

[Shri G. C. Bhattacharya]
also very much active in the Amethi camp which was held before the election took place there for which Mr. Sanjay Gandhi had stood. And now it is all political. It is all a whitewash that they condemn it. Who can forget that they were intimately connected with Mr. Sanjay Gandhi, son of Mrs. Indira Gandhi. They cannot state like this. I am only demanding that the Government should immediately conduct an enquiry into the matter and come to the House with a statement fixing responsibility on these persons so that democracy in this country can be saved and this country can be saved from the facist dictatorship again.

REFERENCE TO STAYING OF MEMBERS IN THE LOBBY IN THE NIGHT

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : महोदय, यहां पर हम लोगों की यह प्रथा रही है कि (Interruptions) मुझे अनुमति दी गई है। महोदय, आपने मुझे अनुमति दी है।

इस सदन की एक मर्यादा और परिपाटी है कि सदन की समाप्ति के घंटे भर बाद तक कोई भी सदस्य अगर रहना चाहे तो वह रह सकता है। उसके पश्चात् अगर कोई सदस्य रहना चाहे तो उसको लिखित रूप से सदन के मुखिया, अर्थात् सभापति जी से अनुमति लेनी पड़ती है। उसमें भी संभवतः स्थिति यह है कि अगर वह कार्य सदन से संबंधित है तो वह यहां रह सकता है। लेकिन दुर्भाग्य की बात है कि गत दो घटनायें ऐसी अनुचित हुई हैं जिनका मैं यहां पर जिक्र करना चाहता हूं। सर्वप्रथम वहन सरोज खापर्डे दो दिन आपकी अनुमति से या बिना अनुमति के आपकी चेम्बर में रहें। कल भी बहुत सारे सदस्य जिनका मैं नाम ले सकता हूं, कुछ मेरे बड़े अच्छे मित्र भी हैं, सदन की लाबी के अन्दर रात भर रहे। मैं आपके समक्ष एक व्यवस्था का प्रश्न प्रस्तुत करना चाहता हूं।

क्या इसके लिये आपसे अनुमति मांगी गई थी या नहीं और यदि अनुमति मांगी गई थी तो आपने उसके लिए अनुमति दी थी या नहीं दी थी और यदि दी थी तो क्यों दी थी? उन्होंने किस कार्य के लिये अनुमति मांगी थी और वाच एंड वार्ड के लोगों ने उनको जाने को क्यों नहीं कहा? महोदय मैं चाहता हूँ कि इस बात पर आप प्रकाश डालने की कृपा करें कि अनुमति मांगी गई थी या नहीं मांगी गई थी, मिली या नहीं मिली, वाच एंड वार्ड के लोगों के साथ उन्होंने कैसा व्यवहार किया? इस बारे में मैं आपसे जानकारी चाहता हूँ।

श्री उपसभापति : अनुमति का कोई प्रश्न नहीं उठता।

श्री जगदीश प्रसाद माथुर : क्या बिना परमीशन के रात को यहां रहे?

Regarding Business of the House

श्री कल्पनाथ राय (उत्तर प्रदेश)
महोदय, कान्ति देसाई के खिलाफ जो भ्रष्टाचार का मामला है उस पर बहस की जाय। (Interruptions). आपकी अनुमति से जो बात कही जानी थी वह खत्म हो गई है। श्री भूपेश गुप्ता और श्री विपिन पाल दास जी ने प्रधान मंत्री के बेटे के खिलाफ जो भ्रष्टाचार के सम्बन्ध में जो प्रस्ताव दिया है उस पर बहस की जाय। (Interruptions). हम चाहते हैं कि उसके ऊपर बहस हो... (Interruptions).

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): I am on a point of order with the permission of the Chair.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : मेरा बोलने का नम्बर है श्रीमान् ।

श्री देवेन्द्र नाथ द्विवेदी (उत्तर प्रदेश) : आपका नाम पुकारा गया था पर आप नहीं थे।

SHRI KALYAN ROY (West Bengal): He cannot be allowed.

SHRI KALP NATH RAI: He was not present. You called his name.

SHRI DEVENDRA NATH DWIVEDI: He was not present when you called his name. He was not present. He should not be allowed.

श्री नागेश्वर प्रसाद शाही : फाइट आफ आर्डर मत कीजिये। मैं नहीं चलने दूंगा। हल्क मत कीजिये। (Interruptions)

श्री कल्प नाथ राय : भ्रष्टाचार के मामले पर सदन में बहस होनी चाहिए। (Interruptions).

श्री नागेश्वर प्रसाद शाही : मैं आपके समर्थन में कह रहा हूँ।

श्री उपसभापति : वह आइटम खत्म हो गया। माथुर साहब को आपके बाद बुलाया था।

श्री नागेश्वर प्रसाद शाही : आप हमेशा हमारा नम्बर खत्म करते हैं। जब सभी बोलेंगे तो आपको बोलने देंगे। हमारा खत्म कर देंगे आप।

श्री उपसभापति : आपको आवाज दी गई थी। आप थे नहीं। तब दूसरा आइटम लिया गया।

(Interruptions)

श्री नागेश्वर प्रसाद शाही : मेरा टाइम खत्म नहीं हो सकता। आप खत्म नहीं कर सकते हैं। मुझे बोलना है।

(Interruptions)

श्री उपसभापति : श्री द्विवेदी, आपको बोलना है तो बोलिए।

SHRI DEVENDRA NATH DWIVEDI: Yes, I am going to speak. But I cannot shout. I have not been feeling well. (Interruptions)

श्री नागेश्वर प्रसाद शाही : आप मेरे साथ बहुत अन्याय करते हैं। आखिर अन्याय की कोई सीमा होनी चाहिए। मैं अन्याय को वर्दाश करने को तैयार नहीं हूँ। मैं श्रीमन्, भूपेश गुप्ता जी का समर्थन करता हूँ। यह सदन...

श्री उपसभापति : भूपेश जी तो कुछ बोले ही नहीं, आप समर्थन क्या करते हैं?

श्री नागेश्वर प्रसाद शाही : उनके जो विचार हैं मैं उनके विचारों का समर्थन करता हूँ।

श्री उपसभापति : आप बाद में समर्थन कर लेना।

श्री नागेश्वर प्रसाद शाही : दो मिनट में कोई आसमान नहीं गिर रहा है। श्रीमन्, यह सदन सर्वोच्च है, यह सदन जो फैसला करता है वह सर्वोच्च फैसला होता है और इसी बात को ले कर पिछले दो सत्रों से एक आन्दोलन चल रहा है और लोग कह रहे हैं कि सदन सर्वोच्च है और सदन जो निश्चय करे वह मान्य होना चाहिए। इस बात की मैं तार्किक करता हूँ और इसी के तहत मैं कहता हूँ कि जिस तरह से यह सदन सर्वोच्च है उसी तरह से वह भी सर्वोच्च है। उस सदन ने एक फैसला किया है और उस सदन के फैसले के खिलाफ आज हाइजेकिंग हो रहा है। दोनों सदन सर्वोच्च हैं और मैं इस सर्वोच्चता का समर्थन करना चाहता हूँ। भूपेश जी का, ए० पी० शर्मा का समर्थन करता हूँ और समर्थन करते हुए आज मैं बिना राजनीतिक आधार के कहना चाहता हूँ कि...

श्री बुद्ध प्रिय मौर्य (आंध्र प्रदेश) : कान्ति भाई पर इन्क्वायरी मांगो।

श्री नागेश्वर प्रसाद शाही : चाहे कान्ति भाई हो या संजय गांधी मैं दोनों के खिलाफ कहता हूँ। मैं कोई डिस्टिक्शन नहीं करता,

[नागेश्वर प्रसाद शाही]

आप करते होंगे। मैं तो चाहता हूँ कि इस तरह के जितने लोग हैं चाहे कान्ति भाई हो, चाहे संजय गांधी हो, चाहे लोकपति हो या मायापति हो... (Interruptions) सब के बारे में संसद को एक परमानेंट कमेटी बनानी चाहिए... (Interruptions) बैठिये, जरा सुनिये। (Interruptions). जब लोकपति की बात आती है तो आपकी टोपी हिलने लगती है। इसलिए दलाली करते हो... (Interruptions).

श्री श्याम लाल यादव (उत्तर प्रदेश) : आप गलत बात कह रहे हैं।

श्री नागेश्वर प्रसाद शाही : आप बैठिए।

श्री कल्प नाथ राय : मैंने आपसे कहा था कि आप कान्ति भाई के भ्रष्टाचार के सम्बन्ध में जो भूषण जी तथा बिपिनपाल दास जी का प्रस्ताव है उस प्रस्ताव के ऊपर चर्चा की जाए? (Interruptions)

श्री नागेश्वर प्रसाद शाही : रोहन पांडे और दूसरे पांडे ये दोनों पांडे, आप उत्तर प्रदेश के लोगों से पूछिये, अम्बिका सोनी और देवेन्द्र नाथ द्विवेदी जी आप चल कर लखनऊ में जांच कीजिए, दोनों यशपाल कपूर के दोस्त हैं। मैं दावे के साथ कहता हूँ कि दोनों यशपाल कपूर के दोस्त हैं (Interruptions) यशपाल कपूर ने (Interruptions) हाईजैकिंग करायी है (Interruptions) उसकी सर्वोच्चता के खिलाफ हाईजैकिंग करते हैं (Interruptions) दिल्ली में गुण्डागिरी करते हैं, सारे देश में आग लगाते हैं (Interruptions) इसी प्रजातन्त्र की बात करते हैं। 30 साल तक जिन लोगों ने (Interruptions) आज लोक सभा के फैसले के खिलाफ सारे अनुशासन को, सारी डेमोक्रेसी को, (Interruptions) देश में हिंसा का वातावरण बनाया है ऐ लोग डेमोक्रेसी की बात करते हैं... (Interruptions)

श्री कल्प नाथ राय : उपसभापति महोदय, मैं आपसे निवेदन करना चाहता हूँ कि प्रधान मंत्री के बेटे कान्ति देसाई के भ्रष्टाचार के खलारू (Interruptions) और भूषण गुप्त तथा बिपिन पाल दास के प्रस्ताव पर विचार कीजिए। आज भूषण गुप्त और बिपिन पाल दास के... (Interruptions)

SHRI DEVENDRA NATH DWIVEDI: Sir, I am on a point of order. I wish you had not allowed my esteemed colleague, Mr. Shahi, to speak because you had called his name and he was not present. After that he saw to it that he was allowed to speak. This is the manner in which the authority of Rajya Sabha is going down, and it is only in regard to that that I have stood up with your kind permission to raise a point of order. I sought permission of the Chair to raise a point of order while the Prime Minister was still present in the House because I am going to raise an issue which does not stem from one particular rule of the Rules of Business of one particular provision of the Constitution. I invoke the provisions of the Constitution, the Rules of Business and the practice that we have followed since the Constitution was adopted. I am invoking all these in order to raise a point of order which has something to do with the very life and death of Rajya Sabha. In the past few days there has been what we call a deadlock, a stalemate. Rajya Sabha is not functioning in the manner in which it should, and the newspapers have, by and large, reported in a manner as if a very simple issue is involved. If you take a superficial view and we lower the sights, then the issue looks very simple that we want to appoint a certain committee, the Government does not want us to appoint a committee, and the opposition which is in majority is insisting that we be allowed to appoint a committee; therefore, Rajya Sabha is not functioning. But that is not the issue. The issue

is that in the last Session of Rajya Sabha the Leader of the House was party to a conspiracy to denigrate Rajya Sabha, to commit a contempt of Rajya Sabha and to reduce it to the status of impotence. What happened in the last Session is that Rajya Sabha ceased to be a co-partner. . .

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): Sir, What is the point of order in it?

SHRI DEVENDRA NATH DWIVEDI: I am coming to my point of order. I will urge the honourable Members and the Treasury Benches to bear with me. I am saying something which will appeal to you and it is in your interest as much as it is in my interest. I am not raising a partisan view at all. I just want to seek your indulgence and I would request you to give me a patient hearing.

What happened in the last session? Rajya Sabha and Lok Sabha are co-partners according to the Constitution of India and according to the system envisaged therein. There was a sort of balance between them, but that balance was done away with in the last session and an imbalance was created in the Constitution. The Rajya Sabha was made to look ridiculous in the eyes of the public of this country. The people of this country have started believing that the Rajya Sabha is a mere deliberative body or some kind of Rotary Club which can only discuss and debate and it has no teeth and it has no powers and it does not have the power even to appoint a Committee let alone any other power which is enjoyed by the sister Parliamentary body, namely the Lok Sabha. This crisis started from that time and from that time onwards the Rajya Sabha has ceased to be what it was before that time. And what was it before?

