

[श्री सभापति]

बनने का हक हासिल है और यह च्वायस, उसकी पसन्द, प्राइम मिनिस्टर पर रहती हैं। इसमें कोई ऐतराजे काबिल बात नहीं है।

Felicitations to Chairman

THE PRIME MINISTER (SHRI-MATJ INDIRA GANDHI): Mr. Chairman, Sir, I offer my sincere congratulations to you on behalf of the Members of this House and on my own behalf. A wise provision in our Constitution requires the Vice-President to be the Chairman of the Rajya Sabha. It is our good fortune to have had men of the highest character and standing as our Vice-Presidents—scholars with vast experience in different spheres of national activity. You Sir, are a jurist of great distinction and have held the highest judicial office in our country. To you, law is not merely a set of decrees to be enforced and obeyed, but the articulate conscience of our nation. It is well known that your concern was to ensure that laws fully reflect the imperatives of human justice no less than the eternal varieties of truth and freedom. Your pronouncements from the Bench have taken note of the aspirations of our people. We can be sure that your rulings from the Chair in this august House will be imbued with unswerving devotion to principles and proprieties. The two Houses of our Parliament are like two halves of the country's legislative heart. Members may be elected to the two Houses in different ways but in dedication to national welfare and the desire to redress the common people's difficulties, neither House would yield to the other. The Council of States is perennial while the House of the People is subject to dissolution and re-election. Thus, between them, the two Houses give us the advantages of continuity and change. We are indeed privileged to have a person of your eminence, experience and social vision as our Pre-

siding Officer. I assure you of our fullest co-operation.

विपक्ष के नेता (श्री लाल कृष्ण आडवाणी): मान्यवर सभापति जी, विपक्ष की ओर से मैं आपका स्वागत करता हूँ और आपका अभिनन्दन करता हूँ। यद्यपि यह पहला ही प्रसंग है जब कि सदन के सभापति का चुनाव होने के कई महीने बाद सदन को अभिनन्दन करने का अवसर मिला है। परन्तु विलम्ब से ही सही मैं विपक्ष के अपने सब साथियों की ओर से और व्यक्तिगत रूप से अपनी ओर से, मैं आपका हार्दिक स्वागत करता हूँ और अभिनन्दन करता हूँ।

मैं समझता हूँ कि हमारे लिये यह सौभाग्य की बात है कि आप जैसा व्यक्ति जो कि किसी समय देश की न्यायपालिका की धूरी के स्थान पर रहा है वह आज इस सदन का सभापति है। शासन की व्यवस्था के जोतीन भाग हैं, उसमें जिस प्रकार से कार्यपालिका की धूरी प्रधानमंत्री रहता है और न्यायपालिका की धूरी वहाँ की चीफ जस्टिस रहता है, उसी प्रकार से विधान मंडल की धूरी—'पिवट'—लोक सभा का अध्यक्ष और राज्य सभा का सभापति ये दोनों मिलकर बनते हैं। आपने जिस शानदार ढंग से, शालीनता से और जनता की इच्छाओं और आकांक्षाओं को ध्यान में रखकर, रूल आफ ला को ध्यान में रखकर न्यायपालिका की धूरी के रूप में कार्य सम्पादित किया है, मूढ़ विश्वास है कि उसी तरह से आप इस नये दायित्व को भी निभायेंगे। मैं विपक्ष और अपनी ओर से आपको पूरा आशवासन देता हूँ कि हमारी तरफ से आपको पूर्ण सहयोग मिलेगा जिससे कि आप सुचारू रूप से इस सदन की कार्यवाही को संचालित कर सकें। धन्यवाद।

श्री भोला पासवान शास्त्री (बिहार): सभापति जी, मैं अपने दल की ओर से और अपनी ओर से इस महती संस्था के सभापति पद पर आसीन होने के लिये आपको धन्यवाद

