

[Mr. Deputy Chairman]

even a sentence. There are two ways in which we can proceed with this. Either we proceed with this and then allow sufficient time for the non-official Business if the House is prepared to sit late or, we stop the Calling Attention right now, take up the non-official Business for about an hour and come back to this in case we decide to sit late. (Interruptions)

SHRI A. G. KULKARNI: Hon. Member's right should be exercised.

(Interruptions)

MR. DEPUTY CHAIRMAN: We stop this discussion here and we take up the non-official Business.

SHRI N. K. P. SALVE (Maharashtra): Sir, on a point of order.

SHRI NARASINGHA PRASAD NANDA (Orissa): There is no question before the House. What point of order he is raising?

SHRI N. K. P. SALVE: I am on a preliminary issue. I am on the admissibility of the right of Shri Shanti Bhushan and the right of Shri Kulkarni to move the Resolution.

(Interruptions)

MR. DEPUTY CHAIRMAN: I appreciate your anxiety to raise the point. Let us think calmly as to how we should proceed. We have the List of Business before us, the amended List of Business. Let us go one by one and at whatever point hon. Member wants to object, he can do so.

DR. RAFIQ ZAKARIA (Maharashtra): This is not correct.

(Interruptions)

### PRIVATE MEMBERS' RESOLUTIONS

MR. DEPUTY CHAIRMAN: Now, we take up Private Members' Resolutions. Resolution No. 1 stands in the name of Shri Sezhiyan. He is not here. Resolution No. 2 stands in the name of Shri Bhola Prasad. He is not here. Now, we have the next item. Motion under rule 267 by Shri Shanti Bhushan.

SHRI N. K. P. SALVE (Maharashtra): Before we adjourned for lunch, I made certain submissions. I shall take up the link where I left. Sir, I will be addressing you on the question both of the admissibility of the Supplementary List of Business within the postulates of the Rules of Procedure and Conduct of Business as well as on the admissibility of the Resolution which is now sought to be moved by Shri Kulkarni. This is my point of order. I shall be seeking your adjudication under rule 158. Rule 158 lays down:

"The Chairman shall decide on the admissibility of a Resolution, and may disallow the resolution or a part thereof when in his opinion it does not comply with these rules."

Yesterday, a view was sought to be canvassed that these rules shall refer only to the rules under Chapter XI. This proposition is utterly untenable. These rules refer to the entirety of the rules covered by the Rules of Procedure and Conduct of Business and this would be clear if you were to refer to rule 1 in this very Book. Rule 1(1) says:

"These rules may be called 'The Rules of Procedure and Conduct of Business' in the Council of States (Rajya Sabha)."

Rule 1(2) says:

"These rules shall come into force on such date as the Chairman may appoint."

There is a note that these rules came into force on the 1st July, 1964. Therefore, Sir, on both the questions of admissibility of the Supplementary List of Business as well as admission of the Member's Resolution, the entirety of the rules will have to be satisfied because the relevant rules which govern both these, have not been sought to be suspended. Nor has any permission been given for their suspension. Therefore, on these two grounds, the relevant rules on the threshold itself throw out the

question of either the admissibility of the Supplementary List of Business or the Member's Resolution. Therefore, Sir, I would submit that they must be thrown out as inadmissible.

So far as the first point is concerned, I beg to draw your attention to rule 26 of the Rules of Procedure. The rule requires that "the relative precedence of notices of resolutions given by private members shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct." The requirement in most unequivocal and clearest of the terms is 'precedence of the Resolution determined by ballot'. If a Member gives a notice of three or four or five resolutions, it is not as though the Member's name is balloted, he is entitled to have five, six or seven resolutions in his name, but each resolution in 'A's name is to be balloted separately. If there are five resolutions, they will have to be balloted five times and if any Resolution has not gone the process through ballot, the precedence has not been determined with reference to the ballot. And if suspension of rule 26 has not been sought, then for non-compliance of the requirement under rule 26 the Resolution under no circumstances be admitted. Sir, it is a common ground between them and me and among all of us that the precedence so far as resolutions are concerned, has to be determined by ballot. It is also by common ground that no ballot has been effected so far as these Resolutions are concerned. I beg to submit further that it is also a common ground that the earlier Resolution is a dead resolution because it has been ruled out by the Chairman as being out of order. And this is entirely a new Resolution. If this has been a new Resolution and it has not gone through the process of precedence determined by ballot, then it has not complied with the basic requirement of rule 26 and, therefore,

Sir, the Resolution must fail so far as its admissibility is concerned. This is one argument.

