

[Shri K. Brahmananda Reddy.]

lish and Hindi) explaining the circumstances which necessitated immediate legislation by the Defence of India (Amendment) Ordinance, 1975.

MR. CHAIRMAN : Shri Goray.

REFERENCE TO ARREST OF MEMBERS OF PARLIAMENT AND SUSPENSION OF RULES OF PROCEDURE

SHRI N. G. GORAY (Maharashtra) : Sir, I wanted to bring to your notice certain facts and as custodian of the honour of this House, I wanted to have from you certain assurances on certain developments.

Sir, as you know, this Session is going to be a very significant Session in the history of our country. As Mr. C. M. Mehta is going to point out, it is likely to be in the nature of an emergency session. The President in his wisdom has declared an emergency and also has summoned all of us to discuss and to give our opinion on it. The summons were sent out to all of us. In response to these summons when some of the Members came to Delhi they were arrested. Now, here the contradiction or the irony of it is that the President has asked us to come here and by another order of the President, those people who have been invited to come to this House and to deliberate very important matters are being arrested. Sir, I will give only two instances from our own House. **Banarsi Dasji and Rabi Ray, both of them** very prominent Members from the Opposition, have been arrested after the summons reached them. Sir, I would like to know from you whether this is really a correct procedure. There is a rule that so far as Members of Parliament are concerned, they should not be arrested 40 days before the commencement of the business of the House, during the session and 40 days after, if it is a civil suit. Now this is not under a civil suit, I know. But, Sir, when you ask the Members to come here and when they come in response to your summons, if you put them behind the bars, it means that you ask a guest to come to dinner and you poison him. It is not a correct thing. It is certainly not according to the

propriety about which we have talked so often.

I would like to point out to you another thing. When Members were attending their Committee meetings, which is nothing but an extension of the business of the House, again they were arrested. My very illustrious friends, Shri Mishraji, Shri Advaniji, and Shri Madhu Dandawate were attending a meeting of a Joint Select Committee in Bangalore when they were arrested. Now I would like to know from you whether it is according to propriety. Sir, this House is meant so that there should be a constant flow of opinion, exchange of thought. We should listen to what the members of the ruling party have to say and they should also listen to us. This is the function of this House. And it is the most vital and most important part of our democratic system. We have come to fulfil our duty and you arrest us. Therefore, I would like to know from you: Are you in a position to say that those of us who have come here in response to the summons, will not be arrested until this House concludes its business, or you will say that "so far as the precincts of this House are concerned, I can give you some assurance, but I do not know what will happen to you if you are going to 18, Ferozeshah Road or the South Avenue or the North Avenue." This is number one. Number two is about the debate in the House. We would like to know whether what we say here will be allowed to go unhampered to the world outside because we have a duty to the people. We have been all elected by the people either directly or indirectly, and people naturally expect to know what we say here on this emergency. Sir, as you know, opinions are divided. The ruling party is claiming that the people are with them. If the people are with them, I do not know why is this emergency. But conceding the fact that the emergency is there and we have been asked to debate the emergency, people would like to know what the Jan Sangh has to say, what the Socialist Party has to say, what so many other parties have to say. Therefore, I beg to submit that this particular right of

freedom of the Press also is one of the basic, fundamental rights, a very vital right so far as the functioning of our democracy is concerned. Will you be in a position to assure us that whatever has been said here or uttered here will be allowed to go out to the people so that people know what their representatives in the Rajya Sabha or Lok Sabha are doing?

DR. K. MATHEW KURIAN (Kerala):
Rule 267 states as follows:

"Any Member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being."

The point on which I require your ruling is this. In the Order Paper there is no mention regarding Question Hour or Calling Attention Motion or Private Members' Resolutions or Bills. I am aware that there is a provision in Rule 38 which says:

"Unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions."

