (Interruptions) I said I am telling. You don't have to repeat it again and again. Please don't repeat. I can hear once. I can hear the first time, you don't have to keep on. I have got some intelligence in my mind. (Interruptions) ... Just a second. I have been informed by the Secretary-General that at 12 o'clock the messenger went from here and he sat there till 3.30... (Interruptions)

SHRI MAKHAN LAL FOTEDAR (Uttar Pradesh): I have a right to know. (Interruptions)

THE DEPUTY CHAIRMAN: I would request you, do not have a running commentary on this. (Interruptions)

SHRI MAKHAN LAL FOTEDAR: I would like to know, Madam Deputy Chairman, whether Mr. Tewary is evading the summons? What is the report?

SHRI S. JAIPAL REDDY: It was Mr. K. K. Tewary who approached the House and sought for time. It was, therefore, ... (Interruptions)

THE DEPUTY CHAIRMAN: Please sit down. (Interruptions) It is because of people who do not listen to the Chair that it happens like this. (Interruptions) It is not for you. It is for me. Please sit down. (Interruptions)

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) :
मैडम, माननीय सदस्य ने क्या कहा, हमने सुना नहीं ।

उपसभापति : ब्राप कृपया चुप रहिए । मुझे सुना है, आपके सुनने के लिए नहीं कहा, मेरे सुनने के लिए कहा, मैं जवाब दूंगी ।

डा० रत्नाकर पाण्डेय : मैडम, मेह बानी कीजिए । माननीय सदस्य ने जो कहा, हमने सुना नहीं ।... (व्यवधान)

THE DEPUTY CHAIRMAN: Mr. Fotedar asked me. I will answer him. You sit down.

SHRI S. JAIPAL REDDY: Having sought for time... (Interruptions)... Madam, I want to be heard, I wish to be heard. After having sought for time, it was morally, politically incumbent upon Mr. Tewary to await the order of the House. He deliberately went into hiding to avoid the order. And if this is not defiance of the House, and if this is not commission of the contempt of the House, what else would be commission of the contempt of the House, I would like to know.

Madam Deputy Chairman, every citizen in this country has a right to move the court. Even a former hon. Member like Mr. K. K. Tewary has a Fundamental Right. But do other institutions in the country wait for citizens to go to the court to get the appeal, to get their own orders executed? Do we suggest, after passing a Resolution, that the concerned person should go to the court and obtain relief? Do we wait for that?

AN HON. MEMBER: What is wrong? (Interruptions)

THE DEPUTY CHAIRMAN: I should remind the Members that every Member in this House has a right to express his opinion, whether somebody agrees or disagrees with

[The Deputy Chairman]

him. So, he is expressing his opinion. Mr. Thakur expressed his opinion. You can express your opinion. But it is not necessary that what anybody is going to speak should be agreeable to you or to him. So, please let him speak. Do not curtail his right to speak.

SHRI S. JAIPAL REDDY: Madam, no institution is to wait for the affected citizen to go the court of law. In this case, we are the Parliament. We are supreme in our sphere. I am not among those who believe that Parliament is sovereign. I am among those who believe that it is the Constitution which is sovereign. No single organ is sovereign. I am not a student of Law. With my limited knowledge of public affairs, my firm belief is that Parliament is supreme, but not sovereign, but supreme in its own sphere just as Supreme Court is supreme in its own sphere. The question of confrontation between the Parliament and the Judiciary does not arise in this case. It must be said in fairness to the Supreme Court that the petition of this particular person was dismissed. So, what confrontation is anybody talking of? Why are you conjuring up non-existing nightmarish visions? Here is a person who not only committed contempt of the House but who persists with his wilful, want on definance of the dignity of the House. This is not a matter over which we should be divided on partisan lines. This is a matter over which all of us should be united as never before. Mr. K. K. Tewari, I may confess to you, Madam, is a dear friend of mine. (*Interruptions*) And if it is a matter concerning me, I would forgive him generously. But, today, it is not a matter concerning a party. It redounds to the resounding and everlasting credit of this House that the Leader of the Opposition and the main Opposition party rose to the occasion and registered their solidarity when the Resolution was adopted for administering the reprimand to Mr.