When the framers of the Constitution were discussing in the Constituent Assembly whether we should have a second chamber or not - you will see

this if you go through the debates in the Constituent Assembly - the Rajya Sabha was supposed to be a body which was not merely a second chamber to give second thoughts to the proposals emanating from the other House, but it has something to do with the quasi-federal character of the Constitution because to this House the President will nominate twelve persons and with all other Members the Rajya Sabha in the past thirty years has emerged as a body which is almost hundred per cent an equal partner of the Lok Sabha. In legislative matters, our powers are like the powers of the Lok Sabha. In matters relating to the Constitutional amendments our powers are the same as those of the Lok Sabha, except that in money matters the Lok Sabha has some other powers. I need not recall to you that there are two provisions which only deal with the Rajya Sabha, and not with the Lok Sabha. There are two powers which only the Rajya Sabha has. But there are some powers which the Rajya Sabha does not have. Now, the sovereignty which the Members of this House share with the Lok Sabha Members has been destroyed by a conspiracy. I charge the Leader of this House and the Leader of the other House, namely, the Prime Minister of India, for this conspiracy. This is a conspiracy between Shri Morarji Desai and Shri Lal Krishna Advani because of which a situation has been created in which Rajya Sabha, for all practical purposes, has been made redundant. Unfortunately, the role of the Chairman of the Rajya Sabha has left a great deal to be desired, without any disrespect to the present incumbent of the office. But I will be failing in my duty if I do not say that the Chairman of the Rajya Sabha has not upheld the dignity of this House. The Chairman, by a wrong interpretation of the Resolution, has allowed a situation to be created in which the Rajya Sabha has become a laughing stock. . .

MR. DEPUTY CHAIRMAN: I again request the hon. Member not to cast

reflection on the decision of the Chairman. That is not at all proper.

SHRI DEVENDRA NATH DWIVEDI: I am raising a point. Do I not have the right to do it? I said I am not casting aspersion on the Chair. All I am wanting to submit is that between the Leader of the House and the Chairman a situation has been created in which the majority will of the Rajya Sabha has been frustrated. The decision which was taken by the Rajya Sabha is as sacrosanct and as legally binding as the decision taken by the other House the other day...

DR. RAM KRIPAL SINHA: Is this his point of order?

MR. DEPUTY CHAIRMAN: Why do you bring in all these? That is not before the House now.

SHRI DEVENDRA NATH DWIVEDI: I am only saying that our decision was as legal and Constitutional as the decision of the Lok Sabha. In the Lok Sabha they can terminate even the membership of the former Prime Minister. But this House cannot even appoint an enquiry committee to go into the allegation which has been made by no less a person than the former Home Minister. Sir, there is a couplet:

हम आह भी भरते हैं तो हो जात है
बदनाम,

व करन भी करते हैं तो चर्चा नहीं होती ।

Is this the status, is this the power and is this the character of the Rajya Sabha? My point is...

MR. DEPUTY CHAIRMAN: Please come to your point straightway.

3 P.M.

SHRI DEVENDRA NATH DWIVEDI: The point I am making is this. The point is that the Rajya Sabha has not been allowed to function because

of the crisis that has been brought about by the Leader of the House and today, Sir, the Chair has been put to ... (Interruptions)

DR. RAM KRIPAL SINHA: It is not proper to say that ... (Interruptions).

SHRI DEVENDRA NATH DWIVEDI: Sir, we must get out of the stalmate.

MR. DEPUTY CHAIRMAN: That is all right.

SHRI DEVENDRA NATH DWIVEDI: We must resolve this crisis and that crisis can be resolved only if there is a higher-level constitutional conference. There should be a high level Constitutional conference to be convened by the President of the Republic, that is, the President of India, the two Presiding Officers, to decide this. Sir, it is a question of the powers of the Rajya Sabha. The Chairman of the Rajya Sabha should be a party to that, the Leader of the House should be a party to that, the Leader of the Opposition should be a party to that and then the Leader of the Opposition and the Leader of the House in the Lok Sabha should also be there and should also be parties to this and they must discuss...

MR. DEPUTY CHAIRMAN: That is all right.

SHRI DEVENDRA NATH DWIVEDI: ... the place, the status, the powers of the Rajya Sabha. Otherwise Sir, this will happen, and this is exactly what is happening, that is, the Rajya Sabha is being rendered redundant and that is why the Government business is not being allowed to be continued.

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

SHRI DINESH GOSWAMI (Assam): Sir, I am on a point of order.

MR. DEPUTY CHAIRMAN: There is no point of order. Now, let us take up the legislative business of the House.

SHRI BIPINPAL DAS (Assam): Sir, I am on a point of order.

SHRI N. K. P. SALVE: Sir I am on a point of order. I will only take two minutes. (*Interruptions*)

MR. DEPUTY CHAIRMAN: That is all right. Let us come to the legislative business of the House.

SHRI N. K. P. SALVE: Sir, I will just take two minutes. (*Interruptions*)

SHRI DINESH GOSWAMI: Sir, I am on a point of order.

SHRI BIPINPAL DAS: Sir, on a point of order.

SHRI N. K. P. SALVE: Sir, I am on a point of order. (*Interruptions*). I am on a point of order.

MR. DEPUTY CHAIRMAN: Order, please.

SHRI N. K. P. SALVE: Sir, I am on a point of order. Kindly hear me. I will take just two minutes. You kindly hear me. This is of the utmost importance. Sir, it is a question of the legitimacy of the wishes of the majority...

MR. DEPUTY CHAIRMAN: Order, please.

SHRI N. K. P. SALVE: Just two minutes, Sir.

MR. DEPUTY CHAIRMAN: Now, do you want to take up the motion for election to the Tobacco Board or not?

SOME HON. MEMBERS: No.

SHRI KALP NATH RAI: No, no.

SHRI BUDDHA PRIYA MAURYA: No.

SHRI N. K. P. SALVE: Sir, give just two minutes to me.

SHRI BIPINPAL DAS: Sir, I am on a point of order.

SHRI N. K. P. SALVE: Sir, I will take a few minutes only... (*Interruptions*).

DR. RAM KRIPAL SINHA: Sir,...

MR. DEPUTY CHAIRMAN: Let us hear what the Minister is going to say.

DR. RAM KRIPAL SINHA: Sir, this is a small business and if the House agrees, this can be finished in no time... (*Interruptions*).

SOME HON. MEMBERS: No.

SHRI PRANAB MUKHERJEE (West Bengal): No. I do not agree to it.

SHRI KALP NATH RAI: No, no.

SHRI BHUPESH GUPTA (West Bengal): Sir, I have a submission to make.

SHRI N. K. P. SALVE: Sir, I have to say something on my point of order.

MR. DEPUTY CHAIRMAN: Yes, Mr. Salve.

SHRI N. K. P. SALVE: Sir, I would be taking about five minutes' time. Sir, the question is no longer purely a question of the legitimacy of the wishes of the majority and it is a question of respecting the wishes of the majority in a democracy. Sir, this is not a demand which purely by a brute force, absolutely untempered by any restraint, absolutely untempered by any wisdom, that we are making and we are not demanding something like that. Will that we are demanding is some time of the House and, certainly, Sir, I am going to show some authority under our Constitution and also from May's "Parliamentary practice". The wishes of the majority in this respect are the absolute prerogative of this House as to what subject we want to discuss, when we would like to discuss it and in what order we would like to discuss it. There is the memorandum which has been submitted, a memorandum signed by the minority of the members and I would like to show you the authority to make

[Shri N. K. P. Salve]

it clear that this is the privilege of this House and it is because we have failed in our method of functioning. we have failed in our efforts. Our efforts have failed, our imploring has failed, our requests have failed and our wishes have failed and we have come to a stage now when no one can do anything about it. We are past that stage. We have no faith in this Government. They know that we are going to have a debate which would be inconvenient to them, and they know that the goose of the Prime Minister would be cooked the day the motion is adopted. But for how long will your goose remain not being cooked. You know that the goose will be cooked and that is your apprehension. You search your hearts. There is no use shouting at this. You search your hearts and see whether or not this is your apprehension and, if this is your apprehension, see whether or not you are being unjust to this House, whether or not you are being unjust to the majority of this House. Sir, I wish to show you the authority from the Constitution to tell you that whoever be that person, whether it is the Prime Minister... (Interruptions)... or whether it is the Leader of the Opposition or whether it is the Chairman, if he is not going to abide the authority he is likely to be charged with committing a Violation or breach of privilege of the House.

Sir, before I read from 'Parliamentary Practice', I am reading from the 'Constitutional Laws of India' by Mr. Seervai Those who are students of the constitutional law know that he is the highest authority on the constitutional law in India. Sir, I am reading from his latest edition, page 1162 under the chapter 'Freedom of Debate and Proceeding and Privileges of the House' ... (Interruptions).

श्री हरि शंकर भाभड़ा (रा स्थान) :

उपसभापति महोदय, इस की कोई उपयोगिता हो तो हम सुनें (Interruptions) बिजनेस चलाना हो तो खलाइये नहीं तो समाप्त करिये ।

(Interruptions)

SHRI YOGENDRA MAKWANA (Gujarat): This is very clear.

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): There is no point of order.

SHRI YOGENDRA MAKWANA: Who are you to decide?... (Interruptions)

SHRI N. K. P. SALVE: If I may be allowed to read from one chapter... (Interruptions)

THE LEADER OF THE HOUSE (SHRI LAL K. ADVANI): Mr. Deputy Chairman, I would like to make a few points very clear, because I have been listening with great anguish to very many speeches made in this House, and just now one Member from the Opposition repeated what has been said earlier, about my having committed contempt of this House ... (Interruptions) I would like the hon. Members to bear with me. I am very conscious of the fact that during this entire session this House has not been able to transact any business.... (Interruptions).

SOME HON. MEMBERS: Because please... (Interruptions)

MR. DEPUTY CHAIRMAN: Order, please. (Interruptions)

SHRI LAL K. ADVANI: I do not know whether any of you, particularly those in the Opposition, are conscious of the fact that during this session we have really reduced this House to a mockery.. (Interruptions)

SHRI DHUPESH GUPTA: Sir, on a point of order ... (Interruptions)

SHRI PRANAB MUKHERJEE: It is because of the arrogance of the Government and the arrogance of the Leader of the House... (Interruptions)

SHRI LAL K. ADVANI: Let me complete my say... (Interruptions) What I have just now said, I withdraw ... (Interruptions).

I said that I am part of you. I am part of the House. In a way, I was condemning myself also. (*Interruptions*) Please bear with me. If in any anguish and agony, I used words which normally I would not use, I withdraw them.

SHRI BHUPESH GUPTA: You should realise that you have transacted one business very well and that business is the protection of the families of Mr. Morarji Desai and Mr. Charan Singh.

(*Interruptions*)

SHRI LAL K. ADVANI: This House knows very well...

(*Interruptions*)

श्री कल्प नाथ राय : अध्यक्ष महोदय, मोरारजी देसाई के बेटे को बचा रहे है।...

(*Interruptions*)

SHRI LAL K. ADVANI: Certainly I am not going to yield to Mr. Kalp Nath Rai who has been, in a way, responsible for many of the scenes in this House and this is something which not only I but most Members of this House do feel about.

SHRI BHISHMA NARAIN SINGH (Bihar): This is wrong. You must see your Members also.

SHRI LAL K. ADVANI: In the last session, this issue was raised from the first day. Notices were given for a Calling Attention and other motions were also given to the Chair. The Chair went through them and then allowed a certain Special Mention that day. In his wisdom he did not allow a Calling Attention Motion. The Leader of the Opposition raised the matter and wanted it to be discussed through some other motion and not as a Special Mention by which the Government would have to reply. I went to the Chairman and suggested that a Calling Attention motion might be admitted so that the Members had an opportunity of expressing their views in this House. Later on, when

the Calling Attention was discussed in this House, many hon. Members had their say whatever they had to say. At the same time, it was insisted that the letters exchanged between the Prime Minister and the Home Minister should be laid on the Table of the House. Thereafter, there was a discussion between the Chairman and the leaders and a modality was agreed upon. That modality was regarded as final to end the matter. (*Interruptions*) I am merely trying to recapitulate the efforts made by the Government to satisfy the wishes of the House. Thereafter, all the leaders saw those letters and found that there was nothing in them. (*Interruptions*). I would like to complete my say. (*Interruptions*) I am not yielding.

SHRI BHUPESH GUPTA: Sir, the Leader of the House made a very serious statement...

(*Interruptions*)

SHRI LAL K. ADVANI: I am not going to yield to Shri Bhupesh Gupta or Shri Salve.

श्री एन० के० पी० सत्वे : आप अगर जवाब दे रहे है तो ठीक है...

(*Interruptions*)

श्री लाल कृष्ण आडवाणी : जनाब आपकी बाते सुन ली हैं। मैं स्थिति के बारे में कह रहा हूं और विशेषकर इसलिए, क्योंकि मेरे ऊपर आरोप लगाया गया है, कांस्पिरेसी की बात कही गई है चेयरमैन पर आरोप लगाये गये हैं, लीडर आफ दि हाउस पर प्रधान मंत्री पर आरोप लगाये गये हैं। कांस्पिरेसी की बात कही गई है।

(*Interruptions*)

If I am allowed to have my say I will explain the position. (*Interruptions*) Thereafter, two motions were admitted in the last session by the Chairman. The No-Day-Yet-named motions are not discussed necessarily.

AN. HON. MEMBER: Who says?

SHRI LAL K. ADVANI: I have myself been a Member of the opposition. No-Day-Yet-Named Motions are discussed only if the Government agrees to them.

SHRI BHUPESH GUPTA: Where is it said?