देना हूँ। मुझे पूरा विश्वास है कि आप इस सदन की गरिमा की रक्षा करेंगे। रक्षा ही नहीं करेंगे बल्कि इसके महत्व को बढ़ाएँगे। मैं जानता हूँ कि आप बड़े अनुभवी आदमी हैं और आप देश की सर्वोच्च न्यायापालिका के मुख्य न्यायाधीश रह चुके हैं। इस पद के लिए यह बड़े महत्व की बात है लेकिन वहाँ जो बहस होती होगी,—मैं वकील नहीं हूँ मुझे कभी कचहरी में जाने का भी मौका नहीं मिला—लेकिन फिर भी मैं समझता हूँ कि यहाँ आपको जो करना पड़ेगा वे कुछ दूसरी किस्म की बातें हैं। मैं आपको विश्वास दिलाता हूँ कि मैं अपनी पार्टी की ओर से और अपनी ओर से आपको पूरा-पूरा सहयोग दूँगा, लेकिन साथ ही आपसे भी कुछ आशाएँ रखूँगा और वह यह कि जो हम लोग विरोधी दलों में हैं उनके प्रति भी आपकी तरफ से न्याय हो। आप न्यायाधीश रह चुके हैं, लेकिन यहाँ का सभा-पतित्व करना और कोर्ट में मुख्य न्यायाधीश होना इन दोनों में फर्क जरूर है। आपकी एक नये सिरे से जिन्दगी शुरू हो रही है। मुझे विश्वास है कि आप सरकार के साथ तो न्याय करेंगे ही लेकिन साथ ही यह भी देखा जायेगा कि आप विरोधी दल के साथ भी कैसा न्याय करते हैं। यहाँ ऐसे भी प्रश्न उठेंगे जिनके ऊपर जजमेन्ट लेने में आपको दिक्कत हो सकती है। यह ऐसी संस्था है जहाँ हिन्दुस्तान के कोने कोने से प्रतिनिधि आये हुए हैं और आज जो हमारी संसदीय शासन पद्धति है उसका स्तर नीचे गिर रहा है, ऐसा मैं देखता हूँ। मैं 8 वर्षों से सदन का सदस्य हूँ और मैंने इन वर्षों में जो देखा है उसके आधार पर यह कह सकता हूँ। मुझे पूरा विश्वास है कि आपका जो अनुभव है, आपका जो तजुर्बा है और जिसको लेकर आपको यह नया मौका मिला है उस स्किल से, उस हुनर से और उस अनुभव से इस सदन को पूरा लाभ मिलेगा। इन दो चार शब्दों के साथ मैं आपका स्वागत करता हूँ तथा अपनी पार्टी की ओर से पूरा-पूरा सहयोग देने का वचन देता हूँ।

श्री रबी राय (उड़ीसा) : सभापति महोदय, मैं विरोधी दलों की ओर से और अपने दल की ओर से आपका हार्दिक स्वागत करता हूँ। मैं जानता हूँ कि आप राष्ट्र के एक सम्मानित व्यक्ति हैं एवं जूरिस्ट हैं। कल आपने हम लोगों को यह कहा कि आप इस सदन के और लोक सभा के बहुत से सदस्यों के टीचर भी रहे हैं। यह इस सदन का सौभाग्य रहा है कि आप से पहले डा० राधाकृष्णन और डा० जाकिर हुसैन जो इस सदन के सभापति के नाते काम कर चुके हैं, वे भी कभी अध्यापक रहे थे। मैं आपको यह भी कहना चाहता हूँ कि विरोधी दल प्रजातांत्रिक पद्धति का एक अभिन्न अंग है और हम लोग एक राष्ट्र के नाते कुछ सिद्धान्तों को मानते हैं। हम लोग इंग्लोटेरियन सोसाइटी में यकीन करते हैं। इसलिए संविधान में यह सिद्धान्त वर्णित है कि हम लोग प्रजातांत्रिक सेकुलर समाजवादी समाज को हिन्दुस्तान में कायम करना चाहते हैं। मैं मानता हूँ कि इन सिद्धान्तों के ऊपर सारे सदन का विश्वास है। मान लीजिए, उस सिद्धान्त से शासक दल कभी हटता है या हम लोग जो विरोधी दल में हैं हट कर काम करते हैं तो आपकी यह जिम्मेदारी है कि आप हम को ठीक रास्ते पर लावें।