K. K. Tewari. I only call upon the Members of the main Opposition not to take any step which would be construed as reflection on their conduct. In the morning, I felt very happy as I heard Mr. Shiv Shanker. He did the whole House proud. He rose above party lines. He stood by the dignity of the House. Therefore, if the dignity of the House is to be preserved, we are not to be concerned with the fate of an individual. If the dignity of the House is to be protected and promoted, it is in the fitness of things that Mr. K. K. Tewari is traced out wherever he is through a nonbailable arrest order. (*Interruptions*) He is now at large and it is in tune...

SHRI VIREN J. SHAH: He is a proclaimed offender now.

SHRI S. JAIPAL REDDY: It is in tune with his past record. If the House cannot come to grips with this proclaimed offender, we will not be living up to the past traditions of this House. (*Interruptions*)

SHRI V. NARAYANASAMY (Pondicherry): He talked about 'past record'. He cannot condemn a person who is not here. Mr. Reddy talked about 'past record'. What does he know? How can he say that? Unnecessarily, he is bringing in these things.

SHRI MOHAMMAD AFZAL (Uttar Pradesh): He has a past record. What is wrong in saying that? (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai. (*Interruptions*)

SHRI V. NARAYANASAMY: Madam, casting aspersions on a person who is not here... (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down. For the sake of the dignity of the House and for the sake of the oath you have taken, please sit down. (*Interruptions*) It is my hum-

ble request. Let Members express their views. Let there be no cross-talk. If you do not agree with his view, all right; you say 'He has no past record.' You can not interrupt him. Mr. Reddy feels that he has a past record. If you do not agree, it is all right. Now, Mr. Jagesh Desai please.

SHRI JAGESH DESAI: Madam, I entirely agree that the dignity of the House and that of the Presiding Officer should be maintained. We adopted a Resolution the other day. I was a party to it. My point is limited. Now, what should we do? It is on this that you have asked us to give our views.

THE DEPUTY CHAIRMAN: Exactly.

SHRI JAGESH DESAI: I would confine my observations only to that point. In the morning, you read the letter. It was mentioned that Mr. Tewari has asked for 24 hours time. It was decided that he should be given time, not according to his request, but up to 4 p.m. today. Some persons from the Secretariat had gone to serve the summons, but it could not be done. My request is only this much.

THE DEPUTY CHAIRMAN: Let me tell you. A Class-I Gazetted Officer went to serve the summons. The security guard at the gate informed him that Mr. Tewari was out of the house since morning. The officer stayed there, waited there, till 3.30 p.m.

SHRI MAKHAN LAL FOTEDAR: The report is that he has not evaded.

THE DEPUTY CHAIRMAN: 'Not at home'.

SHRI JAGESH DESAI: The country should not feel that we are vindictive. Therefore, we should give time. Because the summons could not be served, we should give him time—24 hours,—as per his request. Heavens are not going to fall. Let not an impression be created that we were vindi-

ctive. Such a message should not go. Therefore, this is my request. He requested for 24 hours time. The summons also could not be served. It was not received by him. Therefore, time should be given.

I think if we do that prestige of the House will be upheld. Otherwise, people will feel that you are vindictive and that impression should not be created. That is my humble request.

PROF. MADHU DANDAVATE: Madam...

THE DEPUTY CHAIRMAN: Yes, Finance Minister.

SHRI S. S. AHLUWALIA: No, he cannot speak. He is not a Member of this House.

THE DEPUTY CHAIRMAN: He is part of the Government. I have permitted him. (*Interruptions*). If you do not want to hear, you can leave. Now I have permitted him to speak. He will speak.

SHRI S. S. AHLUWALIA: No, he is not a Member of this House. (*Interruptions*).

THE DEPUTY CHAIRMAN: The House cannot be held to ransom by just a few loud voices. I have permitted him and he will speak.

SHRI S. S. AHLUWALIA: No, he is not a Member of this House. No. (*Interruptions*).

THE DEPUTY CHAIRMAN: You have been a Minister and you have spoken in every House. So, please do not make such a precedent. He is a very senior Minister. Please sit down. (*Interruptions*). No, please sit down.

SHRI S. S. AHLUWALIA: Do not make it a prestige issue. He is not a Member of this House. We cannot allow him to speak in this House on this matter.

