

SHRI BHUPESH GUPTA: Yes, seven is equal to seven and zero is equal to zero.

SHRI A. B. VAJPAYEE: But can there be parity between the aggressor and the aggressed? The Chinese forces are nearby and we have been pushed from that area. We wanted to have check posts but the . . .

MR. CHAIRMAN: I do not want to discuss it and I do not want you to discuss it now.

SHRI A. B. VAJPAYEE: I can understand Mr. Bhupesh Gupta putting a different interpretation on what the late Prime Minister had said. But we on this side of the House feel that . . .

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh): He may put any interpretation he likes.

MR. CHAIRMAN: It is very simple. The Government of India, the Minister has stated, is not committed to anything. An exploratory enquiry was made on the basis of equality at zero. There is a proposal that there should be no force, Indian or Chinese. There is such a thing as equality at the level of zero. She suggested "If it is zero, would you agree?" They said: "If the proposal comes, we shall consider it." That is the position. That is the end of it. Thank you.

MOTION REGARDING RULES FOR REGULATING THE PROCEDURE AND CONDUCT OF BUSINESS IN THE RAJYA SABHA —*contd.*

MR. CHAIRMAN: We shall now proceed to the discussion of the Rules Shri Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Mr. Chairman, this is a good occasion that after so many years, nearly twelve years, we are today discussing the draft Rules which should have been discussed much earlier because the Constitution en-

joined upon us to frame Rules of this House and by implication give up whatever we thought should be given up of the old rules which we had inherited from the British Parliamentary system superimposed in our country. This is a task which had been long delayed but it is better late than never. It does not speak well of our parliamentary and public affairs that a free Parliament and a free country took so many years even to formulate its own rules and had to live on for twelve years—and no less—on what had been handed out to it by a foreign system. In this matter we can have a little consolation in competitive spirit when we know that we are in the lead and the other House has not even done that yet. I think the other House will benefit by our collective endeavours.

SHRI A. B. VAJPAYEE: They have already done it.

SHRI BHUPESH GUPTA: No, they have not done it yet. He comes from the other House. The law has not yet been passed. Now . . .

SHRI A. B. VAJPAYEE: I am more informed.

SHRI BHUPESH GUPTA: Yes, he is; sometimes he is not. He forgot the Prime Minister's speech just now.

We are now doing it. Naturally, this is the only occasion when we can discuss this matter and go deeper into the question, analyse the problems of the parliamentary system and its functioning, venture to give our suggestion and see where we stand and how we should modify.

Sir, at the very outset I would like to make some preliminary observations. Whatever the rules are, the success of a parliamentary system lies naturally in the success of democracy and democratic institutions. We are not to have a glorified institution, a cloistered body to function as if we are out of touch with the world and make good of it, a success of it. No, it is possible for us to give a good account of ourselves only if outside,

[Shri Bhupesh Gupta.]

in the larger context of our national policy, democracy thrives and is encouraged, expanded and deepened in all spheres of life. Naturally, when that happens, it is reflected in this House. That is number one. Point number two in this connection is, howsoever we may have come here to this House, ultimately our loyalty is to the people who are faced with deep social conflicts in which the positive forces seek social justice and resolve their struggle and conflict in their own way. In a country like ours, naturally a parliamentary system, in order to be a success and make an impact on the people of the country, must take into account the yearnings and strivings of the millions of the toiling people and what is happening outside must be duly reflected from the standpoint not of the propertied classes, the privileged ones, but from the standpoint of the exploited classes and the underprivileged. This is very essential. Those who think that they can make a parliamentary institution succeed or flourish in this sphere without any reference to what is happening outside would come to grief because that cannot happen; either we go forward or we stand still ultimately to go down. There is no possibility of marking time for any length of time.

As I speak today, naturally once again my mind is crowded with many things that we had experienced in the past twelve years. I should be failing in my duty if one important fact I did not mention, which has been healthy, positive, constructive, inspiring and that is the role the late Prime Minister played in sustaining our parliamentary institution. It is a matter of great tragedy today that when we are formulating the Rules, when we shall be recalling the contribution he made in this sphere, he is no more with us. I think we shall be living up to the traditions he wanted to set up as far as parliamentary democracy is concerned, naturally within the four corners of the social system in which we live. Well, he will not be here

today with us; he is not here, Mr. Chairman, that is a great tragedy . . .

SHRI N. M. ANWAR (Madras): Sir, it would be much better, infinitely better, if we were to call the late Prime Minister as the first Prime Minister of India.

SHRI BHUPESH GUPTA: Whichever way you like, he is only one Prime Minister; others will not take his place. They will be there. Prime Ministers will come and go but there will be very few like him. He stands a category by himself. That is the position today. I say this thing because we know that within our own experience occasions arose when the parliamentary system was challenged right in Parliament itself. I remember what happened when General Thimmayya behaved in a particular way when he was the Chief of the Army Staff. Actually he made a challenge to the Parliamentary system and there came the Prime Minister the next day to pull up the Army Chief and declare the supremacy of Parliament. When the Radio carried this news to all parts of the country, people felt relieved. Parliament had known, because of the intervention of the Prime Minister, how to defend its honour and dignity when it was challenged by one who was the Army Chief. This is there in the proceedings and you can read it. I think it will be part of our constitutional and parliamentary history how, in that crucial moment, when actually one General threw a big challenge in order to assert the supremacy of the Army over the Minister or the Cabinet, the Cabinet prevailed and the dignity of Parliament was maintained.