मैं आज कुछ चिंतित भी हूँ। मैं इसलिए चिंतित हूँ कि मौजूदा केन्द्रीय मंत्रिमण्डल के एक मंत्री जो कि इनर्जी मिनिस्टर हैं, ने हाल ही में कलकत्ता में एक बयान में कहा है कि सी० पी० एम० जो वहाँ पर बोट के जरिये शासन में है, उसको मैं बे आफ बंगाल में फेंक दूँगा। इसलिए मैं यह प्रार्थना करना चाहता हूँ कि एक केन्द्रीय मंत्री के मुख से यह शोभा नहीं देता है (Interruption) मैं यह भी मानता हूँ कि आप भी इसको पसंद नहीं करेंगे। हम लोग जो विरोधी दल में हैं, मैं शासक दल के सदस्यों से कहना चाहता हूँ कि हम लोग रोटि और नागरिक स्वतंत्रता की लड़ाई लड़ते रहेंगे। इसलिए हम लोग जो विरोधी

[श्री रबी राय]

दल के सदस्य हैं, मान लीजिए कोई ताखी आलोचना करते हैं जो कि संसदीय पद्धति के अनुसार है, मैं यह मान कर चलता हूँ कि आप इस काम को आगे करने में, देश की सार्वभौमिकता की रक्षा करने के लिए, प्रजातंत्र को बरकरार रखने के लिए आप हमारा सहायता करेंगे। मैं फिर अपने दल की ओर से और विरोधी दलों की ओर से आपको सम्पूर्ण सहयोग देने का वायदा करता हूँ।

DR. (SHRIMATI) SATHIAVANI MUTHU (Tamil Nadu): It is a very pleasant duty to express my felicitations on behalf of the All India Anna D.M.K. in the Rajya Sabha on your assuming the distinguished Chair of this august House of the Parliament. On this occasion, I cannot but marvel at the validity of the India democracy which never failed to throw up such eminent persons in eminent positions. Sir, from the record of your brilliant career in the service of our glorious country, I derive a sense of satisfaction that the Chairmanship of the Rajya Sabha has been placed in such an eminent hand of our glorious motherland. Sir, you have been elected by consensus amidst all the controversies. It is not only a great tribute to your head and heart, but it is also that they should throw away their controversies in the national interest. When I speak about your outstanding personality, it is not merely on account of convention. I speak about your eminent personality keeping in mind your career of more than 40 years as an eminent jurist and as the Chief Justice of India. Sir, you had been the acting President of India in 1969. Sir, the Chairman is the custodian of the rights and privileges of Members of this House. I assure you, Sir, that we extend on behalf of our Party, our full co-operation and expect that our rights and privileges will be safeguarded in your hands. I would like to extend also my Party's cooperation to maintain the dignity and decorum of the House and to

maintain the traditional glory of this House.

SHRI BHUPESH GUPTA (West Bengal): Sir, I rise to extend to you on behalf of our Group the felicitations of the Party I represent in this House.

Sir, you have come to occupy the Chair which was once occupied in the formative days of this House by Dr. Radhakrishnan, who made the unique contribution, shaping the genius of this Institution to which you have the honour to belong. He was followed by other men of eminence in public life like Dr. Zakir Husain, Mr. V. V. Giri and others. And, therefore, Sir, we would expect the high tradition under their leadership of the House will be upheld and carried forward by you in the days ahead. You have the unique distinction also of presiding over a House in which the ruling Party by a mischance of Constitution and democratic anomalies and otherwise happens to be a party of minority with barely 71 Members at present, not even one-third of the total strength of the House. Sir, this is not merely a contradiction in the make-up of the two Houses but a contradiction that reflects the political life of the country. In the past, Sir, we had the experience of the majority on this side of the House being ignored and neglected because the Government, being a minority, thought that we should not be given due say or due place in the working of the House. You have even now certain things passed by the majority but disregarded by the Government that occupied those benches. It is an irony now and interesting and exciting that those who were with me on this side of the House constituting the majority now have gone to the other side carrying the tradition of minority there. And I do hope, Sir, neither you nor they, having learnt from their own bitter experience of the past will ignore the majority opinion in this House. It is not an issue of minority and majority only. Sir, we expect that the majority should be heard subject of course, to the constitutional