This Rule and similar other Rules contain a provision for Chairman's discretion. But this is not an absolute power for the Chairman to do away completely with the Rules of Procedure. Certain rules have been adopted by us and the Chairman is expected to use them with caution and with restraint. I would like to know what are the circumstances in which Question Hour, Calling Attention Motions and Private Members' Resolutions have been suspended? This is supposed to be an emergency situation. I am not at all aware of any provision for an emergency session of the Parliament. I would like to be enlightened on this question. But the question on which I want your ruling is this. The Emergency Proclamation has already been laid on the Table of the House. Shri Om Mehta, the Minister of State in the Ministry of Home Affairs, is going to

move a Motion to suspend the Rules. Unless and until Shri Om Mehta's Motion is adopted by this House, I do not see any reason why the Rules regarding Question Hour, Calling Attention Motions and Private Members' Bills and Resolutions should be suspended. There is a specific motion to that effect. Unless that Motion is adopted by the House, why is it that the Chairman has taken on himself the responsibility to curb and curtail the rights and privileges of the Members? I would like in this connection to read out a statement made by the Deputy Chairman of the Rajya Sabha. According to 'The Hindu' dated July 18, 1975, "the Deputy Chairman of the Rajya Sabha, Shri G. Murahari, has said yesterday that the Emergency would in no way affect the Monsoon Session of Parliament . . .". This is contrary to what you have already said. The President has summoned Parliament only for 8 days. Normally, we would have met for about a month or so. But the session is only for a few days. The Question Hour has been suspended. The Calling Attention Motion has been suspended. Despite the claim of the ruling party that the twenty-point programme has been adopted, even that is not going to be discussed in this session of Parliament. This is a hoax being played on the Members of the House and the people.

The Deputy Chairman has already said that the people in general and especially the masses have welcomed the steps taken after the emergency and the twenty-point economic programme of the Prime Minister and the practical steps taken have produced a general climate of discipline required in the country. My point is whether the institution of Chairman and Deputy Chairman can be devalued and politicised. The Deputy Chairman's institution has been politicised. He has made political statements which are controversial and on which decision is yet to be taken by this House. The point on which I want your ruling is whether the Rules can be suspended before the Motion is adopted. Before it is adopted, on what count have these Rules been suspended? The Motion is still pending. I want a clear ruling on this.

SHRI MAHAVIR TYAGI (Uttar Pradesh): I would like to have a clarification from you. I was surprised when I read this Parliamentary Bulletin of July 11, 1975, in which it is mentioned: Suspension of Question Hour. "The Chairman has directed that there will be no Question Hour during the 93rd Session." So, Sir, it has already been ordered. But there is an irregularity now. Therefore, the Minister has brought forward a proposal for the sanction of the House to abolish these things. So, without the sanction of the House, without taking the Committee into confidence—there is the Business Advisory Committee of the House—the decision has been taken. Sir, was it taken by you independently or under the directions of the Government? If it was done according to the instructions received from the Government, then, Sir, I must say that it was contempt of the House and the Government has no business to issue such orders and I do not know what the reasons are. But we are shocked to know that according to the instructions of the Government the Chairman has issued this.

श्री ओउम् प्रकाश त्यागी (उत्तर प्रदेश). नभापनि महोदय, एक, दो बान में विशेष रूप से जानना चाहता हूँ। एक तो यह है कि इस सत्र में बहुत ही महत्वपूर्ण विषय पर मैं समझता हूँ कि भारनवर्ष के लिये बहुत से विषयों पर पञ्जातंत्र की दृष्टि से और अन्तर्गष्ट्रीय दृष्टि से महत्त्व के निर्णय होंगे। इन निर्णयों के लिये जो आपने जिम रूप में सत्र बुलाया है मैं समझता हूँ विरोधी दलों को ऐसी स्थिति में आना तो नहीं चाहिए था परन्तु फिर भी आए हैं, लोकतंत्र का मान करते हुए। मैं आपसे यह जानना चाहूँगा कि इस समय प्रत्येक पार्टी के लोगों को, नेताओं को अपनी सम्मति प्रकट करने का जो अधिकार प्राप्त है, इस संसद में जिसमें कि देश की नीतियों पर अंतिम निर्णय होता है, तो जिन नेताओं को, जिन विशेष कार्यकर्त्ताओं को सरकार ने गिरफ्तार किया हुआ है बिना किसी कारण के...