The second facet of the matter is, the List of Business cannot just be amended like this. The List of Business can be amended. There is a procedure prescribed and unless that rule itself which prescribes the procedure of amendment of the List was also suspended, it could not have just been changed in the manner in which it has been done now, for if ever this practice is followed, it is best that we just throw away the entire book of "Rules of Procedure and Conduct of Business" of this House. If there has to be some sanctity about the rules, if there has to be some respect for the rules written in this book, then the business in this House has to be conducted in conformity with these rules. If there has to be any discipline and decorum in this House, we cannot throw to wind the rules which prescribe a certain procedure for supplementing the List or amending the List. There is a method prescribed for this. I shall first refer to rule 154. Sir, I am on Rule 154 (*Interruptions*) Sir, I can tell my friends that it my profession to be paid for what I speak.

SHRI SHANTI BHUSHAN (Uttar Pradesh): Even in this House!

SHRI N. K. P. SALVE: Sir, it is a serious matter. I am only diverting.

SHRI A. G. KULKARNI (Maharashtra): Mr. Salve, you are a very costly lawyer privately. But here you are doing it for the party. So you need not worry about it.

SHRI N. K. P. SALVE: Sir, may I draw your attention to Rule 154? It is upto you to determine. I shall not speak a single sentence which is either repetitive or irrelevant. These are crucial matters. Rule 154 lays down... (*Interruptions*).

SHRI A. G. KULKARNI: Sir, if he goes on like this upto 5 o'clock, what happens to our Resolutions? (*Interruptions*). You have to decide the

[Shri A. G. Kulkarni]

time table for all these matters. You have to give an assurance.

**SHRI N. K. P. SALVE:** I assure you that I shall be as brief as I can be and I shall be as relevant as I am trying to be. Sir, I cannot sacrifice...  
(Interruptions)

**MR. DEPUTY CHAIRMAN:** Please try a little harder.

**SHRI N. K. P. SALVE:** I am trying a little harder. I am not in the habit of sacrificing a case that I take up to plead. (Interruptions) This is in the interest of the House. I am pleading for its privileges.

Sir, Rule 154, which deals with the notice of Resolution, lays down:

"A member other than a Minister who wishes to move resolution shall give fifteen, clear days' notice of his intention and shall, together with the notice, submit the text of the resolution which he wishes to move."

Now there is a proviso which lessens the rigour of the substantive provision:

"Provided that the Chairman may allow it to be entered in the list of business..."

the words "list of business" are important—

"...with shorter notice than fifteen days."

Now what is a list of business? Under Rule 29...

**SHRI NARASINGHA PRASAD NANDA (Orissa):** I am on a point of order.

**SHRI N. K. P. SALVE:** Rule 29 enumerates what a list of business is. Kindly refer to this. What is a list of business? It says:

"(1) A list of business..."

(Interruptions)

I am not yielding. What is a point of order on a point of order? Is there anything irrelevant? (Interruptions) Sir, I am on my second ground.

**SHRI VISWANATHA MENON (Kerala):** He is simply reading the book.

**SHRI N. K. P. SALVE:** If necessary, I can read it a hundred times. (Interruptions) Sir, I am making my point.

**SHRI K. K. MADHAVAN (Kerala):** Sir, it appears to me to be point of disorder.

**SHRI NARASINGHA PRASAD NANDA:** It is all right for Mr. Salve to make his submission and to make his point. You must also see, Sir, that it is within a reasonable period of time so that he does not...