limitation and inhibition. Sir, besides, you are also presiding over a House which is soon likely to undergo certain changes in the composition. Sir, we are a little disturbed when we find that there are attempts and moves to artificially alter the composition of the House in order that the ruling party is rid of its embarrassment of having to be a minority party. Sir, whether by organised, engineered defection or by wholesale buy-over or by dissolution of Assemblies, bringing about changes in the State Governments' representation would not be a right thing to do. (Interruptions) Mr. Piloo Mody does not understand anything. Changes should come and come through normal democratic processes, not by welcoming defectors, not by organising defections, nor by dissolving, as the last Government did, arbitrarily the elected Legislative Assemblies. We are told that next month on the 5th or 6th, not on the ideas of March, some Assemblies are likely to be dissolved. Sir, I hope you will not have to bare the spectacle of new Members being the result of the fall out from defections and dissolutions. Sir, you will be welcoming new Members coming in the normal democratic course.

Finally, Sir, what should I say in your praise? It is customary to praise the Chair. And, it is sometimes also customary for the Chairman to praise the opposition. I need not exchange such needless courtesies. You are, Sir, a man of eminence. We have disagreed with you, Sir, when you held that property is not a fundamental right. In some other situations also we respectfully disagreed with you. Now, Sir, happily, we have come to a situation where property is held to be a fundamental right. These fundamental differences should be understood and their connotation properly drawn.

Sir, you will, no doubt, extend to the ruling party the rights and privileges that are due to them as the ruling party. Equally, Sir, we would expect

that you would extend to us the same rights and privileges that are due to us as an opposition; all the more so because we constitute the majority in the House. Sir, our counsel, our wisdom had been shared only a few months back by them and I hope they have carried some good sense with them. Sir, I say this thing because the Treasury Benches are corrupting benches. Good men become bad but bad men never become good. That is our experience. So, Sir, I hope under your guidance we shall all behave according to the highest standards of democracy.

Sir, time has come when we need vigilance for our democratic institutions. Time has come when we need renovation of them. The time has come when we must see that the requirements of democracy and social justice for the people have precedence over the so-called precedents, May's Parliamentary Practice and other things like that.

Sir, I may say one thing in the end, namely, that one of the reasons for the great success of Dr. Radhakrishnan in this House was that he never read the Rule Book. I can tell you that he had read many books. He was a voracious reader. But one thing he realised namely, that he would be losing his leadership, initiative, his own genius and talent and scholarship and his capacity to carry the House with him, if he looked into the dried rules and procedures of the House, or, for that matter, into the May's Parliamentary Practice. He responded to the promptings of life, demands of democracy and wishes of the people and to the extent he did so, he rendered a great service to the House and to the nation. I do hope, Sir, that you would emulate the great example which your forbears left for you. We shall give you all our co-operation in the interest of democracy and for enhancing the prestige and honour of this great House.