SHRI LAL K. ADVANI: No-Day-Yet-Named Motions are discussed only if the Government agrees to them. They are not discussed otherwise. I have been in the Opposition for years together, I have come to the Government only now. And I have been giving notices of scores of No-Day-Yet-Named Motions. Never have they been admitted because the Government was not willing to admit and discuss them. Admission, is in the hands of the Chairman. The Chairman does admit them. But thereafter whether to discuss them or not depends upon the agreement of the Government. This is a hard fact. (Interruptions) Perhaps, the Secretary-General and the Chairman may be able to decide this. (Interruptions) I am very precise about the facts. Therefore, in the last session, even though many of my colleagues in the Government felt that there was no point in discussing these motions once a Calling Attention motion has been discussed already.

(Interruptions).

MR. DEPUTY CHAIRMAN: Order please.

SHRI ARVIND GANESH KULKARNI (Maharashtra): I have nothing to say. I have to make a small submission. When the Leader of the Opposition wanted to say something, we requested our friends there to sit quiet. When the Leader of the House is speaking, it is a democratic practice that we must hear him. You should hear him.

MR. DEPUTY CHAIRMAN: They are all hearing. Why do you worry?

SHRI KALP NATH RAI: Why not a discussion on the motion?

SHRI ARVIND GANESH KULKARNI: Mr. Kalp Nath Rai, you are dictating a new parliamentary procedure. It is to be your parliamentary practice...

(Interruptions)

MR. DEPUTY CHAIRMAN: Order please.

SHRI LAL K. ADVANI: Sir, as I said earlier, some of my colleagues were of the view that having discussed the issue through the device of a Calling Attention motion, there was no point in repeating a discussion over again.

SHRI KALP NATH RAI: There was a demand from Mr. Bagaitkar.

SHRI LAL K. ADVANI: However, the Government agreed to a discussion on one of the motions. There was a full-fledged discussion on that. And even during that discussion, you are well aware of it that I had pointed out—I had not pointed out about the Rajya Sabha only—about both the Houses of Parliament as to what is the validity of a Resolution adopted by either House of Parliament. I want to make it very clear that when I referred to the validity of the Resolution of the House—I am referring both to the Rajya Sabha and the Lok Sabha—I did not make a difference between the Lok Sabha and the Rajya Sabha, and it was my view which I cited on the basis of a specific document described as the Resolutions of Parliament that there are three kinds of... (Interruptions) I am merely reiterating here the view that the Government had expressed, the view that the Government holds even today, and the view that the Chairman has approved and endorsed. Now, unfortunately, you have been always in a mental frame of mind, particularly the Congress (I) Members that if the Chairman agrees to what you say, it

is right and if he does not, then he is acting according to the dictates of the Government.

श्री कल्प नाथ राय : शलत है शलत है ।

SHRI BHISHMA NARAIN SINGH: This is our charge against you.

SHRI LAL K. ADVANI: So far as the Resolutions are concerned, those Resolutions which derive their authority from any specific provision of the Constitution, from any specific statute, they are binding on the Government. The Government has no option but to act in accordance with them.

PROF. N. G. RANGA (Andhra Pradesh): You did not concur with the wishes of the House.

MR. DEPUTY CHAIRMAN: You listen to him please.

SHRI LAL K. ADVANI: Those Resolutions which pertained to the House itself are also binding. But those Resolutions which direct the Government to do something, which it has the discretion to do in the matter of its executive authority, they are just recommendatory, they are not binding on the Government. (Interruptions) I give an example. Today this House decides by a majority to set up a committee to examine, for instance how the Customs Office in the country are running, how the Embassies all over the world are functioning, how the All India Radio Stations are running. This is a resolution of a committee which does not derive any sanction from any statute or from any provision of the Constitution and, therefore, it is just a recommendatory resolution. Even if you say that this House directs the Government to set up a committee or this House sets up a committee...

SHRI BHUPESH GUPTA: Mr. Advani, I have been listening to your

very learned speech but please clarify one point. We are not here on that point. My resolution is this: This House sets up a committee of itself...

SHRI LAL K. ADVANI: Yes, yes. I understand your point very well.

SHRI BHUPESH GUPTA: Quite apart from that the issue is whether the Rajya Sabha has a right to set up a committee?

SHRI LAL K. ADVANI: As the Leader of the House I have my responsibility to this House. Therefore, I would not like to be a party to any resolution, to anything, that, in way, pitches the House against the Government or the other House. I would not like to be a party to it. Therefore, the point that I stressed at the very outset is that so far as No-Day-Yet-Named Motions are concerned, their admissibility is governed by the Chairman's decision but their discussion is certainly with the agreement and consent of the Government and not without that.

SOME HON. MEMBERS: No, No.

SHRI PRANAB MUKHERJEE: Please tell me the rule. Please cite the rule. Under what rule do you say this? (Interruptions).

SHRI BHUPESH GUPTA: Because only one...

SHRI PRANAB MUKHERJEE: Sir on this particular issue I am on a point of order. Sir, rule 23 says that on the days allotted for the transaction of Government business that business shall have precedence. Sir, the Leader of the House cannot arrogate to himself the power that if a motion is admitted by the Chairman under

[Shri Pranab Mukherjee]

rule 170 and if time is allotted under rule 172

SHRI LAL K. ADVANI: No, I am not yielding to him. There is no point.

SHRI PRANAB MUKHERJEE: He has the power to fix a time after the Government business is over, and the House may sit late in the night. It is incumbent upon the Chairman. (Interruptions). He has only to be consulted. He cannot authoritatively

SHRI LAL K. ADVANI: I am aware of rule 170. I am aware of Rule 172 and rule 176. I have gone through all these rules in detail. Sir, so far as the interpretation of the rules is concerned, I am willing to accept your ruling but I am not willing to accept either Shri Salve's ruling or Shri Bhupesh Gupta's ruling.

SHRI BHISHMA NARAIN SINGH: We also are not prepared to accept your ruling.

SHRI LAL K. ADVANI: I feel the situation today is

SHRI ANANT PRASAD SHARMA (Bihar): Sir, it is normal parliamentary democracy that when a point of order is raised the speaker should yield. That also he is not doing.

SHRI SUNDER SINGH BHANDARI: A point of order cannot be raised on every issue.

MR. DEPUTY CHAIRMAN: Let the Leader of the House speak and the other Members can comment on it later. (Interruptions).

SHRI LAL K. ADVANI: Sir, as I said when the motions were discussed

SHRI N.K.P. SALVE: How much time will you take?

SHRI LAL K. ADVANI: I am concluding. I would not like to go over the entire story again. I would only

like to point out that in the last session, the whole of the session was taken up by the discussion on this subject. The Government has not been fighting shy of a discussion at any time. We have been discussing. Not merely that. We have also done something that has not happened in the history of the last thirty years. Here is a Prime Minister who himself stood up to say that because it referred to his son, therefore, even if a single Member of the House—I am not talking of the majority nor of the Resolution—was willing to write to him, he would take action. That means he is owing the responsibility. He is not speaking on the basis of hearsay and he is not merely saying that he read it somewhere.

SHRI ARVIND GANESH KULKARNI: What about Shri Makwana's letter?

SHRI LAL K. ADVANI: Three or four days back, Shri Makwana mentioned in this House that he has written a letter to the Home Minister, the former Home Minister and that would have been more than six months ago

SHRI BHUPESH GUPTA: Let a statement be made.

SHRI YOGENDRA MAKWANA: I have written two letters

SHRI LAL K. ADVANI: He wrote two letters to the former Home Minister and he sent copies to the Prime Minister. That is what he said in the House. Immediately, thereafter, we asked the Prime Minister. The Prime Minister said that he did not recall any such copies having been received by him. But he has again written to Shri Makwana asking him to send him copies of the letters

SHRI YOGENDRA MAKWANA: I have not received any such letter from the Prime Minister.

SHRI LAL K. ADVANI: He has sent the letter yesterday. I am not saying

it on my own; I have spoken to him myself.

Sir, I have to fulfil my own obligation to the House as well as to the Government. Both obligations I have to fulfil and I have been trying to fulfil them to the best of my ability by conveying to the Government the feelings of this House. But at the same time I have been of the view that if the Government is told: "Unless you do this or that...." no Government is going to proceed. Sir, I would be the last person to act under such threats.... (*Interruptions*)

SHRI ANANT PRASAD SHARMA: Neither a threat from this side nor a threat from the Government side.

SHRI LAL K. ADVANI: I have spoken to many Members even of the opposition and many Members of opposition also feel that this is not a right way. They feel . . .

SOME HON. MEMBERS: No, no. Even your Members want a discussion.

SHRI LAL K. ADVANI: Therefore, Sir, I would have no objection if the Chairman takes an initiative in the matter and calls us in his Chamber and discusses the whole issue with us....

SHRI JAGJIT SINGH ANAND (Punjab): That is the will of the majority of the House.

SHRI BUDDHA PRIYA MAURYA: You are involving the Chairman.

SHRI LAL K. ADVANI: I have never involved the Chairman. You have involved him. I am always willing to be guided by him.

PROF. N. G. RANGA: You are in the hands of the Chair; you are always saying like that.

SHRI MANUBHAI PATEL (Gujarat): They are disturbing every time. If you disturb the Leader of the House like this, we can also disturb your leader.

SHRI ARVIND GANESH KULKARNI: What is the need of getting up and disturbing?

SHRI LAL K. ADVANI: So far as this issue, or a discussion on this issue is concerned, it has been discussed at length over and over again and so far as the recommendations of this House are concerned, or the Resolution adopted by this House is concerned, the Government's view is that it is recommendatory and in the last session a motion on the basis of this discussion was adopted by the House and the Government's view was—which was endorsed by the Chair also—that it was recommendatory. The Government responded to that. And now in this session, when a specific question was raised by Shri Makwana that he has written to the Prime Minister, was raised by immediately we asked the Prime Minister and the Prime Minister has again written to him and the moment his letters are received, necessary action will be taken.

SHRI JAGJIT SINGH ANAND: We do not accept Shri Morarjibhai's position.

SHRI LAL K. ADVANI: You may not accept Government's position but today it is the Government; it has the responsibility to the other House. The Government's responsibility is to the other House and no Government, even if it is in minority in this House as it is, would like to be a party to some process or some motion which brings one House into contradictions with the other House. Therefore, Sir, these rules provide that in the case of No-Day-Yet-Named Motions the Chairman can decide only in consultation with the Leader of the House, which means, the Government. These rules have been framed specifically from that viewpoint. This is all that I have to say. (*Interruptions*)

SHRI N.K.P. SALVE: Sir, the Leader of the House is totally wrong when he says that the question of admissibility of the motion in the House, the bringing up of the motion in the

[Shri N. K. P. Salve]

House is the Government's prerogative. Sir, I would like to refer to May's Parliamentary Practice. Our rules conform to that. It says:

"But still often, unavoidably, the Government, in most Sessions, find themselves bound to provide time for subjects the discussion of which is demanded by substantial number of members, whether supporters or opponents of the Government. Such matters are generally brought forward by substantive motions, moved by private members and granted precedence by the Government if an expression of opinion by means of vote of the House is required."

If an expression of opinion is required . . . (Interruptions)

SHRI LAL K. ADVANI: It is with the consent of the Government.

SHRI N. K. P. SALVE: May's Parliamentary Practice also says this. Let him understand the position. The control of the time is in the hands of the House. In principle, the control of the time of the House stays with the House itself. If, in practice, the House has, by standing or special orders, delegated this control, it does not mean that the basic power to give control is taken away. Now, I would like to refer to the Indian Constitution, as has been enunciated by the distinguished author. In terms, this is what he has said. Kindly bear with me for one minute. There are only four lines. This is the Bible of the Indian, Constitution. The heading is: 'Freedom of Debate-Proceedings and Privileges of the House'. The matter is very serious.

"Freedom of debate must be distinguished from the freedom of speech because the freedom was claimed by the House against the views of the Tudor and Steward sovereigns which maintained that the Commons were summoned merely to vote. . . .

Just as he is saying that we must

discuss whatever the Government wants. They said the Commons were summoned merely to vote.

"Such sums as were asked of them to formulate or to approve legislation or topics of legislation submitted to them and to give an opinion on matters of policy if, and only if, they were asked. The House maintained and successfully obtained in the Bill of Rights, a right to debate what subjects it liked, when it liked and in what order it liked."

This, Sir, is the right of the House. Majority can decide what subjects it wants to debate, when it liked to debate and in what order it liked to debate. Majority of us are calling upon the Chair to bring this motion for discussion in the House tomorrow. Sir, if this is not brought up for discussion tomorrow, according to Mr. H. M. Seervai, the greatest authority on Constitutional Law, it will be contempt of the House and a breach of privilege of the House.

SHRI DINESH GOSWAMI: Sir, I have been trying to raise a point of order for a number of times.

(Interruptions)

SHRI BHUPESH GUPTA: Sir, must we discuss the point again and again?

SHRI DINESH GOSWAMI: Sir, the Leader of the House says that he will not be subject to any pressure if it is said in the context that we would not allow any Government Business to take place unless something is done according to our request. As far as our party is concerned, we will never make any such expression. We do not say that we will stop Government Business if they do not accept our request. This is not our demand. Our request and the point of order that I want to raise is different. The point of order that I am raising is this. Last Friday evening, you gave a ruling. You said that there is no Government Business for the next week. Am I to undersand . . . (Interruptions) I am not yielding. You have said that there is no Government Business before the

House next week. Therefore, I raised a point of order before you how this List of Business has been circulated. Our complaint to the Chair is this. We are not showing any disrespect to the Chair, But let me point out that when a point of order is raised, the Chair is expected to give a ruling on it.