SHRI DIPEN GHOSH: The House should take a decision whether the Minister has a right to speak or not.

THE DEPUTY CHAIRMAN: He can speak on behalf of the Government. (*Interruptions*) You have no right to stop the Minister from speaking. You are wrong. You are absolutely wrong. You are showing a very wrong picture to the world. (*Interruptions*) Now please sit down.

SHRI BHUVNESH CHATURVEDI: (Rajasthan): You are wrong, he cannot speak. (*Interruptions*)

SHRI DIPEN GHOSH: Shri Bhuvnesh is challenging your verdict. He is saying, you are wrong. (*Interruptions*).

THE DEPUTY CHAIRMAN: Mr. Abrar Ahmed, you are too young a Member of this House. So please first learn the convention. So, are Mr. Ahluwalia and these four people. First learn the convention. Go back to the library and see what the convention is and then speak. I request you to please take your seat.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam, the hon. Minister cannot speak. Leader of the House can speak.

SHRI S. S. AHLUWALIA: This is not a Government work.

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, I would request you to please go to the library in some free time and read the convention. Do not hold the House to ransom. Please take your seat.

SHRI S. S. AHLUWALIA: Do not give me tuition. I know it is not a Government work.

THE DEPUTY CHAIRMAN: If you do like that, then he will not come to reply to you in that respect. It is a question of the dignity of the Parliament* and he has the right to speak.

SHRI S. S. AHLUWALIA: No, he cannot speak.

THE DEPUTY CHAIRMAN: I cannot violate the Constitution, article 88, Rights of Minister and Attorney General as respects House. Now you take the Constitution and read it. Do not waste the time of the House by shouting. Yes, Mr. Dandavate. (*Interruptions*). Mr. Madan Bhatia will tell you about the Constitution.

SHRI S. S. AHLUWALIA: No, he is not a Member of the House. It is not the Government work. (*Interruptions*) He is not a Member of the House.... It is a matter...

(*Interruptions*)

THE DEPUTY CHAIRMAN: He is speaking on behalf of the Government. He can speak any time. Please sit down....Don't behave like...People will laugh at you.
(*Interruptions*)

SHRI S. S. AHLUWALIA: We want a ruling on this.... There will be a division...

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): Madam, on a point of order... (*Interruptions*)

SHRI S. S. AHLUWALIA: Don't shout. Your Leader is standing.

SHRI M. S. GURUPADASWAMY: Madam, Deputy Chairman....

THE DEPUTY CHAIRMAN: Order, order.

SHRI M. S. GURUPADASWAMY: In our emotion or anger, we should not set a bad precedent in the House. I beg of the Members here, the situation is very serious. We are discussing a very vital, important matter which concerns the entire House. Nobody is interested to divide the House.

In the last three or four days, on this particular matter, the whole House has moved together. Please remember that. There is no division at all. The Leader of the Opposition has been very helpful to us, to the House. I compliment him for that because he rose above all petty considerations, partisan considerations. We have also, on our side, tried to assess the situation very objectively. We have to keep this in our mind.

Now, my friend and colleague, Prof. Madhu Dandavate, wants to intervene. Let me plead with you. And I am not going to be technical here. After all when we are functioning, Government and Parliament are together. They are not separate. We are a part of Parliament. Please remember that. (Interruptions)

श्रीमती रेणुका चौधरी (आंध्र प्रदेश) : यह आपकी सभल में नहीं आयेगा यह अंग्रेजी में बोल रहे हैं। (व्यवधान)

SHRI M. S. GURUPADASWAMY: Madam, we are—all of us—trying our best to take a wise decision, to take a correct decision in the matter. In the process we want to protect the dignity of the House, we want to avoid the contempt to the House, any insult to the House. And in this background, any Member can contribute..

SHRIMATI MARGARET ALVA: (Karnataka): Any Member of the House?

SHRI SURESH KALMADI: Any Member of the House?

SHRI M. S. GURUPADASWAMY: Why don't you be patient, Mr. Kalmadi? Please be patient.... (Interruptions)

SHRI DIPEN GHOSH: You read Art. 77... You are not the fountain-head of wisdom.