श्री रणबीर सिंह (हरियाणा) : शान्ति भंग करते थे।

श्री ओउम् प्रकाश त्यागी : शान्ति के अर्थ का ज्ञान भी नहीं है आपको।

MR. CHAIRMAN : Don't reply to interruptions.

श्री ओउम् प्रकाश त्यागी : मैं यही जानना चाहता हूँ कि जिनको गिरफ्तार किया हुआ है क्या सरकार उनको यह अनुमति देगी कि वे यहाँ सदन में आ कर अपनी सम्मति और अपने विचार इन महत्वपूर्ण विषयों पर प्रकट कर सकें। सरकार ने बलात उनको एमरजेसी के नाम पर जेल में रखा हुआ है, उनको जेल में रखे, हमें कोई आपत्ति नहीं, परन्तु उनको राय देने के लिए यहाँ स्वतंत्रता मिलनी चाहिए, यह अधिकार उनको है। यदि किसी कार्य के कारण से गिरफ्तारी होती तो बान सम्मति में आती लेकिन आज तो यह स्थिति है कि सरकार यह बताने की स्थिति में भी नहीं है कि क्यों गिरफ्तारी की गई है। जब सरकार कोई कारण बताने के लिए तैयार नहीं है तो मैं यह जानना चाहूँगा कि उन सदस्यों को यहाँ अपनी सम्मति प्रकट करने के लिए, महत्वपूर्ण विषयों पर, अधिकार आप देगे या नहीं?

दूसरी बान में यह जानना चाहूँगा कि नियमानुसार 60 दिन तक कोई सदस्य अगर हस्ताक्षर यहाँ आकर नहीं करता तो उसकी सदस्यता समाप्त हो जाती है। उसके लिये यह जरूरी है कि या तो वह आपसे छुट्टी ले या आ कर हस्ताक्षर करे। लेकिन संसद सदस्य पकड़ लिये गए हैं और पहली सदन के पञ्चाब्द 60 दिन पूरे हो गए हैं उनके लिए तो छुट्टी का प्रश्न ही नहीं उठता। जो अवकाश नहीं ले सकते हैं तो ऐसी स्थिति में उनका क्या होगा?

तीसरी बान में यह जानना चाहूँगा कि डा० कुरियन ने जैसे प्रश्न उठाया श्री ओम मेहता जी के प्रस्ताव पर कि यह जो प्रश्नोत्तर आदि की प्रक्रिया, परम्परा 25 वर्षों से चली आ रही थी...

MR. CHAIRMAN : You need not repeat all that.

श्री ओउम् प्रकाश त्यागी : आप यह बताने की कृपा करें कि ऐसी कौन सी परिस्थिति आपने अनुभव की जिस कारण इस प्रक्रिया को जानबूझ कर तोड़ा, बगैर इस हाउस की राय लिए हुए, एडवाइजरी कमेटी को बुलाए बगैर आपने इस प्रकार का निर्णय किन कारणों से लिया, इस बात पर प्रकाश डालने की कृपा करें।

SHRI MAHAVIR TYAGI : Sir, have you received any communication before issuing this instruction ?

SHRI S. S. MARISWAMY (Tamil Nadu) : Sir, . . .

MR. CHAIRMAN : Please sit down. Yes, Mr. Varma.

श्री महावीर प्रसाद वर्मा (उत्तर प्रदेश) : महापति महोदय, मैं निवेदन करना चाहता हूँ कि ओम मेहता जी ने सविधान के किम आर्टिकल या किम के तहत यह प्रस्ताव प्रस्तुत किया है। जहाँ तक नियम का प्रश्न है

"Each House of Parliament may make rules for regulating its business."