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Chairman Sir, I join all

[Shri P. Ramamurti]

the Members and leaders of the various political parties in welcoming you to this House. I do not want to refer to extraneous matters while associating myself with what Comrade Bhupesh Gupta said about your predecessors. I would like to point out, our, Sir, that you have a heavy responsibility in this House. I would like to remind the ruling party that after all they represent 42 per cent of the electorate; they do not represent the majority of the people of this country. Therefore, Sir, as far as this House is concerned, though you have been accustomed in other courts to legal debates on the interpretation of various clauses of the laws that have been enacted by this House, the Parliament, I want to tell you, is not only a legislative body enacting legislations but it is also a watch-dog of the doings of the executive. Many Members of this House are extremely perturbed at the way in which executive is assuming more powers to itself and subordinating Parliament to the executive. Therefore, Sir, whatever might be the rules, whatever might be the procedures that are laid down, it is necessary for you to take the traditions forward and to see that the Parliament really acts as the watch-dog of the executive and prevents the executive from carrying things down. Therefore, it becomes important that opportunity must be given to the opposition Members here to raise important questions of policy, important questions on the activities of the executive so that we really act as the watch-dog of the executive and do not allow the executive running the Government in their own way without the wishes of the Parliament. That is a very important question that I would like to stress upon here.

Apart from that, as I said earlier, Parliament will have to reflect the struggles and the aspirations of the common people in this country and from time to time we would be raising the issues that are today agitat-

ing the minds of the various sections of the working people of this country and I know that time for it will have to be given by the Government. But I would look upon you, Sir, to see to it that the Government agrees to give time for all important questions affecting the common people, the various sections of the working people in this country who are struggling for a better life and their struggles have got to be reflected in this House and I hope that you will compel the Government to give sufficient time to all those questions to be raised and debated upon in this House so that the common people feel that this Parliament is really the custodian of their interests that it is a Parliament which reflects the real aspirations of the people and which debates upon their problems and it is not debating something with which they are not concerned. Therefore, Sir, I look to you to carry forward the traditions that have been created by your predecessors, particularly by the first incumbent, Dr. Radhakrishnan, and see to it that Parliament really reflects the entire aspirations of the people of this country.

Once again I associate myself with all those people and I would like to point out to you that in this work, you can depend upon our fullest cooperation. Thank you.

SHRI B. V. ABDULLA KOYA (Kerala): I, on behalf of my party, Indian Muslim League and on behalf of myself, have great pleasure in congratulating you and welcoming you, Sir, as the Vice President of this great country and also as the presiding officer of this august body.

Sir, you have proved yourself as one of the eminent jurists of this country and I am sure that you will be able to prove yourself as one of the eminent custodians of democracy in this country.

I wish you success, Sir.

SHRI V. GOPALSAMY (Tamil Nadu): Sir, on behalf of the DMK

Party I extend my warmest congratulations to you. I have great pleasure in associating myself with the sentiments which have been expressed by our hon. Prime Minister and other distinguished Members of this House to felicitate you on your election to this high office of Chairman.

Sir, I am very glad, you have come to preside over this august House at a crucial time in our country's political history. All of us are aware that in our country, there is a fresh awakening and a new found confidence that our foundations of democracy are as strong as they should be and that under the leadership of our hon. Prime Minister, our country once again will resume its march in the right direction. I and also my colleagues feel extremely happy that at this moment we have, with us, you who have the unique and unparalleled experience in tackling the problems of law and justice. Sir, you have presided over the Supreme Court of India with dignity and honour. While keeping the dignity of your office, you did not miss to take note of the problems of the people. Sir, right from your Lincoln's Inn days, you have shown great interest and understanding of the problems facing our nation. Your works as President of the Indian Society of International Law, as executive member of the World Assembly of Judges, your lectures in memory of Lajpat Rai and Feroze Gandhi, your publications on "Democracy in India and the judicial process" and also on "The South West Africa case" are well known and appreciated throughout the world. I am sure and confident that you will preside over this House with a deep sense of commitment to do justice to all. Once again, on behalf of the DMK, I congratulate you, Sir.