SHRI M. S. GURUPADASWAMY: Please, I beg of you. The Deputy Chairman has already told the House that any Minister can intervene at any time either in this House or the other House. I am not taking shelter under that. Please... (Interruptions)....

Let us not, in our anger or anguish or emotion, set a bad precedent in the House. Never in the history of Parliament was a Minister prevented from speaking in the House. Please remember this. I am for Parliament, I am not speaking on behalf of this party or that party, no. I am speaking as the Leader of the House. At no time nowhere in the world where the parliamentary system prevails a Minister was obstructed from speaking. He has got a right. Please remember this.

Now all of us are engaged in the same task of finding a way out, protecting the privilege of the House, the dignity of the House and to deal with the matter which involves contempt and indignity. Madam, therefore, there was a suggestion by the Leader of the Opposition and by Members from the Opposition, yesterday and the other day. We welcomed it because we rose above all partisan considerations. We are capable of rising above partisan considerations and we can function as Members of this august body. For the moment, at least, when the privilege of the House, the dignity of the House and the rights of the House are involved, we can rise above all petty considerations. We have shown it in the past. I beg of you, even today let us cooperate with each other and find a solution.

Now, about this particular issue which has come up again, Madam, we have been very generous and we have not been vindictive, either any Member of the House has not been vindictive to Shri K. K. Tewari. Please remember, we do not want to be vindictive, we do not, even for a moment, think that he belongs to a particular party, no. The only consideration is whether a particular person—once upon a time he belonged to Parliament; he was a Member of Parliament he was a Minister — has committed any contempt of the House, whether he indulged in committing an indignity on the House. This is the question. So, how to go about it?

[Shri M. S. Gurupadaswamy]

The short question is, now the letter was written by the Secretary-General—not one, but more than one letter was written. Two letters were received by K. K. Tewary. In the morning we took a decision that some time should be given, and all of us agreed. There was no question, there was no protest either. All of us agreed that some time should be given. The Chair, in her wisdom, said that at 4 o'clock Mr. Tewary should be brought before the House and he should be reprimanded. That was the decision of the House. And may I remind you of the Resolution? What is the Resolution we have passed on the 24th?

DR. RATNAKAR PANDEY: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: I am not allowing any point of order just now. The Leader of the House is on his legs. Please have some respect. We are discussing the respect of the House. Please respect it.

SHRI M. S. GURUPADASWAMY: Let us refresh our memory. What is the Resolution that this august body passed on the 24th of May?

"This House resolves that Shri K. K. Tewary be issued notice regarding his statement published in the newspapers today which has brought the office of the Chairman of Rajya Sabha to indignity and constitutes contempt of this House. If it is confirmed that Shri K.K. Tewary has issued that statement, the House further resolves that Shri Tewary be summoned to the Bar of this House before the end of the current session and be reprimanded."

Now, we are all bound by this Resolution. Therefore, I beg of you, what is required is action and nothing else. He has committed contempt and therefore we have got to take action under the Resolution passed by us and by nobody else.

Therefore, I beg of you that we should take action against Mr. Tewary. It is for you and for us to decide. The reprimand has got to be issued whether today or tomorrow. That is the issue. (*Interruptions*)

THE DEPUTY CHAIRMAN: Just a minute. I have to inform the House something. Let me inform the House something, please. I have been informed by the Secretary-General who got confirmation from the Registrar of the Supreme Court that Shri K. K. Tewary's petition has been disallowed, dismissed. (*Interruptions*) Now, please, just a minute, just a second. Please let me say one word. It was just an information to the House. Officially it might come tomorrow, or something.

But, if I go through the letter which Mr. K. K. Tewary has written, he said that he will present himself before the Bar of the House only on the 1st of May, 1990 for the needful in terms of such order as may be passed by the hon. Supreme Court on the writ petition filed by him. He himself has offered to come tomorrow, he has committed himself to it. Now, we have to decide the time, whether it is eleven o'clock or twelve o'clock. That is all. (*Interruptions*) The gentleman himself has committed in writing. (*Interruptions*)

SHRI V. GOPALSAMY: Madam Deputy Chairman,...