मैं समझता हूँ कि ये रूल बनाये नहीं जाते हैं बल्कि सम्पेन्ड किये जाते हैं। लेकिन दूसरी बात यह है कि रूल 119 में दिया गया है कि पार्लियामेंट 'बाई-लॉ' अपने काम को रेगुलेट कर सकती है और वह भी केवल मात्र मनी बिल के संबंध में कर सकती है। अन्य बातों के सम्बन्ध में यह बात नहीं है। मैं यह कहना चाहता हूँ कि अगर कोई एम्बेन्डमेंट या सम्पेन्शन रूल का है तो वह रूल 216 से 220 में प्रोवाइडेड है। इसलिए मैं जानना चाहता हूँ कि किम रूल के अधीन या किम धारा के अन्तर्गत हाउस के ये अधिकार छीने जा रहे हैं ?

SHRI S. S. MARISWAMY : Sir, we are in the 28th year of independence. Never has the country witnessed such a grave situation as we are facing today. In my opinion, Sir—not only it is my opinion, but this is the country's opinion—that the situation has been deliberately created by the Government in order to strengthen its already weakened image. . . (Interruptions). Why don't you have the patience to listen to me ? There is a great majority. . . (Interruptions). Listen to some of the sane advice from wherever it comes. I know you are guided by misguided people. Listen for two minutes.

Sir, every Member, when he receives summons, proceeds to Delhi, even from his own home town. And he is supposed to have come in your custody. For example, Sir, I live in Madras. I get the summons one fine morning and I leave for

Delhi. If anything happens to me on the way, I am supposed to come and report to you and seek your protection. And your duty is also to safeguard my interests. Some of the Members have been arrested. It is something that has never happened before—neither during the time of Jawaharlalji nor during the time of Shastriji. It is a very serious matter. You must give a clear-cut direction whether it is safe for us to be here or it is not safe for us to be here. A clear-cut direction must be given. This is number one.

No. 2 : Regarding the suspension of the entire business, Rule 267 says :

"Any member may, with the consent of the Chairman, move that any. . ."

I don't know whether Mr. Om Mehta has got your consent.

"... rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being."

Where is the particular motion before the Council ? It is a blanket suspension. This has never happened before. And I have never heard that in any Parliament the entire proceedings were suspended. Even during the British regime the Question Hour or some privileges given to Members were suspended. Sir, I do not find any enemies. I do not find any Pakistanis or Russians or Americans. I do not see any body. . . (Interruptions). I only see, Sir the enemies of democracy—those who proclaim themselves to be the paragons of virtues, etc.

SHRI T. N. SINGH (Uttar Pradesh) : Sir, . . .

MR. CHAIRMAN : No, Mr. Singh.

SHRI T. N. SINGH : On a point of order.

MR. CHAIRMAN : There is no point of order. I have heard and given opportunity to each party representative to

[Mr. Chairman]

say something, so that there will be some system and some discipline. If I allow you, then I will have to allow others also.

SHRI T. N. SINGH: Sir, this is a point of order.

MR. CHAIRMAN: Let us follow some procedure. Where is the subject before the House now? Where is the question of raising a point of order? Mr. Singh, you are a very senior person. You know it. When there is no subject before the House, how can there be a point of order? Let us finish this. I have very patiently...

SHRI T. N. SINGH: You are not allowing me to raise a point of order?

MR. CHAIRMAN: Where is the subject? I am not saying that you cannot raise a point of order. But there is no subject on which you can raise your point of order.

SHRI T. N. SINGH: This is already a point of order. Do you say that it is no point of order that we are discussing?...

(Interruptions)

SHRI DWIJENDRALAL SEN GUPTA (West Bengal): We have no Question Hour today. And I want to know, till Mr. Om Mehta's motion is passed, under what provision of rule, or under what special direction of yours, the Question Hour has been suspended? Secondly, the Calling Attention has a specific purpose, namely, raising urgent business. In an emergency, does urgent business become less urgent than ever before? Unless you consider a matter to be urgent, you have always the right to disallow the Calling Attention Motion. But, as the position stands today, it is a blanket refusal of all the Calling Attention Motions. To my mind, it appears that in a state of emergency matters of urgent public importance should get priority. They should not be shelved altogether. Mr. Goray has raised certain questions of great importance. We are in a state of emergency. It means that the Members' freedom and Members' liberty to come in the House, to participate and to give

free expression to their opinion should be ensured. If that is allowed, that should also go to the world outside this House so that our position is made clear and well-defined and there is no confusion as to what the Congress Members and the Opposition Members stand for.