SHRI M. RUTHNASWAMY (Madras): May I know how the Army Chief challenged the supremacy of Parliament, in what way?

SHRI BHUPESH GUPTA: The hon. Member was not here. I shall present him with a copy of the Lok Sabha proceedings and he will know by reading the debates how it was

challenged and how the Prime Minister met that challenge. You may not think so but . . .

SHRI A. B. VAJPAYEE: This is very unfair to General Thimmayya to say that he wanted to challenge the supremacy of Parliament. Is there any evidence to show that General Thimmayya wanted to challenge the supremacy of Parliament?

SHRI BHUPESH GUPTA: Absolutely. It is in the proceedings.

SHRI A. B. VAJPAYEE: I was present then. I was a Member of the Lok Sabha . . .

SHRI BHUPESH GUPTA: I know you were a Member of the Lok Sabha then. How can you understand it because you took Thimmayya's side there?

SHRI A. B. VAJPAYEE: No. One more insinuation, Sir, I do not take sides so far as the military is concerned.

SHRI BHUPESH GUPTA: My friend, sit down. My friend, Mr. Vajpayee, should know that I shall not deal with things like that unless . . .

MR. CHAIRMAN: Mr. Gupta, you make the point you were making.

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh): How is all this relevant to a discussion of the draft Rules?

SHRI N. M. ANWAR: I think he has made an explosive statement. I do not think General Thimmayya ever challenged the supremacy of Parliament.

MR. CHAIRMAN: That is not the point he has been making. He was tracing out the role of the late Prime Minister in the strengthening of Parliamentary institutions.

SHRI BHUPESH GUPTA: You can read the proceedings; you can read the newspaper comments. It is not

something which is not known. Every word has been uttered.

(Interruptions)

MR. CHAIRMAN: Mr. Bhupesh Gupta, you now go ahead.

SHRI BHUPESH GUPTA: But I don't yield when these interruptions are made. These are political interruptions.

SHRI A. B. VAJPAYEE: You are making a political speech.

SHRI BHUPESH GUPTA: I shall make a political speech.

SHRI A. B. VAJPAYEE: Then you must be prepared to meet political interruptions.

SHRI BHUPESH GUPTA: I am fully prepared; I am a hundred and ten per cent prepared to meet interruptions and I am very glad that Mr. Vajpayee has made it because I know that he is a consistent fighter for . . .

SHRI A. B. VAJPAYEE: Sir, On a point of order. Is it open for a Member to say that one particular General who is retired and who is not present here in the House wanted to challenge the supremacy of Parliament?

SHRI BHUPESH GUPTA: Absolutely. (Interruptions). There was another General who said that the Communists should be shot. I can relate one after another many instances.

SHRI M. RUTHNASWAMY: But why does not he tell us how he challenged the supremacy of Parliament?

SHRI BHUPESH GUPTA: You read the proceedings.

MR. CHAIRMAN: Mr. Bhupesh Gupta, you might leave it at that and go ahead.

SHRI BHUPESH GUPTA: Sir, that is my fear. When we criticise the Generals so many democrats get up. Well, have you not read in the newspaper that one former General General Cariappa—said that the Commu-

[Shri Bhupesh Gupta.]

nists should be shot? Is it done in a democracy? I would like to know that.

SHRI M. GOVINDA REDDY (Mysore): May I humbly submit that this has nothing to do with the Rules of Procedure? It is entirely irrelevant.

SHRI BHUPESH GUPTA: It is quite relevant because we are concerned here with the system of parliamentary democracy.

MR. CHAIRMAN: It is relevant so far as democratic procedure is concerned but it is not relevant to bring forward individual cases.

SHRI BHUPESH GUPTA: I say that parliamentary democracy should be maintained when it is a question of Rules of Procedure. I have only said that and I do not know why there should be these interruptions. You can ask questions and I can answer them. If I am wrong, correct it.

SHRI M. RUTHNASWAMY: But you have not answered my question.

SHRI BHUPESH GUPTA: You will never understand.

SHRI M. RUTHNASWAMY: You tell us how General Thimmayya challenged the supremacy of Parliament.

SHRI BHUPESH GUPTA: Then I would come to the former Governor-General.

MR. CHAIRMAN: I would advise you to proceed further with your speech.

SHRI BHUPESH GUPTA: Why don't you ask them?

MR. CHAIRMAN: Because you take twice the time they take for every interruption.

SHRI BHUPESH GUPTA: Anyhow I do not know why . . . (Interruptions) We will have to mention Generals in future very much. All right, I would not mention any more. I am a civil-minded person; I am a very civil-minded man. Therefore I say

that there are some military-minded men. My friend is here.