When we raised a point of order, at 1.00 p.m. the House was adjourned and again when we met after lunch, you said that the House stood adjourned. I want to know: In view of your categorical and definite ruling on Friday that there is no list of business before the House, there is no Government business before the House, how is it that we are transacting some business? And in view of the fact that there is no Government business according to your ruling, myself, Mrs. Ambika Soni, some other Members have given a notice of motion. The motion reads like this that in view of the fact that there is no Government business before the House this House takes up the motion of Shri Bhupesh Gupta for discussion on Thursday, immediately after the Question Hour. I have not been told as yet as to what has happened to the motion which I placed before you yesterday. I do not know whether this motion has been admitted or it has been rejected. Even now you can tell us about that. If you say that the ruling given by you was wrong, well, we can understand, but we respect your ruling, and if your ruling is to be respected that will mean that we have no Government business. And if we have got no Government business, are we to sit idle? We have come here to do something. Therefore, if the Government has not been able to bring forward any business in accordance with the rules, as a private Member of the House I would say that the House should not sit idle, it should discuss the motion of Shri Bhupesh Gupta. On that you can take the opinion of this House. That is one point.

SHRI JAGJIT SINGH ANAND: The Chairman is not giving any ruling. (Interruptions). The Chairman goes

away at lunch without giving any ruling.

SHRI DINESH GOSWAMI: The second point on which I want a ruling from you is of fundamental importance. I have stated that under rule 172 when a motion is given, if the Chair admits it, then I concede that the Leader of the House is to be consulted about the discussion. I hope Mr. Advani will have to agree by now, after the decision of the Supreme Court in the case of special courts, that consultation does not mean concurrence. Consultation means that you are to be consulted, but your consultation is not binding upon the Chair. That is why in the special courts' case the Government was compelled to change the word 'consultation' for 'concurrence'. Rule 172 clearly says that the Leader of the House is to be consulted. The Leader of the House has said that he is not agreeable to a discussion, but the Chair is not bound by what the Leader of the House has said. If the Chairman wishes, he may reject that view. Therefore, I want to have a clear interpretation of rule 172. In spite of the categorical observation of the Supreme Court, the highest judicial body of this land, whether the word 'consultation' will be interpreted in this House as 'concurrence', you please let us know. Kindly let us know where we stand. Can the Leader of the House put a veto upon you regarding a discussion? My contention is that he is simply to be consulted. You may accept his view, or you may reject his view. The view is not binding. If you say that in spite of the verdict of the majority of this House, in spite of the view expressed by the entire opposition, you accept the views of the Leader of the House. I have nothing to say, but you cannot evade all the time. The Chair is expected to give rulings. If you do not give rulings, obviously, tomorrow again I shall have to raise it again and again the time of the House will be wasted. Sir, I can tell you that very many legislative items are pending in which we are interested, but if

[Shri Dinesh Goswami]

the Chair is not giving any ruling, if both the sides of the House interpret a particular provision in different ways, the deadlock will continue.

Therefore, my two points are: Firstly in view of the fact that the Government business is not there you should accept my resolution and secondly, there should be a clear interpretation of rule 172, not only to resolve the present position but also for all times to come.

SHRI GHANSHYAMBHAI OZA (Gujarat): Sir, about the business of the House my friend has made a very pertinent point. As far as I remember and if I have heard you correctly, you said that the Government has unilaterally placed the business of the House for the next week and that is not approved by the House, or some such thing.

SHRI JAGJIT SINGH ANAND: Not unilaterally. Please read the ruling.

SHRI GHANSHYAMBHAI OZA : Please hear me. The Chairman has said that the Government has placed the business of the House for the next week unilaterally, if I heard it correctly.

SEVERAL HON. MEMBERS: No, no.

SHRI GHANSHYAMBHAI OZA: That is to say that the business is there. There is nothing wrong in sending us the business of the House for the next week. What is pertinent, according to me, is that the allocation of time was not decided upon because of certain developments. But the business of the House was there by the Government. After that the House is to decide what time has to be allocated to what business. (Interruptions) That is not out of order. To circulate the business of the House for the next week is perfectly in order. It is not at all out of order.

SHRI JAGJIT SINGH ANAND: The Chair decided that there was no business. You read the ruling.

SHRI GHANSHYAMBHAI OZA:

If I had heard the Chairman correctly, this is what I heard. Therefore, it is **nothing out of order.**

Another point is being repeatedly made in this House. Mr. Salve is not present here. He referred to Seervai's book on Constitution. He has said 'the House'—that is to say the Lower House which can remove the Government. Of course it has got every right to give directives to the Government. But this House has its own limitations. In all democratic countries, the Upper Chambers have certain rights. We all know them. The fathers of the Constitution also have made it very clear that the Upper House is meant for advising the Lower House on legislations and other matters which come before them, and their views are to be respected; there is no doubt about it. The Leader of the House is absolutely correct when he says what other business is to be transacted in this House. Otherwise as I have been saying very often, you will be enjoying the right of veto; you will be censuring the Government indirectly, which is not your right. Has any Upper Chamber, even indirectly, censured any Government? You can't; not even if you are in a majority. There is no question of majority or minority. You can transact any Private Members' Business; you are at perfect liberty to bring any Bill, to bring any Resolution. Then there is the Question Hour. But you have no right to transgress the rights of the Lower House, which, I think, you are trying to do. You are projecting your rights and saying in injured innocences that your rights are being taken away. That is not fair. This is against the provisions of the Constitution.

SHRI L. R. NAIK (Karnataka): Sir, the issue has been thoroughly discussed with reference to the rules and regulations and May's Parliamentary Practice. What we want now is your kind ruling on the point whether rule 172 applies to this case or not, whether this House has the power to discuss its own business.

SHRI BHUPESH GUPTA: Sir, I do not wish to cover the points which have been covered time and again. No useful purpose, in my view, could be served. Tomorrow, according to the schedule this House is going to adjourn. Therefore I will make submission to you from the point of view that before settling the business of the House for tomorrow, we can take up the two Motions. This is what I am driving at. And, Sir, we can discuss the legal points, constitutional points at length. But I was a little amused, somewhat intrigued and have a little concern for our good friend, Mr. Advani. He had gone to these benches barely 21 months back. May be, Sir, it will not be long before he shall be sharing with me the same benches where I am. He will come back; the prodigal son will come back. It may not be long, the way things are going, it may not be long. Therefore, I would ask my good friend, Mr. Advani, not to tread on dangerous ground and not to put the arguments in such a manner that should be, by chance of history, come to occupy with us the same place, all these arguments will be used against him. But Mr. Advani is a soft spoken man. Not being a lawyer that way, perhaps he has not caught the legal point very well. But he has tried to persuade us. Sir, what did we do? Basic questions have been posed for over one month. Yes, we are in the midst of the crisis of India's parliamentary democracy. Yes, let us, first of all, recognise that if we do not understand that we are passing through a period of deepening crisis of India's parliamentary democracy we shall be committing a great error. And the crisis is in exhibition every day here. Could you imagine some ten years or twenty years hence the Indian Parliament functioning in a situation when in the Lok Sabha there would be government majority but in the Rajya Sabha it does not have the majority. Well, the implications of it should be thought of and what the Opposition can do you must realise. Sir, do not misunderstand me, I am not meaning anything in the bad sense at all. I

have nothing against you. Suppose we vote a no-confidence motion against the Deputy Chairman. You will admit it—this is a precedent. It will be passed. And then election takes place and Bhupesh Gupta is made the Deputy Chairman, if they vote, what kind of ruling you will get. It will not be our good old, esteemed Deputy Chairman, Mr. Mirdha, sitting there; some one else would be sitting there and giving the ruling. This is how it may happen. Unfortunately, we do not have with us the avenues open to the Lok Sabha Members to deal with the Speaker because I know that if we pass a Resolution against the Chairman it has to be passed also by the other House because he happens to be the Vice-President of India. Suppose this House passed a resolution. Then what happens? Election comes. And who gets elected? The majority will elect whoever it is.

Sir, therefore, it must be understood. We have been accused again and again of obstructing government business. It is not very fair. If anybody has obstructed the government business it is the Government itself. And why has it obstructed? Because this Government says that the interests of the family of the present Prime Minister and the former Home Minister are far more fundamental, far more honourable to be protected than the interests of the House or even the Government business. Sir, is it the way of democratic functioning, or is it the way of absolute monarchy when for the Crown Prince everything is done? You know, in the old days in the absolute monarchy the Crown Prince was the supreme. We had dealt with one Crown Prince. Now we have got another Crown Prince. This is the situation. Therefore, do not blame. And Mr. Advani should realise that if it is repeated, in the next session it will be admitted again. . .

SHRI LAL K. ADVANI: Why should we take the time of the House if we have already dealt with it?

SHRI BHUPESH GUPTA: What would happen? In the next session the same thing may repeat. You

[Shri Bhupesh Gupta]

should really think over the matter. Why does Mr. Advani say so? He is a very intelligent man. He is a journalist like me. The only thing is that I like it and he does not like it. That is all. He should know the rules. The "Chairman may after considering the state of business in the council and in consultation with"... It is in consultation with.

SHRI LAL K. ADVANI: The Chairman may...

SHRI BHUPESH GUPTA: How do you say "agreement"? From where did you bring the word "agreement"? If anywhere you find this word I shall withdraw my resolution. I would put the challenge to you. Anyway, consultation, yes; I would like to consult you. It is a good provision in the Rules which have been made. But this is a procedural matter. The question of consultation is not a matter of substantive law; it is a procedural law—how things should be processed and taken to the House and discussed, arrangements to be made. It is a part of the business arrangements of the House, rather than the substantive laws of the House, that guide the House. Therefore, I say: Don't take cover under that. Now I do not blame Mr. Advani any more. My friend said that it is a conspiracy and we need not blame him for that. If the Janata conglomerate is not a creation of a mammoth conspiracy of a particular type, what else is it? That is all right. We do not go into that.

My quarrel is with the Chairman and I am making a submission to the Chairman. This House has a tradition. First of all, do you recognise that we are a sovereign House? If you say we are sovereign, the matter further arises. The other day, I heard the Prime Minister Mr. Morarji Desai, reading out a speech on a privilege in another place where he hammered the point about the sovereignty and supremacy of Parliament. May I know if only the Lok Sabha is supreme

and we are not supreme? We have the same supremacy in our sphere as the Lok Sabha. Sir, if we are supreme, it stands to reason that we determine our business also. A sovereign nation determines its own municipal and other laws. A sovereign House determines its own business. Even that is being violated. We are here for violation of the privilege! Well, I do not know who is violating it. But the fact remains that the privilege of this House has been and is being violated. And if this is not contempt of the House, I do not know what contempt of the House is. It is for you to find out how it is happening. Have you any doubt that the majority wants the discussion, the majority wants to determine the business in a particular manner, and the majority has already succeeded in creating a situation? But the Government does not see the consensus and come and say that here is today's business. On one point you have accepted it. On another point, you have to accept it. Suppose today I suggest a resolution of the kind "This House hereby resolve taking up the two motions standing in the names of two Members, Shri Bhupesh Gupta and Shri Bipinpal Das, listed in the List of Business of November 22 in regard to the allegation against the families of the present Prime Minister, Mr. Morarji Desai, and the former Home Minister, Mr. Charan Singh", then tomorrow you will have to take up that motion. It is not a question of the power of the Government or anything. That is irrelevant. You have to take it up. But here I know you will not waive the Rules. And that would also be wrong because we demand waiving of the Rules. You have to do it. Mr. Morarji Desai, while dealing with the privilege issue in the other House, had the rule of 30 minutes waived. Thirty minutes' discussion became a ten-hour discussion. But here nothing is done. Sir, all I say is: Why is the Chairman silent? Why are you silent? You do your 'namaste' so magnificently well. I should say, when we leave our House. But why are you silent? Let the Chairman say,

"I will not allow this motion. I do not think it should be discussed." Why does he not say so? I could have understood it if he had come and said, "I have consulted everyday, but I have come to the conclusion after doing everything possible that this motion should not be discussed". Let the Chairman say this thing and let the people judge the Chairman. The people will draw their own conclusion. They will not go by the rule book. Perhaps they will think of some election somewhere. They will not go by the rule book. Why does he not say so? Why does the Chairman not tell us that he does not allow it? He never says so. Silence, killing by silence. Why should that be? Well, even saying that will not be right. Therefore, Sir, from every angle, he is wrong. And can you cite one instance from any Parliament when a particular House wants to do something within its own sphere, but it is not allowed to do that?

Sir, Mr. Advani says, the Government is not bound. We have not asked in this resolution that the Government must be bound. That is not the issue. In my view, the Government is bound even if you mean that the Government is not bound. What I have asked for in my resolution is to appoint a committee, to elect a committee, which will look into the charges of allegations—that is all—and tell the House what should be done, not tell the Government, but tell the House, what should be done. How does the Government come into the picture? In the context of my resolution, we are not allowed even to do that. We are not allowed to do even that despite the physical demonstration. Mr. Advani is nodding his head. You have not understood anything of Parliament, if I may say so. Why do you bring in the Government?

Therefore, all I say is, it has become a major moral and political issue. The major moral and political issue before Parliament is: Has the

House, Parliament, the right to go into the allegations made against the son of the Prime Minister of the country had then make recommendations to the House itself? It is a matter which very fundamentally concerns parliamentary democracy. If that right is not there, we are not even a municipality. A municipality has more power perhaps. Sir, this is the test.