MR. CHAIRMAN: I have heard very patiently the arguments advanced by the different representatives of different political parties. Account item No. 1, regarding allowing the Question Hour or not allowing the Question Hour, it is a point to be decided by me. As has been pointed out by one of the Members, Rule 38 is very clear on this point. It says:

"Unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions."

SHRI MAHAVIR TYAGI: Is it at the request of the Government that you did it?

MR. CHAIRMAN: Please wait. Why are you making noise when there is no necessity for it? I have not said every thing on this. You are unnecessarily interfering. My point is that on my own considering the importance of the present situation, I have decided not to have the Question Hour. It has been issued to you in a bulletin and all of you have got that information. That point is very clear. It is within the authority of the Chairman. He has used it independently of the Government or any body else. Nobody can question it. It is very clear.

The second point is regarding the Motion which is to be moved by Shri Om Mehta on behalf of the Government. He has taken my permission and I have granted him permission.

Before I suggest to him to move the Motion, I am going to request or I am going to make an appeal to all the Members of the House that in view of the present situation, is it necessary for this House of ours, the Elders' House, to allow Mr. Om Mehta to make a Motion and get it passed

by a majority or whatever it is? Or do you accept that we should not fight on this issue? Let us have an understanding. So far as the Calling Attention and other things are concerned, they are within the discretion of the Chairman. He may accept them or not accept them. *(Interruptions)* Please hear me. I have listened to you and you are not going to listen to me. Dr. Kurian, you are always in a hurry. What I am suggesting if it is acceptable to all of you, is that it is graceful for us not to allow him to move the Motion. I have already decided about the Question Hour. It is my authority and nobody can question it. That question is resolved. If all of you agree, I think it is not necessary for him to move the Motion.

(Interruptions)

SHRI C. D. NATARAJAN (Tamil Nadu) : Sir, it is with regard to this matter that I wish to make a submission most respectfully. I refer not only to Rule 38 but also to Rule 24. Mr. Chairman, my submission is that the Motion which is sought to be moved by Mr. Om Mehta is inadmissible and not in order.

MR. CHAIRMAN : You are not to decide that.

SHRI C. D. NATARAJAN : It is significant that he has not quoted any rule under which he seeks to move the Motion. It is a basic objection which I wish to raise in regard to the Motion which you want the House to adopt without any dissent or a discussion. Because of this basic objection, Mr. Chairman, I would humbly request you to give me a minute's time . . .

MR. CHAIRMAN : Please resume your seat.

SHRI C. D. NATARAJAN : Sir, I will be brief. . .

MR. CHAIRMAN : Please resume your seat. When the Chairman is standing, you have no right to stand up. My point is that I wanted to take the sense of the House

and decide. If some of the Members do not agree, I have no objection for moving the Motion by Mr. Om Mehta, barring the Question Hour. But I thought that it was graceful on the part of all of us to accept in toto and work out very successfully. If anyone of you is not agreeing, I am allowing him to move the Motion.

Then, regarding the question of protection of the Members, as far as the Members of my House are concerned, within the precincts of this House, they will get fully protection. Nothing will happen. I will take that responsibility. Outside the House, I have no jurisdiction. I cannot give any assurance.

श्री ओडम् प्रकाश त्यागी : श्रीमान्, मेरे प्रश्न का जवाब नहीं दिया गया। मैंने प्वाइन्ट ऑफ आर्डर उठाया था कि सरकार ने अपने प्रस्तावों को बलात लादने के लिए विरोधी पार्टियों के प्रमुख व्यक्तियों को अकारण जेल में डाल दिया है। मैं आपसे यह जानना चाहता हूँ कि उन सदस्यों को अपने विचार प्रकट करने का अवसर दिया जायेगा या नहीं ?

SHRI C. D. NATARAJAN : Mr. Chairman, I have requested you to give me one minute's time with regard to the Motion which you have permitted to be moved. . .

SHRI N. G. GORAY : Sir, I had asked you two questions.