SHRI A. B. VAJPAYEE: That is the reverse.

MR. CHAIRMAN: Let him get over it and proceed.

SHRI BHUPESH GUPTA: Mr. Chairman, Sir, let me come to the other aspect of it. It seems people are touchy about Generals, rather touchy about things being said about Generals.

MR. CHAIRMAN: Say something about politicians.

SHRI BHUPESH GUPTA: I was saying that when Generals become politicians it is better to talk about Generals before we talk about politicians. As far as the Rules are concerned, everybody has said that we must strengthen parliamentary institutions. The functions of the House are based not very much on rules but on traditions. I agree; and we are in the midst of creating traditions and conventions. In my view four factors have to be borne in mind in this connection. They are: (1) Relation between the Members in general and the Chair. By Chair I do not mean you, Sir, but the Chair as an institution. (2) Relations between the Members and the Government. (3) Relations between the Government and the Opposition and (4) Attitude of the Chair to the Opposition. These are the four pillars on which parliamentary institutions stand. If any of these goes wrong or gets distorted, what suffers is not the mutual equation of relations but what suffers is the parliamentary institution itself. Naturally whether they are rules or traditions and conventions, they should be so shaped, guided, nurtured and cultivated that all these relations develop into a synthesised collective force which serves the cause of the people, the cause of the country and carries the parliamentary institutions forward. Now, Mr. Chairman, when I refer to the Chair, I do not have any particu-

lar Chair in mind. It is with the Chair as an institution that we are concerned when we talk about the Rules. Of the four factors I mentioned, two factors in my view are particularly important; one is the attitude of the Treasury Benches towards parliamentary institutions—I am glad Mr. Chagla is here and I should like him to take note of this—and secondly the role of the Chair. These are two important factors. The Chair is the supreme head, almost sovereign in the House. His word is the final word and therefore he can make or unmake the institution. He could nurture it; he could develop it or he could distort it and pervert it. It all depends on how the Chair acts. In a politically democratic set-up the function of the Chair naturally would be to see that democracy is strengthened. Within the precincts of Parliament, within the four corners of Parliament, when we function, the Chair is sovereign and so a great responsibility devolves on the Chair as to how the matters are handled because if somebody goes wrong in the country we can go to the High Court and the Supreme Court. We have the writ of mandamus, the writ of certiorari and other things but we cannot do anything in respect of the Chairman or the Speaker.

SHRI G. RAMACHANDRAN: Since these brilliant points that my hon. friend is mentioning are known to every school boy, can we not expect him to say something more relevant to the Rules?

MR. CHAIRMAN: He wants them to be known to Members of Parliament.

SHRI BHUPESH GUPTA: I know the hon. Member has got a difficulty. Because he has been a teacher for long he has that complex lest he should be treated as a school boy. I can understand that. Far be it from me . . .

SHRI G. RAMACHANDRAN: I was only suggesting that my hon. friend might have far more important things to tell us than telling us what everyone of us knows.

SHRI BHUPESH GUPTA: Sometimes it has to be said. Like Ram Dhun it is better to sing time and again; like the mantrams, Gita and so on; you read them again and again although you know them very well. So this is very important. I shall deal with every single chapter. I can tell you that I was not dealing as if I was dealing with school boys. How can I when people like my grandfathers are here?

SHRI FARIDUL HAQ ANSARI: Whom you do not treat as sensible enough.

SHRI BHUPESH GUPTA: No, no. He is a learned man and I have a great regard for him but sometimes even great men suffer from complexes; it is called a conditioned reflex. Therefore, Mr. Chairman, this is very very important. In our Rules we find there is nothing there which really controls the Chair. There is a lot of rules by which the Chair controls us but there are very few things which control the Chair. Suppose the Chair says, 'I give this ruling; this point of order is invalid' well, that is the final word. If somebody said such a thing outside, I can take recourse to the Constitution and move the High Court or the Supreme Court. Even the Prime Minister or the Government is not free from this but in respect of the Chair, I cannot do anything. Therefore I say that the Chair is the Sovereign here. I stress this point in order to bring home the other aspect, namely, the responsibility of the Chair in dealing with Parliament and conducting the affairs of Parliament because it is in his hands largely that Parliament grows.

SHRI M. GOVINDA REDDY: Do you want to change that theory that

[Shri M. Govinda Reddy.]

Parliament is supreme and the Chair is supreme in Parliament?

SHRI P. N. SAPRU: May I ask Mr. Bhupesh Gupta if it is not possible for us to bring a motion of no confidence against the Chair if we are dissatisfied with his rulings or opinions and whether that is not a way by which we can control the Chair?