THE DEPUTY CHAIRMAN: I will allow Mr. Gopalsamy and then Atalji. (*Interruptions*) I have given my word. I will stick to my word. He is on his legs. I will allow him and Mr. Advani. (*Interruptions*)

SHRI SURESH KALMADI: How can Mr. Advani come here and speak?

THE DEPUTY CHAIRMAN: Mr. Atal Bihari Vajpayee who is sitting in front of me. I am sorry if I said so.

श्री सीताराम केसरी (बिहार) : मेरी एक रिक्वेस्ट है . . . (व्यवधान) . . .

मेरा यह गुजरिश है कि जब लेटर आ गया तब तो मामला खत्म हो गया तो फिर . . . (व्यवधान)

THE DEPUTY CHAIRMAN: I take the responsibility of permitting them. If they want to say something, let them say.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Are you going to permit me also?

THE DEPUTY CHAIRMAN: Yes, I am permitting you also.

SHRI V. GOPALSAMY: Madam, on the 24th of this month we passed the Resolution. (Interruptions)

THE DEPUTY CHAIRMAN: Order, please.

SHRI V. GOPALSAMY: My friend Mr. Thakur, when he was making his submission stated that we should not overreact again.

THE DEPUTY CHAIRMAN: Mr. Surendra Thakur, I am not permitting you. Please don't raise your finger. Your raising the finger does not allow me to allow you. So, please sit down. I am not allowing you. You are the most junior Member. You don't know many things. You please listen to me. I am not allowing you. You might do anything. I am not permitting you. (Interruptions)

Don't write anything this gentleman says, please.

SHRI SURENDRA SINGH THAKUR (Madhya Pradesh):*

THE DEPUTY CHAIRMAN: Don't confront the Chair. I will open the whole matter again. If you want to confront the Chair, you are most

welcome. Do it. Come on. Start a dialouge. I am prepared to do it. But just now sit down. I said, "No." Have you ears? Please sit down. I say, "Sit down."

अंग्रेजी नहीं जानते हैं तो तशरूफ़ रखिये, अपना स्थान ग्रहण कीजिए। मैं आपको बोलने की इजाजत नहीं दूंगी। I will not permit you.

SHRI SURENDRA SINGH THAKUR*

उपसभापति : प्राधा मिनेट क्या मैं क्वार्टर मिनेट भी नहीं दूंगा।

Don't force me to pass a comment that people like you have caused this today, what we are facing. You people are responsible for it. Otherwise this would have never happened. Please sit down. (Interruptions) I will request everybody to sit down. (Interruptions) I said this to the Member. I will name you. (Interruptions) If you behave like this, I will name you today. (Interruptions) I will name you also. (Interruptions). I will name you Mr. Ahluwalia. (Interruptions) I will name the Member. (Interruptions) I will name you if you behave like this. (Interruptions) You do what you like. (Interruptions) Mr. Ahluwalia, please go back. (Interruptions) I will name the Member. I am asking you to sit down. (Interruptions) I said this because of you, not because of anybody else. (Interruptions) Please sit down. Please go back. (Interruptions) I will only name the Member about whom I said. Nobody else. (Interruptions) I have a right to say about him. Go back. (Interruptions) If the Members do not listen to me and do not go back, I adjourn the House.

The House then adjourned at forty-eight minutes past four of the clock.

श्री माखन लाल फोतेदार : आप से ज्यादा एकता है। ... (व्यवधान) ...

उपसभापति : हमारे मेंबर बहुत दुखी हैं, ठाकुर साहब हैं, जल्दी गुस्ता हो जाते हैं।

श्री सुरेन्द्र सिंह ठाकुर : आदरणीय उपाध्यक्ष महोदया, आपने मेरी दुखी भावनाओं को समझा, इसके लिए मैं आभारी हूँ। लेकिन दुखी भी आपकी वजह से हुआ, माफ़ी चाहते हुए यह बात कह रहा हूँ। ... (व्यवधान) ... यहाँ मैं यह निवेदन करने जा रहा हूँ कि आप बैठे हों या कोई और उस चेयर पर बैठे हों या वाइस चेयरमैन हों, यहाँ सदन में जो भी मेंबर बठे हैं, चाहे उनकी उम्र 30 साल एक महीना हो या 60 साल के ऊपर हो, उनमें कोई फर्क करना कहां तक उचित है ?