(Interruptions)

**SEVERAL HON. MEMBERS:** What is the point or order?

**SHRI NARASINGHA PRASAD NANDA:** On a point of order, a Member cannot be allowed to speak for hours.

**SHRI N. K. P. SALVE:** I am grateful to hon'ble Mr. Nanda for what he says. This is more important to us.

**DR. RAFIQ ZAKARIA (Maharashtra):** Mr. Nanda has made out no case.

**SHRI N. K. P. SALVE:** Sir, Rule 29 deals with the list of business. It says:

"(1) A list of business for the day shall be..."

Sir, this is very important—

"...prepared by the Secretary, and a copy thereof shall be made available for the use of every member."

**SHRI NARASINGHA PRASAD NANDA:** We know the rules.

**SHRI N. K. P. SALVE:** "(2) Save as otherwise provided in these rules no business not included in the list of business..."

SHRI VISWANATHA MENON:  
Sir, he is reading the rule. Let him give the interpretation.

SHRI N. K. P. SALVE: "...Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman."

Sir, the pre-requisite of Rule 29(2) is that the leave of the Chairman has to be given and only in accordance with the rules which are mentioned herein can there be a resolution or can there be a business inserted in the List. This is the absolute requirement. In unequivocal terms, Rules 29(2) and Rule 154, read together, make it absolutely clear that when the President... (Interruptions) Their interruption suffs me very much. If you remain quite I will finish quickly. The proviso under Rule 154 refers that the Chairman may allow it to be entered in the List of Business, at shorter notice. Read with Rule 29(2) it refers to the List of Business which has been circulated and the business which has been so circulated.

In view of the fact that in the motion under Rule 267 hon'ble Shri Shanti Bhushan has not asked for suspension of either Rule 26 or Rule 29 or Rule 154 how is it, Sir, that a resolution the precedence of which has not been determined by ballot, how is it that a resolution which has not been listed in the business circulated by the Secretary has been admitted? And assuming, while not conceding, that a shorter notice was so accepted by the Chairman which could only have been with reference to the List of Business and nothing else, could such a supplementary list be circulated in respect of a Resolution for which a particular procedure is prescribed? It does not conform to the requirement of these three important Rules—Rule 26, Rule 29 and Rule 154.

Sir, there is one more aspect of the matter which I want you to consider and that is extremely important. The Chairman yesterday ruled out a particular resolution. It is a question of a fair and reasonable opportunity being given. The Chairman yesterday in terms ruled out a particular resolution which was in connection with revocation of the proclamation of the President in respect of dissolution of the Legislative Assemblies in nine States. Having been ruled out, we did not prepare ourselves this morning on that. Now, suddenly after lunch when we come we find a revised List of Business, circulated and put forward. In fairness, Sir, on an important matter such as this where each one of us has something to say we have our own viewpoint to give unless you want our speeches to be a tremendous exercise in irrelevance and utter futility and you want us to keep on exercising without understanding what it is. It is unfair, Sir, that a fair opportunity is not given to us. Therefore, if at all it is to be admitted and if it is to be so admitted, let it come on the 28th. What is lost? What is the ugly hurry about this matter? Where is the propriety in rejecting one resolution yesterday and admitting today at the back another resolution? I am not imputing any motives on the respected Chairman but there has got to be some fair opportunity to be given to every Member who wants to participate in the subject matter in the Business which has come before the House. It will be a complete denial of that reasonable opportunity to every Member if it is brought at such short notice on such an important matter on which hinge such important issues in the country. Therefore, I submit, Sir, all these three aspects considered together, neither the supplementary list is valid nor the hon. Member, Shri Kulkarni's Resolution is valid and it should be thrown out.

AN HON. MEMBER: Lock, stock and barrel.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Sir, I am on a point of order.

THE LEADER OF THE OPPOSITION (SHRI LAL K. ADVANI): Sir, all the points raised by Mr. Salve relate to the fact whether leave has been granted by the Chairman or not. (Interruptions) That is all. I would like to know from you whether leave has been granted. And if leave has been granted, I think it would be the wish of the House to see that the order paper is adhered to and we are able to conduct the business and the House is not obstructed in the name of points of order. So far as the ballot is concerned, the ballot has been taken and Mr. A. G. Kulkarni has received the third place in the ballot. So far as the second point is concerned, namely, whether any item can be included even though it is not in the List of Business, here it is not only in the List of Business but it is with the permission of the Chair. So, that is all that you have to decide and I think the point of order raised by Mr. Salve would have been ruled out and so the business can be carried on. A ruling needed on this point of order is whether leave has been granted in this respect or not. That is all.