SHRI BHUPESH GUPTA: That is certainly provided for but we never do this thing. Scarcely do we do it. It is something which should be avoided. And there should be co-operation between all sides for such a thing. In fact as you know we do not take recourse to it. I am saying all this because it is important in the context of what we are discussing. The role of the Chair is not written in the Rules in so many words but everything depends on how the Chair handles them and applies them. It is the most important thing. Now, here in our country generally the Speaker or the Chairman or the presiding officer is elected by the ruling Party really. Their nominee gets elected by reason of the fact that their Party is in the majority. Sometimes he is elected with the agreement of the Opposition Parties. Sometimes it may not be with the agreement of the Opposition Parties. But once it is done, we expect that the functioning of the Chair should be always absolutely independent. That tradition is accepted in theory in our country, but I do not know whether in every Legislature it is accepted in practice also. But then when the Chair is elected in this manner, well he becomes vulnerable to all kinds of criticisms, apprehensions and misgivings, more especially when it is made to look—may be he does not mean it—that he is becoming a little partial to the Government or to this or that side. Therefore, he functions under great difficulties. There is no doubt about it. But since he is elected by the ruling Party there is an unfortunate presumption against him

that he is liable to all kinds of pressures . . .

HON. MEMBERS: No, no.

SHRI P. N. SAPRU: On a point of order, I strongly object to that expression. It is a reflection on the impartiality and integrity of the Chair. He is not to tell the Chair.

MR. CHAIRMAN: Mr. Gupta is only pointing out the mutuality of relationship between the Chair and the House.

SHRI FARIDUL HAQ ANSARI: He has mentioned the Speaker of the Lok Sabha.

SHRI BHUPESH GUPTA: No, no. Speaker of an Assembly, Speaker of a Legislature.

SHRI FARIDUL HAQ ANSARI: Rajya Sabha also.

SHRI BHUPESH GUPTA: No, no. I say this theoretically.

MR. CHAIRMAN: You please carry on.

SHRI BHUPESH GUPTA: Absolutely I have made it clear that nothing applies to you, Sir. Therefore, I say that puts such an institution into difficulty. That is what I say. Now, hon. Members need not be so touchy because I am not here to flatter anybody. I know that well. Mr. Kairon moved a no confidence motion against the Speaker. Ask the Congress leaders why they have such things? Why ask me? Mr. Prabodh Chandra was chucked out by him to put somebody else there. If there is anyone who shows disrespect in the Congress Party to the Speaker, it is Mr. Kairon. Those who live in glass houses should not throw stones at others in this manner. Now, I am not concerned with any individual Speaker. I am concerned with propositions and principles. I know, for example, that in one of the elections in West Bengal in 1957, in our election campaign

against the candidate—one of the candidates was the Speaker who was contesting as a Congress candidate—our point was that he used to give his rulings after looking at the Chief Minister, Dr. B. C. Roy. That had a very telling effect and he got defeated because every day whenever a ruling was given, he would turn to the right I do not know why. And inevitably his eyes fell, maybe by coincidence, on Dr. B. C. Roy, the Chief Minister. After that the ruling was given. Naturally the people saw it. We made it a big point in the election campaign and he lost it, the poor chap, that way. Therefore, these things happen.

SHRI P. N. SAPRU: It is not right to refer to people who are not present here.

SHRI BHUPESH GUPTA: I say these are rare things. I say, therefore, as far as the Chair is concerned or the Speaker is concerned or the presiding officer is concerned, generally, collectively speaking, it is they who must win not only confidence in the abstract sense by their leadership of the House but by their day-to-day work. And it is done. We have such examples. Your predecessor and you, Sir, are setting good examples about which we are happy. And I am not making any complaint at all. Please do not misunderstand me, hon. Members. Therefore, I say that the Chair is the linchpin under a parliamentary system as far as this House is concerned. It is the linchpin. Then comes the Government. Now, I believe their susceptibilities will not be touched.

The Treasury Benches have really a most important part to play because the Treasury Benches control the majority in the House. Otherwise, they will not be Treasury Benches. Naturally it is their attitude towards the Opposition, towards private Members, towards Members of their own Party who do not belong to the Government, which will largely determine as to how parliamentary insti-

tutions shape. Now, naturally one need not be too much indulgent in such matters. At the same time, one must be tolerant and must show understanding and appreciation and must not try to escape the responsibility even if there are certain technical flaws in the approaches that are made from this side of the House or from the other side. Now, here again, who can control the Treasury Benches except the Chair? We can shout at them. We can criticise them. We can even use harsh words against them, but we cannot control them. Control can come only from the Chair. But at the present moment, in some Houses in India, in some places, when the Minister gets into a jam by answering questions or even without any answer being given, somehow or other we find the Chair coming to his rescue by passing on to the next question or by saying something which really, in effect, protects the Ministers and so on or saves embarrassment on the part of the Government. Such an impression should never be created.

AN HON. MEMBER: Where does it happen?

SHRI N. M. ANWAR: The problem is how best to control Mr. Bhupesh Gupta in this House.

SHRI BHUPESH GUPTA: Bhupesh Gupta is small fry.

HON. MEMBERS: No no.

SHRI BHUPESH GUPTA: Nothing will be lost if he goes wrong, but much will be lost if the Treasury Benches go wrong. Do you not know how things go wrong when the Treasury Benches go wrong? You know it very well. Therefore, I say that control over them is in the interests of the entire House and of the country because it is in a way helping them. I find at the same time that as a result of this, when we, after a lot of trouble, research work and various other things, get these Ministers into a jam, suddenly somebody coming to rescue them. We should not like such a thing at all.