SHRI C. D. NATARAJAN : Sir, you refer to Rule 38. Suspension of the Question Hour is a power vested in you. I agree, I admit. I abide by your decision. I invite your kind attention to Rule 24 which relates to allotment of time for Private Members' Business. There is also the power to suspend allotment of time for Private Members' Business on Friday is vested in you. Such being the case, Mr. Chairman, I do not see how it is in order or proper for Mr. Om Mehta to incorporate in his Motion that during this session, only Government Business shall be transacted. The power to suspend the Private Members' Business on Friday and allot some other day in lieu thereof is vested again in you. Thirdly, Mr. Chairman, this Motion significantly enough

[Shri C. D. Natarajan]

does not cite any Rule of Procedure under which this Motion is made. Under Rule 267, as rightly pointed out by my leader, he is allowed to make a motion for suspension of the application of any Rule in regard to a particular Motion before the House. But there is no provision in the Rules for a blanket Motion like this. I, therefore, humbly submit that this Motion which you are pleased to permit Shri Om Mehta to move is not in order and is a negation of all Rules of Procedure, besides being a denial of the rights and privileges of the Members. Therefore, you may be pleased to disallow it.

SHRI T. N. SINGH : Sir, I have also got a point of order.

MR. CHAIRMAN : You are allowed to speak. Why not take that opportunity ?

SHRI T. N. SINGH : This is a point of order, Sir. Under article 125(3) of the Constitution. . .

MR. CHAIRMAN : Please sit down and speak.

SHRI T. N. SINGH : Thank you very much for this courtesy.

AN HON. MEMBER : Is he allowed to speak sitting ?

MR. CHAIRMAN : The hon Member is allowed to speak sitting. Therefore, please resume your seat.

SHRI T. N. SINGH : I will not be able to speak standing because I was in hospital for two months. I am rather weak even now.

So, Sir, what I want to say is this. I want you to refer to article 105(3) of the Constitution which says "Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament."

SHRI HARSH DEO MALAVIYA (Uttar Pradesh) : Sir, is he allowed to sit and speak ?

MR. CHAIRMAN : I have allowed him to speak by sitting. He is not well.

SHRI T. N. SINGH : Further on Sub-section (3) of article 105 says

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

Now, Sir, what I want to submit is that that article of the Constitution is supreme. Under this article our privileges etc. which are the same as of the Members of the Parliament of the United Kingdom, shall be immune from interference here, unless this Parliament has passed a law on the subject by itself. I say, Sir, up till now no law on the subject has been passed. Even the rules of procedure and business that have been framed, have been framed only and have not been passed by this House or the other House. So, Sir, they do not stand in the category of a law of this House. I think, Sir, we are guided by the provisions of the Constitution.

Now, the result of what Shri Om Mehta is going to move will be to take away our privileges on a large scale. Sir, I have been here in Delhi for the last 26 years. I began my career in Parliament in the year 1953 and never more than one rule at a time has been suspended in the whole history of this House. I remember, Sir, that Shri Mavalankar, the Speaker of the other House, of the Provisional Parliament, and later on of the Lok Sabha, had ruled that even if one Member of the House gets up and says that the rules shall not be suspended, rules would not be suspended. That has been the tradition, the noble tradition of parliamentary democracy in this country. Now, Sir, I appeal to you in all sincerity— I stand for democracy and I want democ-

acy to be vindicated and I am sure that my colleagues on the other side, though I am speaking on this side of the House, will be charitable enough to agree with me and I am sure they agree with me—that democracy must be preserved at all costs. (Interruptions) I do not think anybody will protest against what I am saying.

After dealing with article 105(3) of the Constitution, another point that I want to raise is that never before in the history of Indian Parliament more than one rule has been suspended. I request you, Sir, that you may kindly ask your staff to go through the proceedings of this House as well as of the other House and find out whether such a thing has happened before and whether it is not a fact that according to a ruling given by the then Speaker, Shri Mavalankar, not more than one rule can be suspended at a time. That is the practice here. Sir, I am saying this because I have been associated with the parliamentary life of this country for such a long time. (Interruption). Please do not get impatient. Be patient with a sick man at least. So, Sir, I suggest that before we proceed with this question, in order to preserve parliamentary democracy you may kindly ask somebody to go through the proceedings of both the Houses to see if what I am saying is correct, that is, Mr. Mavalankar saying that even if one Member of the House raises a dissenting voice he shall not suspend the rule. That is number one. Number two is, whether it is not a fact that according to the Speaker's ruling in the Lok Sabha, not more than one rule has ever been suspended. This is what I wanted to say.