उपसभापति : नहीं, बिल्कुल उचित नहीं है।

श्री सुरेन्द्र सिंह ठाकुर : उनकी नॉलेज को आप बिना परखे कैसे चैलेंज कर सकती हैं? यह मेरा आपकी सेवा में सवाल है। इसका जवाब मैं आपसे चाहूंगा। मैं अंग्रेजी जानता हूँ, नहीं जानता हूँ, इसकी भी जानकारी...

उपसभापति : नहीं है।

श्री सुरेन्द्र सिंह ठाकुर : बहुत अच्छे से नहीं होगी।

SHRI T. A. MOHAMMED SAQHY
(Tamil Nadu): What is the purpose of electing the leader?

श्री सुरेन्द्र सिंह ठाकुर : और अगर अंग्रेजी ही मेरी योग्यता के आकलन का स्केल है, तो मुझे दुख इस बात का है कि यहां के सदस्यों की योग्यता का आकलन सिर्फ अंग्रेजी भाषा को जानने से किया जाता है।

उपसभापति : अब आप भाषण मत लिखिए। हम लोगों को मंत्री जी से जवाब लेना है। आपकी बात खत्म हो

गयी। यह अंग्रेजी-हिंदी पर डिस्कशन नहीं है।

श्री सुरेन्द्र सिंह ठाकुर : अगर अटल जी को अपनी भावनाएं व्यक्त करने का अधिकार है तो आप ने ही मुझे यह अधिकार दिया है। मुझे अपनी भावनाएं व्यक्त करने दीजिए।

महोदया, मैं उस समय जो पॉइंट ऑफ ऑर्डर रोज करने जा रहा था... (व्यवधान)... चूकि मैटर आप के द्वारा सेटल हो चुका है। आप ने खुद तिवारी जी की चिट्ठी पढ़कर बताया।

"(He is committed to come tomorrow by the time which I fixed.)"

तो जब ये मामला ओवर हो गया है और हम को इस ऑनरेबल हाउस में एस०सी०एस०टी० का बिल पास करना है, भूमि सुधार का बिल पास करना है तो मैं आप के माध्यम से सरकार से पूछना चाहता हू कि उन सदस्यों का जो सरकारी पार्टी को बिलांग करते हैं कौनसा औचित्य है कि फिर उस के बाद में अपनी नेता गिरी करने के लिए, अपने पॉलिटिकल फायदे के लिए तिवारीजी के माध्यम से यहां पर स्पीचेज की जाएं... (व्यवधान)

उपसभापति : आपकी बात मैंने सुन ली।

उस में कोई खास बात नहीं है।
(व्यवधान)

श्री सुरेन्द्र सिंह ठाकुर : क्योंकि आप ने जूनियर-सीनियर मेंबर की बात उठायी है... (व्यवधान)... तो एक जूनियर मेंबर (व्यवधान) एक जूनियर होने के बावजूद हमारी फीलिंग्स किसी भी सीनियर मेंबर से, हमारा समर्पण किसी भी सीनियर मेंबर से कम नहीं है, इस सदन के प्रति।

उपसभापति : आपकी बात सुन ली। आप बैठ जाइए। मुझे मंत्रीजी को बुलवाना है। अभी आपने खुद कहा है

[उपसभापति]

कि यह बहुत जरूरी बिल है। बैठ जाइए, आपकी बात हो गयी।

श्री सुरेन्द्र सिंह ठाकुर : मैं आभारी हूँ कि आप ने मुझे अपनी बात रखने की इजाजत दे दी। मैं दोनों हाथ जोड़कर आपसे प्रार्थना करूँगा कि अगले जूनियर मेंबर और सीनियर मेंबर में फर्क किए बिना एक-जैसा मौक़ दिया जाना चाहिए। धन्यवाद।

THE DEPUTY CHAIRMAN: The matter is over. I have called the Minister to speak. Please let the House be run in order. . . (Interruptions) . . . Is it proper for the two Members to speak at the same time? I cannot hear one Member from one ear and another Member from another ear at the same time. . . (Interruptions) . . . Please sit down.