[Shri Bhupesh Gupta.]

It is better to get one Minister and then fix him up because the nation is the gainer.

SHRI G. RAMACHANDRAN: You almost seem to have a Minister in your hands, squeezing him now.

SHRI BHUPESH GUPTA: I wish I could have a few of them in my hands, but for the present they are in your hands. Now, this is the position. Therefore, the whole attitude of the Treasury Benches in our country is firstly because of the assured majority they have. They cultivate wittingly or unwittingly a kind of conceit and arrogance and intolerance.

Hon. MEMBERS: No, no.

SHRI BHUPESH GUPTA: . . . and confidence in themselves which they should not have always. Secondly, because they are in the Government and have the backing of the majority they try to evade many things. It is for them to satisfy the country when they are called upon to explain things. But as you know, even in answering many questions and so on sometimes answers are given which if it were a case of an examination paper would have attracted that great number called zero, because it is no answer at all. Yet they get away. What I would like is that in such a situation it is for the Chair to carefully follow the exact question, what the questioner is aiming at from the point of view of public interest and then see that the Minister is pinned down to answering exactly and precisely what is sought to be elicited from him rather than try to get out of it by giving an evasive or wide answer. That is how it should be done.

Again, as you know, we make serious allegations from time to time in the course of our speeches against Ministers. The allegations may be right or wrong. But the Ministers, whenever they find it inconvenient, just do not say anything about them. They skip over the allegations and do not answer them. Well, they think

that they have got the majority in the House and they can carry on. But that is no good. When a Member of the House makes an allegation against the Government or an allegation of a concrete nature against a Minister, it is the bounden duty of the Minister to prove that the allegation is something wrong. It is not for the Member to prove it that it is right because he has come armed with certain facts and materials which he believes to be true and on the basis of these call upon the Government to explain his conduct because it is the Government which is answerable to public criticisms and public probe in this manner by stating its position.

MR. CHAIRMAN: Mr. Gupta, the House stands adjourned till 2.30. In the afternoon you can continue your speech.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half-past two of the clock, THE DEPUTY CHAIRMAN in the Chair.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I was just dealing with some general aspects of the problem of the procedures of the House, and presently I shall deal with some important rules as amended now and I shall give my views on them.

Hon. Members will have noted that I have given a note of dissent for exhaustively dealing with some of these points I am going to make, but I believe that many of the hon. Members may not have read that note of dissent.

SHRI NAFISUL HASAN (Uttar Pradesh): Most of us have read that note, I may assure the hon. Member. What he says is not correct.

SHRI BHUPESH GUPTA: Certainly you did not read it. I was keeping an eye on you. Others may have

read, but at least the one person who did not do so is yourself.

I should like to say that the tendency has grown with some presiding officers to treat the opposition as blame-worthy generally and, if I may say so with all respect, to treat the Ministers as if they are some parliamentary angels or *devdootas* or some such thing. That is exactly not so. Therefore, I think that one needs to be very careful in such matters. Government is always protected by very many things but the opposition is not. From whichever angle you look at the problem you would again and again come to the manner in which the business of the House is conducted and guided by the Chair or the presiding officers. Much will depend upon them. Then the first thing we naturally expect of them to do is to see that the Treasury Benches function in the interests of democracy and deal with matters and problems in the best interests of the people. Without that there cannot be any harmony in the development of the parliamentary system or the work of Parliament. Tensions and conflicts arise the moment the Government takes up an intransigent attitude or tries to avoid issues or evade things.

Having said that, I should also like to say that in the period of twelve years we have suffered because of the absence of rules. Much was made up because of the intervention by the Chair and of the co-operation of other Members. As a matter of fact we can claim that although we are an Upper House, we tried to shape it in the spirit of democracy as far as possible within the limitations of the Constitution. When we came here some twelve years ago, it was taken as if we were something like the House of Lords. In the beginning the tendency was to treat it something like that. But the Members resisted, the Chairman co-operated and others co-operated. Then it was not possible for people to treat us as if we were a

kind of House of Lords. The two things have no comparison at all. We evolved our rules, as you know. In the beginning for a few days we did not have even a Question Hour and it took a little time before we evolved the Question Hour, and then gradually we advanced. Even today we do not have Adjournment Motions. Therefore, I pay tribute to all those Members who had contributed to evolving a system of rules which makes it more responsive to public opinion and to the needs of democracy. Many Members are here and most are not here who had during that time contributed to the evolution of the system as we have now. Officers of the Sabha have also contributed and we have functioned in a co-operative spirit here, and I need not say how the previous Chairman and others had also co-operated in this matter. Good traditions we have built up. Those good traditions we have got to carry forward. We can build up traditions also. That is what we should do in the coming years that lie ahead of us. Therefore, we should be forward-looking in such matters, not backward looking, and the parliamentary system has to develop by our fighting against inertia, conservatism, certain unseemly adherence to certain past things and past rules, certain outdated and obsolete conventions and traditions. All the time the approach must be one which is dynamic and, as I said, forward-looking. We should go on evolving this thing and we should not just reconcile ourselves even to these rules. If the rules are not to remain as they are, we should give them more substance and make them more dynamic. That we can do by conventions and traditions very deliberately created in this House through mutual goodwill and co-operation.