DR. V. P. DUTT (Nominated): Parliamentary democracy which permits *dharnas* within the Parliament !

MR. CHAIRMAN : Kindly do not enter into that.

SHRI U. K. LAKSHMANA GOWDA (Karnataka) : Sir, at the beginning you have said in your wisdom that *suo motu*, without being influenced by the Government or without any approach by the Government you have suspended the Question

Hour and also the Calling Attention. If that is the case, where is the point in your having allowed Mr. Om Mehta to move the motion with regard to this ? This is a contradiction and I fail to understand how this question will come up. You have also taken a decision.

SHRI VEERENDRA PATIL (Karnataka) : Sir, regarding the suspension of Question Hour you have already given a ruling. I am not going to question that ruling. But with regard to the point that has been raised just now by Mr. Goray, that is, with regard to seeking protection of the Chair so far as Members of this House are concerned, when we have been summoned here to express our views with regard to the proclamation of emergency, naturally you are the custodian and so we have to approach you. I am again not disputing your ruling. So far as proceedings of this House are concerned, you have assured us that you have taken full responsibility but you have said that what is going to happen outside this Parliament is not your concern. I agree; I am not going to dispute that also. But you know that most of the top leaders of the different political parties in the country today are behind the bars. They are deprived of the opportunity of expressing their views by coming to this House. So this is a grave situation. I think this has happened for the first time in the history of parliamentary democracy of our country. Therefore, may I humbly appeal to you at least, when you are not in a position to protect us outside this House, will you kindly ask the Minister concerned—because both the Home Minister and the Minister of State for Home Affairs are here—to make a statement. If they do not want to make a statement, we are not here to. . . (Interruptions). . .

MR. CHAIRMAN: Now, after having heard very carefully the arguments of all the leaders of the opposition parties, I would like to suggest one or two things. All of you have admitted that there is a special situation in this country...

SOME HON. MEMBERS: No, Sir.

MR. CHAIRMAN: All right, I will put it in other words. ...*(Interruptions)*... As has been put by Mr. Singh, this type of procedure has never been followed in the history of Parliament. Mr. Om Mehta who has to move the motion has taken the permission and all that he has tried to mention in the motion was nevertheless brought before this House and it is brought for the first time, this time... *(Interruptions)*... The House is supreme. It is up to the House to accept fully or to reject fully or amend it. Therefore, I have allowed him to make a motion ...*(Interruptions)*... Mr. Patil has said that Mr. Brahmananda Reddy, who is the Minister in charge or Mr. Om Mehta should make a statement. When that particular motion is going to be moved, you will get the opportunity. He will explain why he has arrested and all that. If there is anything which I can do...

SHRI VEERENDRA PATIL: I have got a question. I have not said...

MR. CHAIRMAN: You have asked them to make a statement.

SHRI VEERENDRA PATIL: I have not said that they must give reasons for the arrest of those leaders who are behind bars. What I say, we have come here, Mr. Goray has sought your protection and you are not in a position to give protection. Therefore, I appeal to you: why not to direct the Minister concerned to make a statement whether they are in a position to give that assurance.

MR. CHAIRMAN: The Ministers are there. They have heard whatever you have stated. They will make a statement.

श्री ओझ प्रकाश त्यागी : सभापति महोदय, मेरे प्वाइट आफ आर्डर का जवाब नहीं दिया कि जिन नेताओं को गिरफ्तार किया है उनको यहाँ हाउस में भाग लेने का अवसर देने या नहीं ?