श्री शंकर दयाल सिंह (बिहार) : महोदय, मैं बहुत देर से . . . (व्यवधान)

महोदय, जो हम लोगों का नाम था डिस्क्रिप्शन के लिए, क्या वह सब खतम हो गया।

उपसभापति : जी हाँ, खतम हो गया। आपका नाम अगर आपकी पार्टी की तरफ से तो इस बात का ध्यान रखिए कि आपकी पार्टी के लिए किंगडम टाइम है। अगर टाइम से ज्यादा नाम आएंगे तो आप नहीं बोल सकेंगे।

श्री शंकर दयाल सिंह : अगर दूसरे लोग ज्यादा समय ले लेंगे तो हमें कैसे कतल करेंगे ?

उपसभापति : यह आप अपनी पार्टी से बोलिए, मुझसे मत बोलिए।

श्री शंकर दयाल सिंह : मेरी पार्टी ने समय बर्बाद नहीं किया है, दूसरों ने किया है। लेकिन महोदय, मैं एक बात जरूर कहना चाहूँगा। . . . (व्यवधान)

THE DEPUTY CHAIRMAN: I think the matter is over. (Interruption). You don't rub everybody. Please sit down. Please take rest,

Mrs. Alva. You are a senior Member. You take rest.

श्री शंकर दयाल सिंह : महोदय, मैं खुद चाहता हूँ कि यह बिल पास हो जाए, लेकिन जरा आप मेरी बात सुन लीजिए। मैं इतना जरूर कहना चाहता हूँ बड़े आदर और अदब के साथ कि हम लोग जो शुरू-शुरू में आते हैं इस माननीय सदन में, तो हम सब चाहते हैं कि हम लोग भी गंभीरता से कोई बात कहकर अपनी छवि भी ठीक करेंगे और आपकी आंखें भी अपनी ओर आकर्षित करेंगे। होता यह है कि यहां बड़ा हल्ला-गुल्ला और शोर मचता है और बिना छवि को बर्बाद किए यहां से बात नहीं हो पती, कांफ़ नहीं हो पाता। जो इंसानभला, सही और मेहनतकश, यहां आता है, वह अपनी बात को न तो आप तक पहुंचा पाता है न कोई अपनी बात कह पाता। नतीजा यह है कि हम लोग जनता की नजर में गिरते हैं, अखबार की नजर में गिरते हैं और अपने लोगों की नजर में भी गिरते हैं कि ये लोग अपनी बात हल्ला-गुल्ला और शोर में कहते हैं। तो हमारे बहाने से भाई, जो अपनी बात कहना चाहते हैं, उनको भी समय मिलना चाहिए।

महोदय, हम लोग खुद चाहते हैं कि यह बिल पास हो। अगर आप उधर ठाकें तो इधर भी देखें, जिससे कि समांत रूप से लोगों को समय मिल सके। मैं आपसे यही अनुरोध करूँगा।

THE DEPUTY CHAIRMAN: Just a minute, please. Keep quiet. I want to bring to the notice of the Members . . .

देखिए, यह डिजनेस एडवयजरी कमेटी टाइम एलोट करती है। अब जितने मेंबर आपकी पार्टी के होंगे, अगर दो घंटे टाइम है तो उस लिहाज से आपकी पार्टी को टाइम मिलेगा। . . . (व्यवधान) एक मिनट, जरा आप चुप रहेंगे। मैं यह निवेदन करूँगी कि हमारे माननीय सदस्य

कृपया यह मसला आप अपनी पार्टी में रखिए कि वह आपका नाम चेयर पर दे। मुझे तो कोई फर्क नहीं पड़ता, आप बोलें, या आगे वाले बोलें या पीछे वाले बोलें या इधर से बोलें या उधर से बोलें। जो यहां बैठे हैं लीडर, उनमें भी मैं कहूंगी कि आप जूनियर मेम्बर्स के नाम भी दिया कीजिए। आप चेयर पर क्यों आक्षेप लगाते हैं।

श्री शंकर दयाल सिंह : नाम तो आपके सामने है।

उपसभापति : नहीं, मेरे सामने नहीं है। चेयर पर आक्षेप लगाना गलत है। आप अपने लीडरों से मेट्टर तय कीजिए। मंती जी।

CONSTITUTION (SIXTY-EIGHTH AMENDMENT) BILL, 1990—Contd.