Now here we must be clear in our mind as to what we stand for and what we are doing here. To my mind, I think that we are here naturally to serve the country and the people. What are we going to do and how are we going to serve them?

[Shri Bhupesh Gupta]

Naturally, in a country like ours, in a newly liberated country, we have to see that we so function that we overcome the legacies of the past colonial rule, that is to say, that we should direct our attention and our authority and power against the legacies of the colonial domination, whether it be foreign monopolists or landlords or other retrograde elements in the country, socially I am speaking. Naturally, our attention should be rivetted on those things and we should so evolve the parliamentary institution that it becomes an instrument in our hand in fighting those dead legacies of the past and serving the interests of the people. I know the limitations that exist in this respect because we are circumscribed by the social order in which we function. We cannot go beyond the bounds of that social order. It is true, as things stand today, but if we cannot go beyond the bounds of the social order, we can go as far as possible and therein there is room for co-operation, mutual understanding and accommodation. But that is not possible without conflicts between the opposite interests. We cannot avoid these if we have as our objective social development. If the Parliament is used to shut it out or to side with the forces of reaction that way, then it cannot give a good account of itself. Rules and everything would be tested in the light of how they are serving the interests of the country and taking it forward, serving not only the material interests but also the cultural interests of the country as well. We are in the midst of that struggle in the formative years of Parliament, and naturally much will depend upon how we of the present generation function in this House and in the other House. I have no illusion that so long as the social system remains as it is we cannot go very far, but certainly many things we can do in the interests of the country and the people. The very functioning of this institution should create the proper impact on the minds of the people. They should have a

sense of feeling of intimacy with the Parliament. They should have a sense of feeling that Parliament is their institution. They should have a sense of feeling that Parliament is serving their cause and that it is mindful of what is happening. They should have a sense of feeling that Parliament is absolutely their creation and is subserving their interests. That is how we should bring the Parliament to the people. That can be done only if we know how to conduct ourselves and how to press things here.

Now let me deal with the various aspects of it. First of all let me take, Madam Deputy Chairman, Chapter III which provides for the election of the Deputy Chairman. I am not satisfied with these rules. Election should be by secret ballot and no one should really be Deputy Chairman unless he has an absolute majority support of the Members of the House. That is very very important. Sometimes we think that it is a routine matter and that we need not bother about it. Therefore, we should see that it happens like that. The second point I would have liked to see here included is that it is made obligatory to choose the Deputy Chairman from the opposition. Please do not think that I am making a partisan or a narrow claim. Even in the other House when we started, the Deputy Speaker was chosen from the opposition. Ultimately it was given up but it was done. In some countries it is done.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Could you quote some precedent?

SHRI A. B. VAJPAYEE: In U.P. they had it.

SHRI BHUPESH GUPTA: I say, the Congress Party should now at least have some calm thinking. May be you may also be in the Opposition.

SHRI A. B. VAJPAYEE: Original thinking they should have.

SHRI BHUPESH GUPTA: Original thinking they should have.

SHRI A. B. VAJPAYEE: Why go after precedents.

SHRI BHUPESH GUPTA: But they have second-hand thinking; it should be a calm thinking. How do you know that the Congress Party will always be on the Treasury Benches? We turned you out in Kerala. (*Interruptions*) You may get turned out of this place also some day. But when I say 'Opposition' I do not speak of any party, it is the principle—no matter which party it is—and it is a democratic arrangement which symbolises the co-operative spirit between the ruling party and the Opposition, no matter which is the ruling party or who comprises the Opposition. I say it is a good thing.

Then we have a projection of the collective leadership in Parliament at the presiding level. It is very, very important. But the Congress Party would not accept it. And what is more, they would not even consult us. They completely ignore us. I have been here, Mr. Akbar Ali Khan has also been here. When they make their own choice for the Deputy Chairman of the Rajya Sabha or the Deputy Speaker of the other House and so on, they do not even consider it necessary to consult the opposition parties. It is not a party issue here. You know how we function in Parliament. We all stand for strengthening and enriching Parliament. Naturally, if we are consulted, we would express our views which might be taken into consideration by the Government party when it chooses the candidate even if it would not accept our suggestions that the Deputy Chairman or the Deputy Speaker should be from the opposition. Therefore, I wanted the provision to be included here to bind the hands of the ruling party. Unfortunately, the Committee of which, Madam Deputy Chairman, you were the Chairman, did not accept it. I tell you, it would be a good thing if you had the Deputy Chairman from the opposition.