You have expelled the former Prime Minister from the Lok Sabha and sent her to the jail, and the present Prime Minister would not allow even the allegations against his son to be seen by his colleagues.

SHRI MANUBHAI PATEL: It was established by the Privileges Committee. Would you compare it with that. Should a Member like you compare it with that case? It was established by the Privileges Committee.

SHRI BHUPESH GUPTA: I am not going into the analogy. The world will see. The world has listen to Mr. Morarji Desai's speech. I am not going into the merits or the demerits of the case. You all know our views. Here in India parliamentary democracy is so wonderfully functioning that for certain things done in 1974, the person who had been for 11 years the Prime Minister of the country and happens to be the leader of the main party the first opposition party in Parliament, has been sent to the jail, and her membership taken away, punishing the Chikmagalur constituency, but exactly at the same point of time the present Prime Minister would not like the allegations against his son to be seen, examined, by his colleagues in the other House.

SHRI MANUBHAI PATEL: This is fallacious, fallacious of logic. In one case the Committee has established it. In the case it has already been established. Mr. Bhupesh, in one case, it has already been established by

[Shri Manubhai Patel]

the Privileges Committee. That has been established.

4 P.M.

Now, here the Prime Minister has already announced that any charge levelled against his son should be brought before the Chief Justice of the Supreme Court. (*Interruptions*) Thereafter, even Mr. Salve or you, Mr. Bhupesh Gupta, had no courage to bring even one charge out of those 34 charges before the Chief Justice. Now, how do you compare these two cases? Only when you bring it and there is a *prima facie* case and it is proved, then it comes before the House and then the House goes into action. But you by a fallacy of logic are trying conveniently to skip one step and trying to jump to the next step. (*Interruptions*) Here you are intelligently trying to compare these two, thereby trying to instigate the Congress (I). Very convenient.

SHRI BHUPESH GUPTA: Sir, I have listened to his point of order. If the movement of his hands, if the movements of his fingers is relevant, I say, he should be sent to some dancing institution. Sir, I thought he was a better interrupter.

SHRI MANUBHAI PATEL: No question of interrupting. You are misleading.

SHRI BHUPESH GUPTA: When I was interrupting . . . (*Interruption*) sitting also you interrupt?

SHRI MANUBHAI PATEL: No. It is a question of interpretation.

SHRI BHUPESH GUPTA: I say, this is not the issue. I am just saying how it would look to the world, how it would look to the people, because this is, I say, a political and moral matter. A person who moves a resolution for sending a former Prime Minister, his immediate predecessor, to jail and for expelling her, does not dare come out on his own and say

"Yes, I give the things to the committee; let the committee see it". Is it moral? Mr. Morarji Desai's friends say that he has got moral vitality. Where is it now? If I were Morarji Desai, I would have not only given this thing to the committee, but I would have said "Till the committee finds it out, I will not hold any high public office". I would have said that. Why does he not do so? Sir, imagine what Gandhiji would have said. The name of Gandhiji is taken. I have seen Jawaharlal Nehru here. My friend says "Oh, Mr. Morarji Desai is agreeing to send your letter to the Chief Justice", as if we cannot write to the Chief Justice also. He may not open the letter. That is not the issue. The issue is whether Parliament has the right collectively. And now, collective wisdom. (*Interruptions*) Sir, you cannot run with the hare and hunt with the hound. In the other House, it is collective wisdom by majority—collective wisdom through certain processes, as Mr. Morarji Desai has said. In this House, collective wisdom is inoperative. Wonderful!

SHRI YOGENDRA MAKWANA: Double standard of Mr. Morarji Desai.

SHRI BHUPESH GUPTA: Sir, what shall I say? Never have I experienced such a thing in the House. And they are doing it because they know, they do not have majority to protect corruption. If they had the majority to protect corruption in this House, Mr. Advani would have said, "All right, we shall go into it." I know his weakness. Your weakness is numbers. Admit it. Sir, what have we been treated to? Every day we heard that some statement will be made. Yesterday I heard that the former Home Minister would make a statement at 12 o'clock in the Lok Sabha today in which, one of his lieutenants told me, Kantibhai would be mentioned.

SHRI KALP NATH RAI: Thirty-one pages.

SHRI BHUPESH GUPTA: I say, I do not believe what Mr. Charan Singh

says because he changes his views now and then depending on the fluctuations in his party. Sir, we hear today that no statement will be made. Yesterday we heard that it would be made. They cannot make a statement, they dare not make a statement in their own house. Therefore, this is what I say; the whole thing is abnormal, obnoxious: a gentleman being given a purse of Rs. 1 crore on the sammelan day. Of course, all this is against Mr. Morarji Desai. Somebody's wife has got—I do not know the weight of the women—Rs 9 lakhs against her weight. Such things are happening. What have you brought this country to? I should like to know it. Mr. Advani dare not do anything because the power game is there. I know of honourable Members sitting there, including my good interrupter; they are honourable men, yes. But the trouble is you are doing the same mistake that was committed in the past. Why don't you utter a word against Kanti Desai? Why don't you say a thing against him? Therefore, I demand . . .

SHRI MANUBHAI PATEL: Why cannot you bring your charges before the Chief Justice?

SHRI BHUPESH GUPTA: No, no, that is not the point. Mr. Advani says the Government is responsible to the Lower House. For his existence and continuing in office the Government is responsible. But the Government is equally responsible to this House also. That must be realised. No argument is needed for that. May I, therefore, appeal finally to our good Chairman, Mr. Jatti, through you, to our good Chairman for whom I have got personal regard, let him come tomorrow, tell us that all that we have been doing is wrong and therefore he will not allow any discussion; alternatively, let him say, since there is no other Government business, this matter be taken up and let the controversy be over once and for all. If he would not like to say that, let him say, having sensed the House, I allow the resolution to be moved, that this be taken up for

discussion; he can do so with the sanction of the House. This is the only thing left now. This is the only thing honourable to be done by the Chair. I would not like the Chairman's position to be viewed by the people as if it has become a Ministry. I would not like that. I would not like the Chairman's office to be viewed that way, to be buffeted and auctioned in the same way, and an impression created that perhaps it has more affection of the Chair than concern for Members of the House that had led the Chairman either to remain silent or to deny the Opposition, the majority of the Members—I will not say Opposition, the majority of the Members—their right of exercising their collective wisdom in a matter of this importance. Therefore, I put this moral and political issue before the conscience of the Chair and let the Chair rise to the occasion.

श्री बुधप्रिय मोर्यः माननीय उपसभापति जी, निश्चय पूर्वक Constitutionally—

“the Council of Ministers shall be collectively responsible to the House of the people”.

यह संविधान की व्यवस्था हम जानते हैं। लेकिन निश्चित पूर्वक इनके साथ ही साथ सरकार की जिम्मेदारी उस सदन के प्रति भी है। मैं यह मानता हूँ और मैं यह कहकर लोक सभा का सम्मान कोई कम नहीं करना चाहता कि लोक सभा लोअर हाउस है और यह अपर हाउस है। अगर लोक सभा में इस देश की एकता नजर आती है तो इस सदन में इस देश का फीडरल कैरेक्टर नजर आता है। अगर लोक सभा अपनी जगह पर एक स्थान रखती है तो यह सदन भी यह अभिमान कर सकता है कि जिस हाउस इज कन्टिन्यूयस हाउस। “This House is a Continuous House” इस हाउस को राष्ट्रपति भंग नहीं कर सकता। इस हाउस का प्रधान मंत्री की सिफारिश पर भंग नहीं किया जा सकता। मैं निश्चयपूर्वक इस बात पर आना चाहता हूँ जो इस सदन के

[श्री बुद्ध प्रिय मौर्य]

नेता श्री आडवाणी जी कह रहे थे कि यहां सरकार बाध्य नहीं है। संविधान की व्यवस्था में बिल्कुल साफ है कि संविधान का संशोधन करने का अधिकार केवल लोकसभा को ही नहीं दिया है। जब कभी भी लोकसभा संविधान का संशोधन करने बैठती है तो उसमें कांस्टीट्यूट असेम्बली की शक्ति आ जाती है। जब कभी भी राज्य सभा संविधान का संशोधन करने बैठती है तो कांस्टीट्यूट असेम्बली की शक्ति इस में उतर आती है। जो संविधान का संशोधन लोक सभा में हो जाता है अगर यह सदन उसको न माने या अपनी तरफ से कुछ संशोधन करे तो संविधान में संशोधन नहीं माना जाता। ज्वाइंट सेशन की इसमें व्यवस्था नहीं है।

श्रीमन्, मैं कानूनी व्यवस्था में भी आना चाहता हूं। सरकार अगर इस सदन से टकराव लेती है तो सरकार चल नहीं सकती। सरकार कोई कानून नहीं बना सकती। क्यों नहीं बना सकती? क्योंकि कोई भी कानून तभी बन सकता है जब कि उसे लोक सभा और यह सदन दोनों पास कर दें। मान लिया जाय कि कोई कानून लोकसभा पास कर देती है परन्तु यह सदन पास नहीं करता है तो ज्वाइंट सेशन की व्यवस्था है। ऐसी स्थिति में एक दिन ऐसा भी आ सकता है कि जहां लोकसभा में सत्ताधारी दल का बहुमत है, ज्वाइंट सेशन में विरोधी पक्ष का बहुमत हो सकता है। ऐसी स्थिति हो सकती है ऐसी घटना हो सकती है। ऐसी स्थिति में कोई भी कानून इस देश में नहीं बन पायेगा। आडवाणी जी आप अपने मस्तिष्क से यह चीज निकाल दें कि यह सदन किसी भी माने में कमजोर है। यह सदन अपनी जगह पर शक्तिशाली है। जिस तरह से लोकसभा है, यह सदन भी उसी प्रकार सुप्रीम है। कांस्टीट्यूट असेम्बली की शक्ति, संविधान में संशोधन करने की उसमें वैसी ही झलकती है जिस तरह से लोकसभा में

झलकती है। यदि एक विशेष स्थिति लोक सभा की है तो एक विशेष स्थिति इस सदन की भी है।

अब मैं आना चाहता हूं रिकमन्डेटरी बात के ऊपर और दूसरी बातों के ऊपर। इसके बारे में मैं बार-बार कह चुका हूं कि यह नियम भी संविधान की धारा 118 के अन्तर्गत बना है। इस संविधान की धारा 118 के अन्तर्गत यह सदन सर्वश्रेष्ठ है नियम बनाने के लिये। इसमें कोई भी सत्ताधारी दल या विरोधी दल का प्रश्न नहीं उठता है। यदि यह सदन नियमों में संशोधन करना चाहता है, अमेंडमेंट करना चाहता तो यह यह सदन कर सकता है। मैं श्रीमन्, अपनी बात को ज्यादा लम्बाने लगे जाते हुए मैं एक बात की ओर आपका ध्यान दिलाना चाहता हूं। मैंने यहां जार्ज फर्नेन्डीज के ऊपर 10 करोड़ रुपयों का आरोप लगाया था कि उन्होंने या उनकी कमजोरी से 10 करोड़ का नुकसान इस देश को हुआ है, गबन हुआ है। तुरन्त ही उस व्यवस्था को मान लिया गया था। तुरन्त ही और उस समय कान्ति भाई देसाई की बहस चल रही थी। यह कैसी बिडम्बना है कि कान्ति देसाई के वकील बनकर जार्ज फर्नेन्डीज आये और वह कमेटी के सामने मुजरिम बनकर खड़े हो गये और कान्ति भाई देसाई पर कोई चर्चा अभी तक नहीं हो पा रही है। उस समय यहां पर इस तरह की घोषणा हुई थी कि प्रिविलेज कमेटी को इस सदन की कमेटी मान करके जार्ज फर्नेन्डीज के खिलाफ जो भ्रष्टाचार के आरोप लगाये गये हैं, यह कमेटी यह देखे कि वे सही हैं या गलत हैं। वह इसकी जांच करे। इसको किस नियम से भेजा गया था। अगर जार्ज फर्नेन्डीज की जांच यह सदन कर सकता है तो फिर कान्ति देसाई के बारे में कैसे नहीं कर सकता है।

SHRI GHANSHYAMBHAI OZA: He is not a Member. But Mr. George Fernandes is a Member as well as a Minister.

श्री बुद्ध प्रिय मौर्य: He is not a Member. मामला इस वजह से कांति भाई, देसाई. . .

SHRI GHANSHYAMBHAI OZA: I do not defend Shri Kanti Desai. But here it was a matter of privilege. You are mixing up.

SHRI BUDHA PRIYA MAURYA: Do not mix up.

SHRI GHANSHYAMBHAI OZA: You are mixing up, Mr. Maurya, not I.

श्री बुद्ध प्रिय मौर्य : ठीक बात । निश्चितपूर्वक कान्तिभाई देसाई मिनिस्टर नहीं हैं । निश्चितपूर्वक कांति भाई देसाई सदन के सदस्य नहीं हैं । लेकिन यह तो मानना पड़ेगा कि कांति भाई देसाई प्रधानमंत्री के पुत्र हैं, यह बात मानिये कि कांति भाई देसाई प्रधानमंत्री के प्राइवेट सेक्रेटरी हैं । यह तो आप मानिये . . . (Interruptions)

SHRI BHUPESH GUPTA: That will have to wait for the Seventh Lok Sabha.