श्री राम विलास पायवान : उपसभापति महोदया, तमाम माननीय सदस्यों को, जिन्होंने इस महत्वपूर्ण संविधान (संशोधन) विधेयक को चर्चा में भाग लिया उनको, उन माननीय सदस्यों को भी, जिन्होंने यहां बैठकर सुनने का काम किया है और ऐसे माननीय सदस्यों को भी, जो कि बोलना चाहते थे या चर्चा में भाग लेना चाहते थे, किन्तु समयाभाव के कारण उनको समय नहीं मिल पाया, सबको धयवाद देना चाहता हूं। हालांकि यह विधेयक बहुत ही छोटा है, लेकिन बहुत ही महत्वपूर्ण है। इसमें कोई बहुत सारे क्लॉज नहीं हैं, सिर्फ इतना ही है कि अनुसूचित जाति और जनजाति को संवैधानिक दर्जा दिया जाए। जितने साथियों ने इसमें भाग लिया, सभी साथियों ने एक बात जरूर कही कि इसका कड़ाई से पालन भी होना चाहिए और कुछ साथियों ने यह जरूर कहा कि शायद यह विधेयक पर्याप्त नहीं है, इसके जितने तीखे दांत होने चाहिए, उतने तीखे दांत नहीं हैं और जो पुराना शेड्यूल कांस्टि, शेड्यूल ट्राईस कमिश्नर है, जो आर्टिकल 338 के तहत है, उसमें और इसमें कोई अंतर नहीं है। जब मेरे सभी माननीय साथी बोल रहे थे तो मैं बहुत गौर

से सुन रहा था और मैं यह चाह रहा था कि इसमें जो खामी है, उसे माननीय सदस्य बताने का काम करेंगे तो निश्चित रूप से उस संशोधन या सुझाव को हम रखने का काम करेंगे। लेकिन कुछ साथियों ने सुझाव दिए हैं और बहुत साथियों का भाषण हुआ है। अच्छा है। समस्याएं हैं तो समस्याओं के संबंध में वक्तव्य भी जरूरी है लेकिन जो यह कानूनी पहलू है क्योंकि हम एक बांडी बनाने जा रहे हैं और अब इस संविधान संशोधन के माध्यम से हम अनुसूचित जाति, जनजाति आयोग को संवैधानिक दर्जा देने जा रहे हैं। हमने नहीं कहा है कि हम इसको कमीशन आफ इक्वायरी का पावर देंगे, लेकिन हमने हर संभव कोशिश की है कि कानून के तहत इसको अधिक से अधिक शक्तिशाली बनाया जाए। हमारे बहुत से साथियों ने कहा है कि जो मुख्य बात है वह यह है कि अधिन कमीशन बना दिया लेकिन कमीशन बनाने के बाद इसकी क्या गारंटी है कि इस कमीशन की रिपोर्ट मैडेटरी होगी और उसको माना जाएगा। तो मैं माननीय सदस्यों से एक ही बात कहना चाहूंगा कि कमीशन कमीशन होता है, कमीशन कोई मंत्रालय नहीं है। अब कमीशन को जितनी दूर तक हमको अधिकार देना चाहिए था, उसको हमने देने का काम किया है और इसके कर्तव्य को यदि आप देखेंगे तो (5) में है कि आयोग के निम्नलिखित कर्तव्य होंगे :—

(क) अनुसूचित जातियों और अनुसूचित जनजातियों के लिए संविधान या तत्समय प्रवृत्त किसी अन्य विधि या सरकार के किसी आदेश के अर्धन उपबंधित रक्षोपायों से संबंधित सब विषयों का अन्वेषण और अनुश्रवण करना तथा ऐसे रक्षोपायों के कार्यकरण का मूल्यांकन करना।

(ख) अनुसूचित जातियों और अनुसूचित जनजातियों को उनके अधिकारों और रक्षोपायों से वंचित करने की बाबत विनिर्दिष्ट शिकायतों की जांच करना।”

फिर जो हमने जोड़ा है संशोधन करके उसमें हमने कहा है कि :—