Now the second point that I should like to make is about Chapter V. In the order in which they occur I am

giving my suggestions. The first thing is, at the beginning of every year's session, we deal with the President's Address. The amendments are rejected sometimes by the Chairman but no reason is given. Well, the President in our country is an elected institution, there is nothing sacrosanct about that, it is not a divine institution or a hereditary institution. Secondly, if the Chairman rejects certain amendments with regard to the President's Address, he should give the reasons as to why these have been rejected so that the people could know, Parliament could know, the country could know whether the rejection was justified or not. In any case, it will help the Members to understand what kind of amendments to give or not to give next time. Today, no reason is given.

I come to Chapter VI. Here you will find that there is a provision that the Chairman should consult the Leader of the House for arranging the business of the House. Now we have a very interesting experience in this matter. We have a leader, like the absentee landlords in certain parts of the country we have got an absentee leader. Lord Cornwallis brought about the zamindari system which produced a whole bunch of absentee landlords; they were never present at the place of their zamindari. Here also you will find that the Leader of the House is hardly seen, and hon. Members know very well that whoever else may be available here readily or may be sighted, the one person who is very rarely seen is what is called the Leader of the House. It is a rare phenomenon in our House. Yet, we find that the provision is there that the Chairman should consult the Leader of the House to fix the business of the House, and when the Leader of the House himself is absent, the question of his consulting us or the Opposition does not arise at all. He is out of the picture. Therefore, at present the rule is fictitious. Neither the Chair consults the Leader nor the Leader considers it necessary to consult others of the House. What kind of leader is

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he who is not to be seen? What kind of Leader is he of the House who does not take into account as to what other Members, especially of the Opposition, are feeling or Members belonging to his side also are feeling? Therefore, the Leader of the House is somewhat of an institution with less substance and much absence. We should like some substance. My suggestion is that consultation should be made. The Leader of the House should really function as the Leader of the House so that Members of the Opposition can go to him, take their problems to him, discuss matters with him, and he can communicate these things to the Government and to the Chairman, as the case may be. There should be this kind of communion between the two. But here we have got none functioning. As a result, the collective life of Parliament is handicapped, it is mainly jeopardised, because we do not see the Leader of the House here nor does he participate in any of these things. During the 12 years of my experience here, I do not know on how many occasions I have had the opportunity or privilege of discussing things with the Leader of the House. Well, I do not seem to remember more than one or two occasions. That should not be the arrangement in this House. Therefore, I wish that this amendment which I gave to the Rule were accepted. Anyhow, it is for the Leader of the House henceforth to take into account what we say and I think it is also up to you to make the Leader of the House function as the Leader of the House or else abolish that institution. It is not necessary.

Now I come to Chapter VII which deals with the Question Hour and it is a very important chapter. Now here, Madam Deputy Chairman, I think that we have by and large made the Question Hour very lively; thanks to Mr Vajpayee and other Members opposite; we have made it fairly lively and we can take a little credit for that. Although we in the Rajya Sabha are supposed to be a

somewhat less active people, aging people we have by and large given a good account of ourselves so far as the Question Hour is concerned. The Question Hour is very, very important. It is important from the point of view of asserting in a concrete way the vigilance of the people over the affairs of the State. It is important for voicing the demands and the aspirations of the people and for seeking redress from the Government. It is important from the point of view of rectifying and correcting the mistakes of the Government and of pin-pointing some, shall we say, of the acts of omission and commission on the part of the Government. Now here therefore we should have comprehensive Rules to deal with the Question Hour. My point is this. Even after the Committee has gone into this question, the recommendations are not quite so satisfactory. Some improvement has been made but much could have been done.

Now, first of all, I should like to say that in this matter the Rajya Sabha Secretariat certainly has played its positive part I do not deny it! But for them things would have been difficult. But we do have some serious grievances and complaints some of which were expressed here by Mr. Dahyabhai Patel when he spoke. I could not collect all my papers today but from time to time I have pointed out to the Rajya Sabha Secretariat and the Chairman how in a frivolous way—shall we say—some of the questions have been disallowed. Advice for returning questions has been given, whoever has given that advice. My feeling is that those who decide—at the decision point, not formalising the decision—do not always keep in mind the public interest. They do not understand exactly how things arise in a question posed before Parliament.

Now I can give many examples. I have been pointing out from time to time by giving concrete instances as I get the slip disallowing questions.

Only the other day I got a slip. I wanted to know whether the attention of the Minister concerned had been drawn to a certain statement made by an Indian national on the Kashmir question. That was the question put. The answer was "No". Madam, there is nothing which can be easily admitted. Similar questions were admitted even during this Session; they have been admitted. I will show you. I got a slip intimating that this question has been allowed because it relates to matters under the control of a person who is not primarily responsible to the Government. Suppose somebody makes an anti-national statement or a serious statement and I ask the question whether the hon. Minister's attention has been drawn to it. It is not a question of the Government being responsible for the statement made by him. The Government is only responsible to answer whether the hon. Minister's attention has been drawn. We may even ask him what the Government thinks of the statement, whether it is considered to be a bad statement and so on. You see, many such questions have been allowed in this House. In my case suddenly, whosoever deals with it, took into his head that this question should not be allowed. What is the reason. The reason given is that the person is not primarily responsible to the Government of India. Why should he be? Here in this paper it was a question pertaining to a statement made by Shri Jaya Prakash Narayan. I asked whether the attention of the Minister had been drawn to that statement. Well, the Government of India is not responsible for what Pakistan does or they are not responsible for any statement made by Shri Jaya Prakash Narayan but it was rightly admitted. Yet here it was again the Kashmir question and things were being said by many people. Surely, we are entitled to ask the Government whether they are taking note of certain things. I know that if I make a statement which Mr. Vajpayee does not like, he will certainly give notice

