

[Mr. Chairman]

Rajya Sabha on the 2nd April, 1966 and resolves that the following members of the Rajya Sabha be appointed to the said Joint Committee, namely :

1. Shri L. N. Mishra
2. Kumari Shanta Vasisht."

The motion was adopted.

MOTION RE APPOINTMENT OF MEMBERS TO THE JOINT COMMITTEE OF THE HOUSES ON THE JUDGES (INQUIRY) BILL, 1964

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI) : Sir, I beg to move :

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do appoint three members to the Joint Committee of the Houses on the Judges (Inquiry) Bill, 1964 in the vacancies caused by the retirement of Shri Akbar Ali Khan, Shri G. S. Pathak and Shri K. K. Shah from the membership of the Rajya Sabha on the 2nd April, 1966 and resolves that the following members of the Rajya Sabha be appointed to the said Joint Committee, namely :—

1. Shri Akbar Ali Khan
2. Shri G. S. Pathak
3. Shri K. K. Shah."

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : I am not opposing any thing but I will bring it to your notice that when Mr. Pathak was elected he was elected, I believe, as a private Member of the House on the Committee, not by virtue of being a Minister. Sometimes the Minister goes on such Select Committees normally to preside over the meeting of the Committee. Now Mr. Pathak is the Law Minister and he comes in the other capacity. Earlier somebody else might have been there from the Government side to take charge of the work of that Committee. Therefore, we have duplicity here. I am not opposed to it. But let one be elected from the Government side not one from the Congress benches, rather than put another Minister there. The purpose of the Select Com-

mittee is to ensure that the representation of the Treasury Benches is reduced to the minimum. Generally when a Member goes away another Member is taken out of the private Members. Here this will be slightly altered by the fact that he is not a Minister because we are maintaining the *status quo*. The reason is this. He has become a Minister now and the Treasury representation has increased. Therefore, I do not think that it is very, very fair. The Home Minister is there, who will be looking after this kind of thing or the Law Minister is there. If he is Law Minister, let him come as Law Minister and take another private Member. I do not think the Congress Party or the Home Minister, Mr. Hathi, has been very well advised in altering a kind of convention that we have been following so far.

SHRI B. K. P. SINHA (Bihar) : The contention raised by the hon'ble Member, Mr. Bhupesh Gupta, proceeds on some misunderstanding of the position. Under the normal rules, both of this House and of the Lok Sabha, no Minister can sit *ex-officio* in a Select Committee . . .

SHRI BHUPESH GUPTA : I agree.

SHRI B. K. P. SINHA : And, therefore, if Ministers have to be on a Committee, they have to be elected by their respective Houses. Mr. Pathak is an eminent jurist. He is not being put there because he is the Law Minister but because he has been associated with the administration of justice for near about 40 years. In the circumstances, if you replace Mr. Pathak by some other person, Mr. Pathak will not be able to sit on that Committee. Though Mr. Bhupesh Gupta makes a very alluring offer to us, for some of us would replace Mr. Pathak. But if Mr. Pathak is not elected, he would not be able to sit on that Committee. Therefore, I hope Mr. Bhupesh Gupta will withdraw his objection.

श्री राजनारायण (उत्तर प्रदेश) : एक मौलिक प्रश्न मुझे उठाना है । सिन्हा साहब ने भूपेश गुप्त की जिस बात को गलत कहा, मैं उनसे भी निवेदन चाहता हूँ कि भूपेश गुप्त के तर्कों को यूँ ही टालें नहीं । यह कहना सही है कि जब इस कमेटी में श्री पाठक का नाम आया तो उस समय वे कैबिनेट के मिनिस्टर नहीं

ये और अब वे कैबिनेट के मेम्बर हो गये हैं और कैबिनेट का मंत्री स्वतः जब किसी सदन की कमेटी में बैठता है तो कहने के लिए बहुत ही आसानी से हम कह सकते हैं कि वाह, क्या वह हमको प्रभावित कर लेगा, हमको इन्फ्लुएन्स कर लेगा ? मगर वह करता है ।

श्रीमन्, हम जानते हैं और जहां तक मेरी जानकारी है कि ब्रिटेन का कोई भी पार्लियामेंट का मेम्बर सरकारी कमेटी का मेम्बर नहीं होता है । क्यों नहीं होता है मेम्बर ? इसके पीछे क्या तर्क है ? तर्क यह है कि इस तरह के मेम्बर होने से मेम्बर को इन्ड्यूसमेंट मिलता है और सरकारी मेम्बर होने के नाते वह अपने मत से सरकार के कर्मों और कुकर्मों पर परदा डालता है । इसलिए कमेटी को स्वतंत्र होना चाहिये । जहां तक जज के नियुक्त करने का संबंध है, उसके संबंध में मैं यह कहना चाहता हूं कि ऐसे आदमी को नियुक्त किया जाना चाहिये जो अपनी राय स्वतंत्रतापूर्वक कह सकें और ऐसे ही लोगों को उसमें रखना चाहिये । मुझे पूरा निश्चित विश्वास है कि अगर पाठक साहब इस कमेटी में रहते हैं तो उनकी उपस्थिति मात्र से ही यह कमेटी ठीक ढंग से काम नहीं कर सकेगी । इसलिए मेरा निवेदन है कि चूंकि वे कैबिनेट के मेम्बर हैं, उनकी जगह सदन के किसी दूसरे मेम्बरों को रखा जाना चाहिये ।

SHRI JAISUKHLAL HATHI : Mr. Pathak was, as Mr. Bhupesh Gupta pointed out, a Private Member and not a Cabinet Minister but after he became a Cabinet Minister he continued to be on the Committee till the 2nd. I may say that when this Bill came—this is a very important Bill—his views were such which were not in conformity with the views of the Government and the majority of the Members wanted a change in the very theme of the Bill and after Mr. Pathak became a Minister, even then he held the same view and as a member, not as a Minister, although he was a Cabinet Member, he has been able to bring forth those views and help the Committee in a great way. If he is a member, he can sit in the Committee in

his own right. If he is not, he cannot do so but because he is not a member, there is no need that the membership which he was holding already till 2nd should be discarded.

SHRI G. MURAHARI (Uttar Pradesh) : The Minister has only . . .

MR. CHAIRMAN : I have told you that when I am standing you should be in your seat. As a matter of fact in my simple-mindedness I thought that these were formal matters and therefore even at 1 O'clock I thought we could dispose them of. We are discussing the composition of the Committee which is normally not done in this House. The composition is discussed outside the House and they generally come with some agreed suggestions.

SHRI G. MURAHARI : There is no discussion . . .

MR. CHAIRMAN : The question is :

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do appoint three members to the Joint Committee of the Houses on the Judges (Inquiry) Bill, 1964 in the vacancies caused by the retirement of Shri Akbar Ali Khan, Shri G. S. Pathak and Shri K. K. Shah from the membership of the Rajya Sabha on the 2nd April, 1966 and resolves that the following members of the Rajya Sabha be appointed to the said Joint Committee, namely :

1. Shri Akbar Ali Khan
2. Shri G. S. Pathak
3. Shri K. K. Shah."

The motion was adopted.

THE UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL, 1966

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA) : Sir, I move :

"That leave be granted to introduce a Bill to amend the University Grants Commission Act, 1956."

The question was put and the motion was adopted.

SHRI M. C. CHAGLA : Sir, I introduce the Bill.