SHRI BHUPESH GUPTA (West Bengal): There is no point in saying that there is no emergency, *(Interruptions)*. There is

no point in saying that there is no emergency and building the argument on that basis. The fact remains whether we like it or not. Different people have different points of view which will be discussed later. There is a proclamation of Emergency. *(Interruptions)*. Will you hear ? Is this democracy ? I am coming to the procedural point only, I am not going on to other things at all. But let us not proceed on the basis that there is no emergency. It is there under the Constitution but, as I said, you may not like it or I may like it or somebody else may like it. There is an emergency and this session is being held as an 'Emergency Session'. You have given the ruling that there will be no Question Hour. That is entirely in your power and according to the rules the power is in your hands.

(Interruptions)

DR. K. MATHEW KURIAN: He is the future Home Minister.

SHRI BHUPESH GUPTA: One hon. Member referred to the House of Commons but then in our country, for this House we have already adopted the Rules and, therefore, there is no use making that kind of reference because unless you make the new rules the old things prevail. We have got our own Rules according to which you have given the direction that there shall not be Question Hour but personally I would have liked if there were no blanket ban. This ban could have been only when there were some important, urgent matters in national interest and in the interest of democracy, to fight against the forces which are threatening democracy being run for the welfare of the people. But you have done it. It is at your discretion again. One cannot challenge it and so, there is the end of this.

With regard to 'Calling Attention', again there is your discretion. With regard to blanket ban I would have liked the discretion of the House to be taken into account as to what should be discussed in the House. Unfortunately, the blanket

ban is too sweeping. That might have been perhaps avoided with a little consultation by the Government with you. I should like to have an assurance from you and from the Government in so far as it rests with the Government whether this is only meant for this session—this session which is an 'emergent session'—and it is not to be repeated in other sessions that are being called. That is what I would like to know. That point Government should clarify.

As I said we would have been happy if some kind of discretion would have been retained in your hands to see what should not be accepted by you which has come on the private Members' initiative. The private Members are all over here and we have different approaches. Surely we could have taken initiative from our approaches and I think you will agree that private Members have an important role to play in emergency—to that we will come later. Even in an emergent situation for defeating reactionary forces and for the advancement of the causes of the people, that initiative should not be crippled, on the contrary should be strengthened. That is why I am keen on having the initiative in the hands of the private Members as well apart from what you have and the Government have.

12 Noon

MOTION RE. SUSPENSION OF RELEVANT RULES OF PROCEDURE AND CONDUCT OF BUSINESS FOR TRANSACTING GOVERNMENT BUSINESS DURING THE CURRENT SESSION

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Sir, I move—

"That this House resolves that the current session of the Rajya Sabha being in the nature of an emergent session to transact certain urgent and

important Government business, only Government business be transacted during the session and no other business whatsoever including Calling Attention and any other business to be initiated by a private member be brought before or transacted in the House during the session and all relevant rules on the subject in the Rules of Procedure and Conduct of Business in the Rajya Sabha do hereby stand suspended to that extent."

Sir, I would like to make a few points because it has been asked why this motion was brought. It was in your power to suspend Rule 38 and Rule 24 regarding Questions and the Private Members' business. If, in your wisdom, you, Sir, had decided not to admit any Calling Attention, there would not have been any Calling Attention, and the same thing would have been achieved by you. Sir, by not allowing all these things. But it was to be more democratic and to take the consent of the House... (*Interruptions*). Sir, we believe in democracy; we always believe in majority decision. For the last several years we have been here; we have believed in majority decisions. Unfortunately, my friends sitting opposite always try to bring in a minority opinion and they want the House to be run by the minority opinion. We want it to be run by the majority opinion, and for this very reason we brought this motion.

Sir, about one point which has been raised by Mr. Bhupesh Gupta, namely, whether the same procedure will be followed in other sessions also, I can give an assurance that it is only for this session and when the next session comes, we will try to have a normal session if all remains normal. Sir, this has not been done for the first time. I think they have forgotten that in 1971 when the emergency was *there due to external danger, even then the* Question Hour was suspended and a lot of non-official business was not there. That was done at that time also. And, Sir, the same conditions are there now, though due to internal danger and not external danger. So we have come with this motion, so