श्री बुद्ध प्रिय मौर्य : श्रीमन्, मैं यह कहना चाहता हूँ कि मैं प्रिविलेज की बात नहीं कर रहा हूँ । मैं भ्रष्टाचार की बात कर रहा हूँ । भ्रष्टाचार के आरोप मेरी ओर से गलत या सही लगे थे । भ्रष्टाचार के आरोपों के बारे में मेरे पास कागजात थे । इसी सदन में घोषणा हुई थी कि प्रिविलेज कमेटी को इसी हाऊस की एक कमेटी मान कर यह भ्रष्टाचार के जो आरोप लगे हैं उनकी जांच पड़ताल के लिए भेज देना चाहिए । श्रीमन् मैं निश्चित पूर्वक कहता हूँ कि यह एक कांटीनुअस हाऊस है और यह भी बात सही है कि जैसे कि द्विवेदी जी कह रहे थे यह बात सही है कि इस देश के संविधान का जो फेडरल करेक्टर है वह इससे टपकता है । श्रीमन् यहीं नहीं इस सदन का इतना अधिकार है कि अगर लोकसभा के सदस्य को प्रधानमंत्री बनाया जा सकता है तो इस

मदन का भी सदस्य प्रधानमंत्री बनाया जा सकता है और बड़े से बड़े आमन को इस सदन का सदस्य ग्रहण कर सकता है । श्रीमन्, मैंने आपके सामने 4 बातें रखी हैं । पहली बात तो यह कि इसे संविधान का संशोधन करने का अधिकार है । दूसरी बात यह कि एक कांटीनुअस हाऊस है और तीसरी बात यह रखी कि इससे फेडरल करेक्टर रिप्लेक्ट होता है और चौथी बात यह रखी कि जितना कानून बनाने का अधिकार लोक सभा को है उतना इस हाऊस को भी है । अगर यहां पर पास न हो और ज्वाइंट सेशन की व्यवस्था हो तो एक दिन ऐसी व्यवस्था भी हो सकती है कि ज्वाइंट सेशन में भी उसी तरह का बहुमत हो जिस तरह से यहां है तो फिर कोई भी कानून बन नहीं पाएगा तो सरकार पेरालाइज हो जाएगी । मैं यह पृच्छना चाहता हूँ कि यह कैसी विडम्बना है, 1974 के लिए सच्चा और 1977 के लिए माफ़ी । यहां पर आपने एक चर्चा उठा दी थी कि सरकार बाध्य नहीं है । हम सरकार को बाध्य भी नहीं करना चाहते हैं । हम तो यहां पर प्रस्ताव पारित करके एक कमेटी का निर्माण करके भ्रष्टाचार की जांच पड़ताल के लिए एक कमेटी बनाना चाहते हैं । आपकी सरकार तो क्या, आपके साथ-साथ जो दूसरी सरकार बनने जा रही है वह पार्टी भी मिल कर किसी बात को रोकना चाहे और अगर यह सदन प्रस्ताव पारित कर दे कि उसको लाया जाए तो वह रुक नहीं सकती है । श्रीमन् मैं अपनी बात को समाप्त करते हुए यह कहना चाहता हूँ कि आडवाणी जी, आपके बारे में तो मेंटल कंस नहीं है लेकिन निश्चय पूर्वक एक जनता के द्वारा चुने हुए नेता को निकालना, सजा में भेजना संसदीय प्रणाली का इस तरह से दुरुपयोग करने वाला प्रधानमंत्री जरूर पागलपन का शिकार है और उसको पागलखाने भेजना चाहिए ।

श्री उपसभापति : माननीय सदस्य . . .

SHRI LAL K. ADVANI: Sir, I would not be proper for us to comment on the decision of the other House.

MR. DEPUTY CHAIRMAN: Yes, it is not proper.

SHRI LAL K. ADVANI: It is absolutely improper on the part of any Member of this House to comment on the decision of the other House.

एक माननीय सदस्य उपसभापति महोदय, . . .

श्री नागेश्वर प्रसाद शाही : उपसभापति महोदय, . . .

श्री हरिसिंह भगुबाबा महिडा (गुजरात) : एक महिला को तो विचार व्यक्त करने दीजिये . .

श्री नागेश्वर प्रसाद शाही : आप तो महिला नहीं हैं ।

श्री लाडली मोहन निगम (मध्य प्रदेश) : उपसभापति महोदय, मैं सिर्फ दो तीन बातें एक विद्यार्थी के नाते आपसे जानने की गुस्ताखी करना चाहता हूं। न तो मैं कोई बहुत बड़ा कानूनविद हूँ, न मैं अपने आपको यह कहलाने को जुर्रत करता हूँ कि मैं इस सदन की कार्यवाही का पूर्ण ज्ञाता हूँ। पिछले सत्र में और इस सत्र में लगातार लम्बी बहसें हुईं, घूम फिर कर बहस आप पर आ कर टिक जाती है। मैं उन मजबूरियों को भी नहीं जानना चाहता कि कितने मजबूरियों में आप बंधे हैं शायद जरूर सदन की कार्यवाही से बंधे होंगे, सदन की कार्य-पद्धति से बंधे होंगे। क्या कार्यवाही होगी, इसके भी नियम होते हैं जिसको बिजनेस आफ दी हाउस कहा जाता है, लेकिन कहीं हमारे और आपके दिमाग में यह खाना तो नहीं बन गया है कि सरकारी काम और सदन का काम दोनों एक होते हैं। मैं एक विद्यार्थी के नाते जानना चाहता हूँ कि सदन का कार्य और सरकारी कार्य यह दोनों एक ही चीज हैं क्या? जहां तक मैं समझ सकता हूँ वह यह है कि जो सदन का कार्य होता है उसमें

व्यक्तिगत सदस्य के कार्य और सरकार के कार्य दोनों में जुड़वां सम्बन्ध है। अगर यह जुड़वां सम्बन्ध है तो सरकारी कार्य नहीं चल रहा है इसके लिए मुझे बड़ी तकलीफ है? क्योंकि कुछ जिम्मेदारियों को ले कर हम यहां बैठे हैं। अगर यह जम्मेदारियां पूरी नहीं होती हैं तो हम देश के मामले हास्यास्पद होते जा रहे हैं। जिनमें थोड़े बहुत राजनीतिक, नैतिक मूल्य बचे हैं उनकी भी अपने गिरेबान में मुंह डाल कर देखना चाहिये। मवाल यह है कि कुछ लोग मुझाव कहें, या मोशन कहें या जो भी शकल देना चाहें, आप प्रस्ताव दें। क्या आप जो बिजनेस एडवाइजरी कमेटी के चेयरमैन को उस आदमी की भावना को उसके अन्दर रखेंगे कि नहीं जिसने प्रस्ताव किया, सहमति और मलाह इन दोनों पर बहस चलेगी कि नहीं। मलाह सबकी चलेगी, कोणिश होगी कि सबकी सहमति हो लेकिन मलाह खण्डित हो जाएगी हो सहमति बचेगी नहीं इस वास्ते एक सहमति का प्रश्न है और इशारे इशारे में जो सदन के सर्वोपरि सबसे पुराने सदस्य हैं उन्होंने इस बात की अंगुश-नुमाई कर दी है। इस वास्ते मैंने आपकी खिदमत में खड़े होने का जुर्रत की है। मवाल आज कल का नहीं है, बल्कि यह निरन्तरता का प्रश्न बनता चला जा रहा है, अगर यह निरन्तरता का प्रश्न बन गया तो मुझे एक खतरा और नजर आ रहा है कि जिस रोज यह गुम्बद अपनी आवाज गुंजाना भूल जाएगा मड़क का रिश्ता गुम्बद से टूट जाएगा तब फिर क्या होगा, सदन को इस पर सोचना होगा। कौन ऊपरह क्या चलना है या कैसी बहस करनी है इन चीजों पर मुझे अभी बहस नहीं करनी है। इस वक्त हमारी अस्मिता पर चोट है और ये सकता है कि हम जिस सरकार के साथ हैं, हमारा दल और हम अपनी बात को जायज कहते हैं। विरोध पक्ष अपनी बात को जायज मंजूर होता होगा लेकिन कौन

जायज है और कौन नाजायज है इसका पता कौन लगायेगा। अगर यह पता अदालतों की मारफत लगाना हो तो इस गुम्बद का कोई मतलब नहीं है। मैं भी यह मानता हूँ कि कोई भी न्यायिक सर्वोच्च संस्था हमारी अमलरामद के काम पर अंगुशनु-माई नहीं कर सकती है, न अंगुली उठा सकती है। हम अपने काम को निर्धारित करने के लिए सर्वोच्च हैं, लेकिन साथ ही साथ एक प्रश्न और खड़ा हो गया है कि यह सदन क्या कभी भी न्यायालय का दर्जा ले सकता है, दण्ड करने का अधिकार जो हमारी अवमानना करता हो, उसका तो जवाब हम दे सकते हैं, लेकिन जो व्यापक भ्रष्टाचार के प्रश्न छूट गये हैं उनके साथ क्या होगा। अब मैं नाम नहीं लेना चाहता हूँ। यह बिल्कुल सही बात है कि राज-नीतिक जीवन में यह जो आजकल घटनाएं घटीं इनके भी कारण हैं और मैं सारे सदन को बड़े अदब से कहना चाहता हूँ कि शायद हिन्दुस्तान के राज करने वालों को यह पता है कि यह देश मीरजाफर और जय-चन्दों को माफ कर देता है, लेकिन उनके गुमान में अगर यह बात साफ हो कि हमको नहीं माफ किया जाएगा। मैं यह कह देना चाहता हूँ कि राजा की भोग वृत्ति और जनता की क्षमावृत्ति का समन्वय इस देश में अजीब है। मैं इस सदन में इसे उपस्थित करना चाहता हूँ। क्या आप इसको नहीं चाहते हैं। दोनों के इस समन्वय का दूध का दूध और पानी का पानी साफ हो जाना चाहिये। मैं निवेदन करना चाहूंगा कि आप अपने सभी अधिकारों को जो आपमें निहित हैं, अपने गिरेबान में खुद मुंह डालकर देखें क्या हम लोग चाहते हैं। मैंने उस वक्त निवेदन किया था और निवेदन कर रहा हूँ कि सदन का समय है क्यों नहीं स पर आखिरी मर्तबा बहस हो जाये। अगर यह बहस मां बेटे की हो चुकी हो तो अब वह बहस बाप बेटे की हो

जाय। बाप-बेटे की बहस तो अब चलती रहेगी, इसको कही न कही रोकिए इस वास्ते राकने के लिए मैं बड़े अदब से गुजारिश करना चाहता हूँ, अगर आप कहते हैं कि हमारा सामूहिक विवेक खत्म हो चुका है, तो आप अपने विवेक का इस्तेमाल कीजिये, और आपका विवेक क्या है, यह आप जानते हैं। आपके विवेक के साथ इतिहास बनेगा, मैं यह भी कह रहा हूँ। जो लोग तर्क देने की कैप्रिशन करें कि कोई लिखित या कोई किसी चीज का सबूत चाहिये, तो मैं बड़े अदब के साथ कहना चाहता हूँ कि जो आदमी सदन की बेंच पर खड़ा हो कर बोलता है, उसके बोले हुये वाक्य उसके दस्तावेज है, वह इसको बदल नहीं सकता है। अगर यहीं उसके वाक्य हैं, जो कोई बोलता है तो बिल्कुल साफ है, लाजिमी तौर पर उसी को आधार मान कर आगे की कार्यवाही शुरू करनी चाहिये। जो भी कार्यवाही आपको करनी है, सदन करे, मैं इसके लिए नहीं कह रहा हूँ कि इस कार्यवाही को लेकर जो पिछले वक्त बोला गया उस पर कोई चीज बनती नहीं है, उसमें गंध आती है या नहीं आती है, उसको लेकर अदालत के दरवाजे खटखटाने की बात मैं नहीं कर रहा हूँ, मैं आपके दरवाजे खटखटाने की बात कर रहा हूँ।

दूसरी बात जो गैर जिम्मेदारी की है, अदालत के फैसले तो पत्रों पर पड़े रहते हैं और वे बदलते हैं तथा बिगड़ते हैं। मुझे आज का गम नहीं है, आने वाले कल का शुबहा है। जो कल आने वाला है वह इतिहास हमको क्या कहेगा। क्योंकि यहां की आज की एक एक रोज की कार्यवाही दर्ज होती है और दर्ज होकर जब वह लाईब्रेरी में चली जायगी और आने वाले हिन्दुस्तान के राजनीति विषय के या संविधान अथवा संसद् पर जो भी शोध या रिसर्च, शोध करने वाले विद्वार्थी जब इन

[श्री लाडली मांहन निगम]

बीजों की खोज करेंगे तब जवाब देने को न आप होंगे और न मैं रहूंगा, नए रहेंगे। सिर्फ उसका विवेक होगा जो आज के पत्रों से निष्कर्ष निकालेगा, जो भी इसको पढ़ने की कोशिश करेगा।

आप क्या कहते हो, आपमें कितनी सच्चाई है और झूठ है, यह प्रश्न नहीं है। यहां जो एक-एक शब्द बोल रहे हैं वह जब अंकित होगा और उसके बाद आने वाली पीढ़ी जब उन पत्रों को पलटेंगी उस वक्त आप नहीं होंगे हम नहीं होंगे। उसका सिर्फ विवेक होगा और अगर उसके विवेक ने निष्कर्ष निकाल लिया कि इन गुजराती दिनों के अन्दर इस सदन ने किसी को बनाने की या कुछ छिपाने की भी हिम्मत की है तो मैं कहता हूं कि उससे ज्यादा डूब मरने की बात और कोई नहीं होगी। मैं अपनी अस्मिता और संसद् की अस्मिता का वास्ता देते हुए आपके विवेक को ललकारने की हिम्मत नहीं कर सकता लेकिन गुजारिश करता हूं, और सभी से करता हूं कि तत्काल इस पर आप इस सत्रावसान के पहले इसका फैसला कर दीजिये।

SHRI A. R. ANTULAY (Maharashtra): Mr. Deputy Chairman, Sir, I would like to draw your attention and the attention of the House to two articles of the Constitution and I shall not waste the time of the House in interpreting them. We have been discussing too much of the rules made under Article 118. Mr. Deputy Chairman, Sir, when the rules fail, we should go back to the constitutional book which ultimately is superior to any other books in the country. If we refer to Article 100(1), it reads thus:

"Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker."