SHRI DEVENDRA NATH DWIVEDI: Sir, I am on a point of order. I assure the House . . . (Interruptions)

श्री लालकृष्ण आडवाणी : ये सारी चीजें जो अभी कही गई हैं, चेम्बर में भी कही गई हैं, कल भी कही गई थीं और आज भी कही गई हैं । इसके बावजूद चेयरमैन ने एक रूलिंग दी है । चूंकि चेयरमैन की रूलिंग आपको पसन्द नहीं है, इसलिए आप इसको डिफाई कर रहे हैं . . . (Interruptions)

श्री एन० के० पी० सल्वे : आप गलत बोल रहे हैं, कल 26 वहाँ पर नहीं बोले थे और न ही कल 28 और कल 154 बोले थे । किसी ने इनकी इतिहास

वहाँ पर नहीं दी । हमें यह मालूम नहीं था कि यह आने वाला है... (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: Have I caught your eye, Sir?

MR. DEPUTY CHAIRMAN: I would allow you to speak but again I want the guidance of the House as to how long we should sit to discuss this matter. (Interruptions) Order, please.

SHRI LAL K. ADVANI: Up to five o'clock, Sir.

DR. RAFIQ ZAKARIA: It is automatic, Sir.

(Interruptions)

SHRI BIPINPAL DAS (Assam): After five o'clock, beyond five, any time?

(Interruptions)

MR. DEPUTY CHAIRMAN: Does the House wish to sit beyond five?

SOME HON. MEMBERS: Up to five.

(Interruptions)

SHRI N. K. P. SALVE: Not beyond five. Mr. Ramamurti came and told me that never in the history of the Rajya Sabha, on a Private Members' day. . . (Interruptions)

SHRI LAL K. ADVANI: First of all, the question that you have posed, Sir, is: Are we sitting after five? If we are not sitting after five, then I think you should rule on this point of order and let the matter continue. Unless we are sitting after five. . . (Interruptions)

SHRI N. K. P. SALVE: They cannot bamboozle you, Sir. They cannot hustle you, Sir. It is a very important question on a procedure which has been created for the first time. It is a most extraordinarily extraordinary procedure that has been laid down. One thing is decided one day, another thing is talked in the Chamber and finally there are surprises after surprises. This is complication multiplied by confusion.

MR. DEPUTY CHAIRMAN: One point is. . .(Interruptions) Just listen to me. We are just discussing how to proceed along this. One thing Shri Salve suggested was, what is the hurry in discussing it today and why not on the 28th? If that is the intention, then let us move this Resolution and adjourn so that it is carried forward.

SOME HON. MEMBERS: No.  
(Interruptions)

SHRI N. K. P. SALVE: You have misunderstood me (Interruptions) The procedure of ballot...(Interruptions)

SHRI SHANTI BHUSHAN: Sir, the circumstance<sub>s</sub> under which I have given the notice. . .(Interruptions) of a motion. . .(Interruptions) Mr. Deputy Chairman, Sir, I rise to explain the circumstances under which I had given notice to move a motion for suspension of certain rules. I want to state to the House, and through the House take the nation into confidence, in regard to the attitude of the ruling party, the attitude that the Treasury Benches have been adopting in this matter for the last one week. (Interruptions) Sir, a No-Day-Yet-Named Motion was moved on the subject. . . (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please. If Shri Shanti Bhushan wanted to make a point, he could have told me before. I would not have given recognition to Shri Dwivedi. Since I have done that, he could speak.

SHRI LAL K. ADVANI: Sir, you very rightly pointed out that first it has to be decided up to what time we are sitting. I heard some observation made that never before for the history of this House have we sat beyond 5 O'clock. That is not correct. If we want to sit up to 5 O'clock, I would have no objection to that. But we should be clear as to the position so that leave is granted, as we have decided. What is being done at the moment?

MR. DEPUTY CHAIRMAN: A point of order has been raised by Shri Salve, on which hon. Members wanted to speak.