SHRI DINESH GOSWAMI (Assam): Mr. Chairman, Sir, on behalf of the Independent Members of this House which constitute a substantial number and which may influence the voting pattern of the

House to a great extent in the days to come, I associate myself with the sentiments expressed by my colleagues felicitating you. You have occupied the highest seat of justice in this country. But the atmosphere in which you have worked in the Supreme Court and in the High Courts will be vastly different from the atmosphere which you have experienced here and about which some indication was given by Mr. Bhupesh Gupta when he said that you must not look to the Rules Book, but you should be guided by the mood of the House. I know, Sir, as the Chief Justice of the Supreme Court, you will find it extremely difficult to depart from the Rules. But I hope Sir, you will also carry this in mind that this House reflects the mood of the country. Parliament reflects the mood of the country. Parliament reflects the mood of the people. Whenever the House becomes turbulent, it is not because the Members are turbulent, but because the atmosphere in the country is such that the Members feel agitated. To a certain extent, you cannot depart from looking to the Rules Book. After all, we know from our own experience that the judicial interpretation of a particular statute depends upon the conscience of the judge also. Therefore, I hope, you will interpret the Rules in accordance with the atmosphere prevailing in the country and in accordance with the mood of the House. Sir, I assure you our fullest co-operation and we have no doubt that under your able guidance and leadership, both the ruling party and the Opposition will get its due share and will get equal treatment from you.

MR. CHAIRMAN: Madam Prime Minister, Mr. Leader and other hon. Members, I am overwhelmed by the kind words in which you have welcomed me to this office, and I am very grateful for the assurance to me of co-operation in my difficult task, a task to which I am completely new. After nearly 25 years of life as a Judge, I went into retirement for over

[Mr. Chairman]

eight and a half years but the confidence expressed by all political parties in India foreclosed my own choice and I undertook this burden. The gesture of confidence, which was then made and now reaffirmed encourages me and puts me at ease.

I can only renew my pledge of equal and respectful treatment to all of your and in return I crave your indulgence. When I make mistakes you must put them down to ignorance and not to any design. On my part, I am trying to learn and learn rapidly all that will be required of me.

Some of you are already known to me from before and I hope to make the acquaintance of others very soon.

Parliament representing the people faces today more problems than it ever did before. The country relies upon the wisdom and energy of the leaders, it has chosen and it behoves us all in this House to discharge the trust placed in us by our country. Today, we have the pressures of our ever-increasing population, of inflation, of short supply of commodities which, added to the almost unbearable cost of oil supplies from abroad, makes our economic front gloomy. There is then the presence of danger on our borders which in recent days is giving us anxiety. These are matters which are going to engage your attention. These problems have a solution if we can pool our thinking and the country looks to us to devise the means to overcome all of them.

We have no time to lose if we are to come through successfully from our difficult problems. The time is, therefore, for action. We have chosen a democratic way of life which allows free expression of opinions and exchange of views. It also admits of differences and contradictions. But the problems I have outlined above must have their solution and the true solution can be found if we can look at the matter from the country's point

of view because what is good for the country seldom admits of doubts and difference. We must, therefore, apply ourselves to this our tasks with determination to act and to act quickly.

Friends, thank you for the confidence you have expressed me and I assure you that it has not been misplaced. Thank you again.

RE. OBITUARY REFERENCES MADE ON THE 23RD JANUARY 1980

SHRI BHUPESH GUPTA (West Bengal): Sir, may I make one little submission before you? This is arising out of the procedure followed yesterday. It is a small matter, but is an important matter. I did not say anything yesterday because that was the first day and the first occasion of making obituary references.

Sir, we were surprised a little when we found that in the list of obituary references the name of Lord Mountbatten figured first. I was a little taken aback as to why the name of Lord Mountbatten had appeared first and next had come the name of Shri Jayaprakash Narayan. I know there are people who have eulogy for Mr. Mountbatten, I am not one of those.

SHRI RAMANAND YADAV (Bihar): It is because he died first. (Interruptions)

SHRI BHUPESH GUPTA: I do not know what they are saying.

Therefore, for the future I have a suggestion to make. When the obituaries are read the name of the Indians should be in one category, the name of the foreigners should be in another category and, Sir, when you put the names you should keep in view the eminence of the Indian personalities.

MR. CHAIRMAN: The hon. Member has made a point which in future I will bear in mind. This time the death sequence was considered and