Article 118(1) reads thus:

"Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business."

Now, Article 118 gives authority for making all the rules which have been quoted often with regard to the conduct of business. When the rules fail, as they have failed now because the Business Advisory Committee has not been in a position to transact the business of the majority, the hon. Chairman should fall back on the constitutional article, i.e. Article 100(1). It is the main article and not a subsidiary article like Article 118 which delegates the power to some other authority on behalf of the House. Therefore, Mr. Deputy Chairman, Sir, I would only urge upon you that under Article 100(1) of this Constitution, this question be posed to the House and let the House by majority, decide. The Constitution makers did not envisage any deadlock as we have been experiencing during the past 8 or 10 days. This article 100(1) is precisely the article inserted in the Constitution to resolve such a deadlock. Therefore, when the constitutional article is clear that the question should be put whether this House wants to discuss the motion submitted by Mr. Bhupesh Gupta and Mr. Bipinpal Das and those who are in favour will say 'aye' and those who are against it will say 'no' and the result will be the result as contemplated under the Constitution. No Business Advisory Committee can over-rule this article of the Constitution which is supreme. Therefore, in all humility, Mr. Deputy Chairman, Sir, I would say that nobody is obstructing the business of the House. The majority wants that the constitutional article should take effect and if the Treasury Benches, simply because they are in Government, do not want the article of the Constitution to be effective and fruitful, then, I think, Mr. Deputy Chairman, Sir, it is here that you, from your august Chair, should step in to regulate the business

of the House. The first thing, after the Question Hour tomorrow, should be the motion submitted by Mr. Bhupesh Gupta and Mr. Bipinpal Das and the moment the decision of the House is given on that motion by a majority, as contemplated under the article of the Constitution, let the Committee be appointed as contemplated in that Resolution itself. Therefore, let us not waste this session so far as this committee is concerned. Sir, I would only make an observation before I resume my seat. I do not want to repeat it. But, unfortunately, the Leader of the House was not here then. Without repeating the argument, I would only say this. If the Lower House is sovereign and if the sovereignty was claimed, how is it that this Upper House is not even allowed to transact its own business under the Constitution? And if the Government is obstructing the business of the House, it is the Government which is to be held responsible not only by this generation but by the posterity also. Mr. Deputy Chairman, Sir, I will urge that whatever the Treasury Benches may feel about a point or two, the Constitution can never be allowed to be bypassed simply by the governmental machinery as it is being done today and at their convenience. Therefore, I would only request the Chair to kindly help to give effect to article 100(1) which is enshrined in the Constitution precisely foreseeing, perhaps, a situation as has arisen for the past one week or ten days and to come out of it. I would only draw the attention of the hon. Leader of the House to article 100(1) and urge him to read it again, and if he can get some light out of that article, I think, he should go in the light of that article itself in order to see that a constitutional break-down does not take place, so far as this Government is concerned, in the Upper House, at the hands of the Government itself. Thank you.

MR. DEPUTY CHAIRMAN: Shri Shiva Chandra Jha.

SHRI R. NARASIMHA REDDY (Andhra Pradesh): Mr. Deputy Chairman, Sir...

MR. DEPUTY CHAIRMAN: He is wanting to speak for a long time. Let him speak.

SHRI R. NARASIMHA REDDY: I will take just a few minutes, Sir.

MR. DEPUTY CHAIRMAN: Let him speak.

श्री शिव चन्द्र झा (बिहार) : आप बाद में बोल लीजिए। हम को बोल लेने दीजिए।

श्री उपसभापति : संक्षेप में बोलेंगे तो काफी लोग बोल लेंगे।

श्री शिव चन्द्र झा : यहां पर विवाद उठा है कि यह जो मोशन है दोनों सदस्यों के नाम पर, उस पर चर्चा हो। अब इससे सदन की कार्यवाही में गतिरोध आ गया है, कई दिनों से यहां बैठक कर भी फैसला नहीं हो पाया है और ये लोग बार बार उठाते हैं। अब यह गतिरोध यह विषय, सामने आया है उसका निराकरण कैसे हो इसका हमें रास्ता खोजना है? इसके लिए लाजमी होता है कि थोड़ा इस को चेयर द्वारा उठाएं। हिस्टारिकली, यह बात कैसे आई? उपसभापति महोदय, आप जानते हैं पिछले सत्र में इस पर चर्चा हुई थी जब मोशन आया था और भूपेश जी का संशोधन था और वह संशोधन के साथ पास हुआ, पास होने पर आपने—चेयर ने—कुछ निर्णय दे दिया। बात उसी सत्र में वहां पर खत्म हो गई! अब इस सत्र में फिर लोगों ने वह बात उठाई है। उन को पूरा अधिकार है इस सदन के सदस्य के नाते और जनतंत्र का — मैं थोड़ी देर के लिए उनको जनतंत्र का प्रहरी मान लेता हूँ—तो प्रहरी के नाते उन्हें हक है कि वे फिर उस बात को उठाएं। आप जानते हैं इस सदन में मैं भी कम किसी से प्रेजेंट नहीं करता हूँ और मैं भी वाच करता हूँ क्या होता है कहां पर क्या हो रहा है। जहां पर इन लोगों ने बात उठाई थी कि इस मोशन पर बहस हो, तो मैं देख रहा था कि फर्ज था आप का कि आप इस पर निर्णय देते। विषय खत्म ही हो गया,

[श्री शिव चन्द्र झा]

ठीक है ; आप समझते हैं या हम लोग समझते हैं । आप कहते हैं कि मैं इस पर निर्णय दूंगा आप खुद यदि निर्णय नहीं कर पाते थे, अध्यक्ष महोदय बीमार थे वह आते नहीं थे, आप इसको हाथ में रख देते कि मैं उन से कंसल्ट करके निर्णय मुताबिका आपको निर्णय देना चाहिए था हां या नहीं । लेकिन आपने निर्णय नहीं दिया, आपने स्टेलमेट में छोड़ दिया और ये लोग रोज इस बात को उठाते हैं । उनको उठाने का अधिकार है, पौइन्ट आफ आर्डर हो या आऊट आफ आर्डर हो । आप को दृढ़ता के साथ निर्णय देना है, लेकिन आप ने उस दिन निर्णय नहीं दिया और इस तरह से बात बढ़ती जा रही है । राजनीतिक स्टेलमेट के रूप में यह बात आ रही है, विवाद के रूप में यह बात आ रही है और इस तरह से सदन की कार्यवाही नहीं चल पा रही है । थोड़ी देर के लिये मैं मान लूँ कि इस में न उन का दोष है और हम लोगों का तो है ही नहीं, और दोष मैं नहीं कहता, लेकिन मैं जिम्मेदारी कहता हूँ, वह तो है ही । आप कहेंगे कि चेयरमैन का फर्ज था, तो आप अपने हाथ में रख लेते कि दो दिन बाद चेयर से कंसल्ट कर के मैं निर्णय दूंगा और तब आप निर्णय दे देंगे । मैं फिर कहूंगा, जैसा कि श्री भूपेश गुप्त जी ने कहा कि अगर वह मोशन अब सामने नहीं है तो हम दूसरे मोशन को रख रहे हैं । यह जो मोशन है उस पर विचार किया जाये । दूसरा मोशन हम रख रहे हैं । इस पर विचार किया जाये । इस तरह से बात आ सकती है । तो आप को कुछ निर्णय लेना होगा । जो नियम और कायदे हैं उन को सब जानते हैं और आप भी जानते हैं । अगर प्राइम-फेसी कोई दम है उस में तो आप निर्णय दीजिए कि इस पर विचार होना

चाहिए और अगर उस में कोई दम नहीं है तो आप निर्णय दीजिए कि मैटर इज क्लोज्ड । इस पर अब चर्चा नहीं होगी । अब गतिरोध इस लिये आता है कि आप कोई निर्णय नहीं दे पा रहे हैं । आप की तरफ से दृढ़तापूर्वक कोई निर्णय नहीं हो पा रहा है । उसी दिन आप ने दूसरा निर्णय दे दिया । जब सरकार की तरफ से पड़ा गया कि अगले सप्ताह के लिये क्या कार्यक्रम होगा तो आप ने कह दिया कि यह यूनीलेटरल डिसीजन है और सदन इस से बंधा हुआ नहीं है । आप जानते हैं कि सदन में जो कार्यवाही होती है उस के बारे में आप को कुछ न कुछ ज्ञान पहले से होता ही है । यदि वह यूनीलेटरल था तो आप बुला कर पूछते और सब से परामर्श कर के कुछ निर्णय देते । इस लिये एक तरफ तो आप ने उसे विवाद के लिये छोड़ दिया और दूसरी तरफ ऐसा निर्णय दिया कि विवाद फिर शुरू हो गया । उन्होंने ठीक कहा कि यह बात अगले सत्र में आ सकती है । फिर आयेगी इसलिये कि उन का अधिकार है । तो आप को कहीं न कहीं कोई कदम उठाना होगा । आखिर इस पर बहस होनी है या नहीं और यह फैसला आप पर ही मुनहासिर है क्योंकि सदन में इस पर काफी बहस हो चुकी है और आप ने फैसला दे दिया कि मैटर इज क्लोज्ड, लेकिन उस के बाद भी वे लोग उस बात को उठा रहे हैं, तो इस लिये फिर इस पर आप को कोई निर्णय देना होगा और इस सदन का यह गतिरोध तभी दूर होगा कि जब आप शान्तिपूर्वक और नियम के मुताबिक पूर्णरूप से सोच विचार कर दृढ़तापूर्वक इस पर कुछ निर्णय देंगे । यदि दृढ़तापूर्वक आप कोई निर्णय नहीं देते हैं तो इस गतिरोध की जिम्मेदारी मैं समझता

हूँ कि आप पर है। अध्यक्ष महोदय नहीं थे, आप थे, इस लिये जिम्मेदारी आप के ऊपर आ जाती है। इतना ही मुझे कहना है।

श्रीमती हामिदा हबीबुल्लह (उत्तर प्रदेश) : उपसभापति महोदय, अभी तक जो मतलब हम समझते थे प्रजातंत्र का और समाजवाद का उस के मुताबिक बहुमत की जो मांग होती है उस के मुताबिक तय होता है कि क्या काम करना है और किस तरह से आगे बढ़ना है। आज समझ में नहीं आ रहा है कि...

श्री सुन्दर सिंह भण्डारी : लीडर आफ दि हाउस भी बहुमत से बना लीजिए।

श्रीमती हामिदा हबीबुल्लह : अध्यक्ष महोदय, मैं आनरेबिल मेम्बर से कहना चाहती हूँ कि जब आप बोलते हैं तो मैं खामोशी से सुनती हूँ। मेरी अपील है आप से कि मेहरबानी करके मेरी बात चाहे कड़वी लगे या मीठी, मेहरबानी कर के आप मेरी बात सुन ले।

श्री सुन्दर सिंह भण्डारी : यह बात अपने साथियों को भी बता दें।

श्रीमती हामिदा हबीबुल्लह : मुझे ऐसा लगता है कि समाजवाद के सही मायने भी हमारे दिमागों में कंफ्यूज हो रहे हैं। बहुमत ने यह जोर देकर मांग की और ये कहते हैं बार बार क्या मांग कर रहे हो। वही मांग जो जनता पार्टी के फार्मर होम मिनिस्टर की इक्वायरी की थी, उसके ऊपर बहस करना चाहते हैं। इक्वायरी की मांग प्राइम मिनिस्टर के बेटे की बाबत है इसलिए उसकी इक्वायरी नहीं होनी

चाहिए तो क्या दूसरों के बेटों की चाहे देश का कोई भी छोटे से छोटा आदमी हो उसकी होनी चाहिए। इस देश में समाजवाद है, बराबरी है तो या तो किसी की जांच कभी न हो चाहे कितनी भी कर्प्शन के चार्ज हों या अगर सही माने में समाजवाद और बराबरी को ख्याल में रखते हैं तो सबसे पहले मैं समझती हूँ कि हमारे प्राइम मिनिस्टर को यह चाहिए था और हाउस को चाहिए था कि जो फार्मर होम मिनिस्टर की मांग है उसकी फोरन इक्वायरी हो जाए इसलिए कि यही चार्ज हमारे छोटे से छोटे सिटीजन के लिए भी लागू होती है। अध्यक्ष महोदय, मैं हैरान हूँ कि इंसफ की बात करने वाले, महात्मा गांधी की बात करने वाले, शोर समाजवाद का करने वाले, जिन्होंने कहा कि सब जगह जांच कराएंगे, कमीशन बिठाएंगे, मां के बेटे की जांच हुई है तो बाप के बेटे की जांच जरूर करनी चाहिए। अध्यक्ष महोदय, 'बहुत शोर सुनते थे पहलू में दिल का, जो देखा तो कतरा ए खूँ न निकला।' लीडर आफ दि हाउस का यह काम होता है मैं तो समझती थी कि पुरे हाउस की देखभाल करे, हाउस की भावनाओं की कद्र करे, मगर आज मुझे अफसोस है कि—कभी खुद पै कभी हालात पै रोना आया, बात से बात जो निकली हर एक बात पै रोना आया।' लीडर आफ दि हाउस हम सब को भूल गये, लीडर आफ दि हाउस अपोजिशन को भूल गये, लीडर आफ दि हाउस ने सिर्फ प्राइम मिनिस्टर और उनके बेटे को याद रखा है। यही है समाजवाद ?