SHRI LAL K. ADVANI: There are so many Members wanting to speak. The point is very simple. It pertains to the decision taken by the Chair after listening to all. If you think that leave has been granted and it is wrong, you should say so. (Interruptions) If leave has been granted, then I would beg of you first of all to decide up to what time we are going to sit. Otherwise, . . .(Interruptions)

SHRI N. K. P. SALVE: Why are you directing the Chair? (Interruptions)

DR. RAMKRIPAL SINHA (Bihar): Sir, first decide for how long we are sitting.

MR. DEPUTY CHAIRMAN: I also wanted to know the same thing

DR. RAMKRIPAL SINHA: It is going to be 5 O'clock. If he goes on speaking like this, it is going to be 5 O'clock. So first let us decide about this question.

MR. DEPUTY CHAIRMAN: I have myself posed this question to the House: for how long do you want to sit? It was suggested that we do not sit beyond 5 O'clock. What do we do then? (Interruptions).

श्री नरथी सिंह (राजस्थान) : उप-सभापति महोदय, मेरा व्यवस्था का प्रश्न है। आपने खुद कहा था कि कॉलिंग अटेंशन पर विचार बन्द कर दिया जाये और पहले यह मोशन ले लिया जाये और उसके बाद फिर कॉलिंग-अटेंशन पर विचार होगा। उसके अनुसार ही सदन की कार्यवाही चली चाहिए (Interruptions) मेरा निवेदन है कि क्लर्कों माहब को जो अनाद है उसको लिया जाये।

(Interruptions)

श्री लाल कृष्ण आडवानी : मुझे कोई आपत्ति नहीं है अगर दोनों पक्ष 5.30 बजे तक बैठने को तैयार हैं। मुझे इसमें कोई आपत्ति नहीं है। (Interruptions) अगर 5 बजे तक खत्म करना है तो मेरा निवेदन है कि ये वाइलेंट्री प्वाइंट आफ आर्डर्स नहीं होने चाहिए। अगर 5.30 बजे तक बैठना है तो द्विवेदी जी को बोलने दिया जाये और (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: Sir, I am on a point of order.

MR. DEPUTY CHAIRMAN: Well, again, it is for the consideration of the House. After Shri Dwivedi has spoken, Shri Shanti Bhushan may speak and after that we will adjourn. (Interruptions)

SHRI VISWANATHA MENON: Only five minutes more.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): I have an objection to this motion for suspension of the rules on an entirely different ground. A substantial point of order, I have raised. You will have to hear me. (Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI BHISHMA NARAIN SINGH): We are not prepared to sit beyond five. (Interruptions)

SHRI P. RAMAMURTI (Tamil Nadu): Have you not got enough talent in Rajya Sabha? Why should Mr. Stephen come here? (Interruptions) Eminent people like Mr. Zakaria and Mr. Salve are there. (Interruptions)

SHRI VISWANATHA MENON: There are eminent people there. (Interruptions)

MR. DEPUTY CHAIRMAN: Order please.

SHRI VISWANATHA MENON: Mr. Stephen, you need not argue. (Interruptions)

SHRI A. G. KULKARNI: How can Mr. Stephen come? (Interruptions) What right have you got? (Interruptions)

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): How can Mr. Stephen speak here? (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: I will take two minutes. (Interruptions)

SHRI A. G. KULKARNI: You will have to decide up to what time we are sitting. (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: Mr. Deputy Chairman, I am now absolutely convinced that the hon. Members on the other side are not allowing Mr. Shanti Bhushan to move the resolution. I would have finished my point of order by this time in three minutes. In two minutes. (Interruptions) Sir, I am raising a point of order. (Interruptions)

SHRI VISWANATHA MENON: There are only three minutes left. (Interruptions)

SHRI NAGESHWAR PRASAD SHAHI: No. (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: I am raising a point of order. I have something to say. I am trying to help you. I am saying what you should be saying. (Interruptions)

श्री उपसभापति : अगर सदन नहीं चलाना चाहते तो वैसा बता दीजिये।

(Interruptions)

There is a message from the Lok Sabha.