अध्यक्ष महोदय मैं आपसे सिर्फ इतना ही कहना चाहती हूँ कि हम सब दुखी हो गये हैं। हमारे बहन और

[श्रीमती हामिदा हबीबुल्लह]

भाई करीब 70 सदस्य, हम लोग भूख हड़ताल और धरना देकर कल से बैठे हुए हैं इसलिए कि हमारी मांग जो कि एक रेजलूशन के तहत भूपेश गुप्ता और बिपिनपाल दास के जरिये आई है, हम उस मांग पर बार बार आपसे दरखास्त करते हैं कि उसे पूरा कीजिए । मैं आपसे इतना ही बतलाना चाहती हूँ कि—

‘सच की आवाज दबाने से उभर जाती है, बुरे गुल बन्द दरीचाँ से गुजर जाती है ।’

‘सच की आवाज को दबा नहीं सकते । सच्चाई सामने आयेगी और आकर रहेगी ।

अध्यक्ष महोदय, आपका बहुत बहुत शुक्रिया ।

SHRI R. NARASIMHA REDDY: Mr. Deputy Chairman, Sir, this problem, in my view, is a very important one which involves a fundamental principle of parliamentary democracy, as I understand. Sir, in the parliamentary democracy, in the system of parliamentary democracy established, in our Constitution, in all the Articles there is one fundamental aspect, and that is, the three wings in the Government, the legislature, the executive and the judiciary, are independent in their respective sphere. Sir, always in the history of the countries and nations, we have seen that the executive encroaches upon the regime of the judiciary and the regime of the legislature. That is the first step. Sir, in this question, the problem is not what motion is discussed and whether the motion is discussed thoroughly or not. The important question is whether the view of the legislature—whatever it is—can be stultified by the legislature. This is the most important question. In our system, the practice is that the Leader of the House is also a Cabinet Minister. He

has a dual role. As a Cabinet Minister, he is part of the executive and as Leader of the House, he is not a part of the executive. As Leader of the House, he has to reflect the opinion of the House. He cannot bring in his position as a Minister, as a representative of the Government. Sir, my understanding of Parliamentary democracy is, as the Leader of the House, he must take the opinion of the House. Whatever is the Government's opinion, it is irrelevant to this matter. Here, it is the Chairman and the Deputy Chairman who are the custodians of the House. Whether I like a motion or not, whatever may be my likes and dislikes, when the majority of the Members of the House wants a discussion on the motion, the Government has no right to say 'No' to it. Sir, I am mentioning this not in regard to this particular issue alone. I am mentioning this for future. The future of democracy will not be safe if the executive is permitted to encroach upon the rights of the legislature. This is the basic point which I would like to make. When this issue arises, it is the duty of the Chair, it is the right of the Chair, to just ask the Leader of the House whether he is willing to have this motion discussed.

SHRI SUNDER SINGH BHANDARI: He has already said so.

SHRI R. NARASIMHA REDDY: Please listen. The Chair should ask the Leader of the House whether he is willing or not. He must take the opinion of the House and decide on the time, the date and the duration. My friend has quoted the relevant article of the Constitution.

SHRI SUNDER SINGH BHANDARI: The Committee has stopped the Chairman from doing so.

SHRI R. NARASIMHA REDDY: I am putting my point of view, Mr. Bhandari.

SHRI YOGENDRA MAKWANA: Why are you perturbed, Mr. Bhandari? Is it not palatable to you? Kindly hear him.

SHRI R. NARASIMHA REDDY: In my view, Sir, in the interest of Parliamentary democracy, just as we have to protect the independence of the judiciary, we will also have the protect to independence of legislature. Sir, there is a lacuna in our practice. I had long ago, thought about it. There is a lacuna in our practice, in our Parliamentary democracy which, perhaps, we will have to rectify. In my opinion, the Leader of the House should be elected by the House. He cannot be a member of the executive. Unless the Legislative leadership is separated from the executive leadership, the danger of the executive encroaching upon the legislature will always be there. Therefore, I would like to bring a Constitution (Amendment) Bill, with particular reference to this, whereby the legislative leadership acts independently of the executive leadership. The executive must come to the legislative leadership for the Business and the legislative leadership will accept the Business in consonance with the wishes of the House. This is not in regard to this particular point alone. I would request the Leader of the House to consider this aspect, the basic and fundamental aspect of Parliamentary democracy, and agree to a discussion. A lot of discussion has already taken place. In my opinion, only two hours or an hour is enough for this motion. It can be done and if the Leader of the House is not willing, the Chair must decide by tomorrow and have a discussion.

श्री भीष्म नारायण सिंह (बिहार) :
उपसभापति जी, आप सरकार को कहे कि वह इस पर बहस कराये । हम दो घंटे इस पर बहस चाहते हैं ।

DR. RAFIQ ZAKARIA (Maharashtra): Sir, those of us who are anxious that this House should function are tired of what is going on in the House from day to day. We are really at a loss to know how this deadlock can be resolved. I would like the Minister of State for Parliamentary Affairs not

to leave the House as there is something to which I would like to draw his attention. I want to follow the rules though I find that the rules are of such a contradictory nature that we are not able to resolve the deadlock. Sir, my friend Shri Dinesh Goswami has raised the objection that the other day you gave a ruling that what the Minister of the State was stating at that time...

MR. DEPUTY CHAIRMAN: I have clarified the position. Please be brief.

DR. RAFIQ ZAKARIA: I want to give my opinion about it, that what the Minister of State for Parliamentary Affairs was stating at that time was an announcement by the Government and it was not binding on the House. I respectfully submit, Sir that that is a correct ruling in accordance with the rules. I admit that under rule 23 the Government business shall have precedence and the Secretary shall arrange that business in such an order as the Chairman after consultation with the Leader of the Council may determine. Sir, the business of the House is again dependent on rule 35, under which, as you know, the House has to agree. It can be that in the past no formal decision of the House was taken because, as I said, at that time it was presumed that when the Chairman announced the agenda as approved by the Business Advisory Committee, it was taken for granted that the House had agreed. In this case, Sir, the Business Advisory Committee itself has not approved, at least, the time of the business—I will go strictly by rules—nor did the Chairman make any announcement in the House and still the Secretary-General has listed the business. The Secretary-General will rely on rule 23, but Sir, the irregularity that has arisen is because of rule 35 which requires that the House has to approve at least the allocation of time. Now the Government business has come before us. Even though it is announced by the Minister of the State for

[Dr. Rafiq Zakaria]

Parliamentary Affairs and is listed in the agenda papers, the House has refused to allot any time to it. This is the situation which perhaps the rule makers at that time did not visualise, but that situation has arisen now. Today, the situation is that the Government business has come to us. Another situation is that the Business Advisory Committee has allotted no time to it and the third situation is that the House has not agreed with any report of the Business Advisory Committee, because there is no such report before the House. Now in such a situation how is the House to function? The Government is blaming the opposition. The opposition is blaming the Government. But, Sir, the deadlock has been created as a result of the lack of cooperation and understanding on the part of both the sides. The Government is apparently now determined that under no circumstances, either the motion of Mr. Bhupesh Gupta or the motion of Shri Bipinpal Das, are they prepared to discuss. Therefore, the question arises, what is to be done.

Now, Sir, I find that in every rule there is the restriction as far as the functioning of the House is concerned by saying that the consent of the Chairman or the approval of the Chairman is necessary. And the Chairman, Sir, leaves right at the crucial time. The House puts you in charge and I do not find any responsibility being cast, under the rules, on the Deputy Chairman. I do not know what you are going to do. Therefore, if this House is to function, particularly when the Congress (I) opposition has made it clear—I am quoting the Leader of the Opposition—that unless Mr. Bhupesh Gupta's or Mr. Bipinpal Das's motion is included there will be no business of the House, either you give the consent under the rules so that the House may decide what is to be done, or you better sort of tell the Government that it is not possible for this House to function. Day in and day out the same issue is being discussed. Day in and day

out hours are being taken on going over the same point *ad nauseam*, which is also a little tiring. I do not know why the Government is not facing the situation. Some of the Members on the other side have seen the gravity of the situation and they have said: "All right, heavens are not going to fall". Now the argument that is made is because the Motion was discussed last time, why should it be discussed again here? I will humbly submit to the Members of the Janata Party to see what happened to that Motion. That Motion of Mr. Bhupesh Gupta wanted the appointment of a Committee to be nominated by the Chairman. Nobody visualised at that time that there also a deadlock like this would be created—that despite the fact that the House passed the Motion, on some technical ground it would not be acted upon. Had it been acted upon, this situation would not have arisen. Because it was not acted upon, therefore this situation has arisen. May be it was because the Chairman refused to nominate the Committee. The Chairman said that it would be infructuous for him to appoint the Committee because the Government said that it would not cooperate. That being the situation, again the same issue has come up as a result of the frustration that was caused because of what happened in the last Session.

Now, Sir, the position being what it is on either side, if we are only to go on discussing this question day in and day out whether it should be discussed or whether it should not be discussed, then I think it is unfair not only to all of us but it is unfair also to the people of India who are paying for our functioning. And we are being made to look so ridiculous that we cannot resolve this ordinary dispute. Therefore, Sir, what I feel is that the Chairman will now have to take courage in both hands. He will have to make up his mind whether he will give his consent or not, because if he does not give his consent, the rules being what they are, I don't think

we can go back on this. This deadlock will perpetuate and if this deadlock is going to be perpetuated, then no amount of speeches on either side are going to help us.

MR. DEPUTY CHAIRMAN: The hon. Minister for Tourism and Civil Aviation wants to make a statement on the hijacking. As the time is short, I will request him to lay it on the Table of the House.

STATEFENT BY MINISTER

Hijacking of Indian Airline Plane on Flight from Lucknow to Delhi

THE MINISTER OF TOURISM AND CIVIL AVIATION (SHRI PURUSHOTTAM KAUSHIK): Sir, I beg to lay on the Table a statement on the hijacking of an IA plane on its flight from Lucknow to Delhi.

[Placed in Library. See No. LT-]

SHRI BIPINPAL DAS (Assam): I rise on a point of order.

SHRI BUDDHA PRIYA MAURYA (Andhra Pradesh): Provided we shall be allowed to put questions, if it has something misguiding.

DR. RAFIQ ZAKARIA (Maharashtra): This is what happens . . . (Interruptions)

MR. DEPUTY CHAIRMAN: I am not adjourning the House. I have told him to lay it on the Table of the House. I am clarifying. He has put it here. He would not read it; it will be circulated to hon. Members.

RE. BUSINESS OF THE HOUSE— Contd.

MR. DEPUTY CHAIRMAN: The discussion on this matter is now over.

Some points have been raised by Shri Goswami and other Members regarding the List of Business and how it was prepared. Other Members have also raised it today and earlier

also and I believe some sort of explanation is due to the House.

On Friday, the 15th December, 1978, when Government Business for the week commencing 18th December, 1978 was announced, certain points were raised. I had then observed that the Business Advisory Committee had not allocated any time for the new Government Business that was expected to be taken during the week. As regards the announcement itself, I had said that it was merely in expression of the Government's intention to place the Business before the House. It is true, as stated by me in the House on 15-12-1978, that the Business Advisory Committee had not allotted time for discussion of the Business placed before it by the Government on that day. However, the List of Business has been prepared and circulated to the Members, and rightly so, under rule 23 read with rule 29 of our Rules of Procedure. No irregularity has been committed in the preparation of the said list. I will read out rule 23, part of it:

"On days allotted for the transaction of Government business that business shall have precedence and the Secretary shall arrange that business in such order as the Chairman after consultation with the Leader of the Council may determine."

There are two definite set of rules for the allocation of business by the Business Advisory Committee, and another set of rules for the preparation of the List of Business. Now, Members probably see some sort of contradiction or lack of reconciliation between the two sets of rules. All I can say is that when the rules were framed the type of situation that has arisen was, probably, not contemplated. But that does not mean that the List of Business has not been properly prepared. As I said earlier, it has been properly prepared.

Now, as regards rule 172 many Members wanted...