whether the hon. Minister's attention has been drawn to a statement made by so and so. Then he will start putting a barrage of supplementaries in order to prove how anti-national Bhupesh Gupta is.

SHRI A. B. VAJPAYEE: Provided it is admitted.

SHRI BHUPESH GUPTA: Somehow or other you get them admitted. I know that. Therefore, I say that this is not a very right thing. During the current session you will find that similar questions had been admitted but not this one. Therefore, it is all contradictory.

Another question was regarding allegations of malpractices against Filmfare. The question was whether the attention of the Home Minister had been drawn to the complaints of malpractices by a journal called Filmfare. You see I do not go to films generally. Once in ten years I go. Even that is very, very difficult for me. Complaints made publicly are brought to our notice by various people and we are given to understand that these complaints are made to the Home Minister also. Naturally, we draft a question. Obviously, the Government of India is not responsible for Filmfare any more than the Home Minister is responsible for any murderer. At the same time if a murder is committed and I ask the hon. Minister whether he has received any allegations with regard to a murder being committed by some person in Delhi, the Minister cannot say, "No, this question is not allowed because I am not responsible for the murder." How can you say such things? Here the issue was about corrupt practices and how they manipulate some of the things. In spite of the Sadachar Samitis under the charge of the Home Minister, there is corruption in public life. Naturally, the question goes

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to him. Quite apart from other considerations, while he has to answer it, he can say there is nothing in it. But how can you say that it relates to a matter under the control of a body or person not primarily responsible to the Government of India? How can you say this?

Madam, suppose I say, "Has the attention of the Government been drawn to the serious allegation about income-tax evasion by a certain firm, X?" Can you disallow this question by saying that the Government is not responsible for this firm because that firm is not under the control of the Government. On previous occasions we have put questions regarding complaints against the firm of S. P. Jain or about the enquiries made by the Vivian Bose, Commission and they were replied. The Government of India is under an obligation to fight out malpractices. So when we ask questions whether certain malpractices have come to the notice of the Government of India, let the Minister come and answer them. It would be an absurd thing to reject these questions because the Government of India is not responsible for the person who is involved.

I asked another question whether Government was aware with regard to the newspaper report about the purchase of submarines from the U.S.A. The answer was that the question asks for information about matters which are in their nature secret. At the same time you find questions being put and answered about the purchase of MIGs and various other things. We had a lot of questions about the purchase of aircraft and other things. These had been allowed. But when I put a question of the same category and of a similar nature even with regard to a matter which has been reported in the press, well, it is disallowed on the plea that it is in its nature secret. Who

says a submarine is a secret affair? It is a strange thing. Now Mr. Chavan has gone to the United States of America. Some of the things are certainly secret but other things are not so secret. Well, they appear in the papers. What is more, we are criticised in the House that secrets are sought to be divulged with regard to defence. Anyhow, if they were secret, let the Government come and say that they cannot be answered because they are in their nature secret or involve national security and so on. I will accept it. But here just because whosoever dealing with it does not like it and rejects this question; that is not correct. Yet you will find that the same question is accepted in the other House, or even in this House questions of the same type are accepted. Madam, I can show you that the same question will be accepted next session. Therefore, this sort of things goes on. Therefore, my suggestion is that the matter should be gone into by the Secretariat and there should be proper discussion with the Members of Parliament who give questions. They should see to it that more and more questions are admitted then rejected because it takes time for us to formulate questions. Our time and labour should not be allowed to go waste. Even if there is something technically wrong, in consultation with the Member concerned you should correct it and allow it.

Then, Madam, you find here a list on the grounds of which questions can be disallowed. If you go through the list, you will find that it is extremely vague and gives wide powers of discretion. Now they say, "It is defamatory" and disallow it. I cannot understand this. How do the officers of the Rajya Sabha know what is defamatory because defamation is not so easy to prove. A thing may look defamatory whereas it may not be defamatory. It is a matter for the court to decide whether it is defamatory or not. Therefore, you cannot just

say that it is defamatory. Secondly, why can a question be not defamatory? If somebody has committed acts which lead to a question in this manner, why should it not be allowed? Suppose there are serious allegations of bribery against certain officers and I table a question. While you may say that it is a hint at serious defamation against that particular officer, why can we not put a question relating to that? We are not dealing with what we are saying in public. Well, if we have to be vigilant in this House we have to ask questions about the conduct of individuals and so on, his conduct, treatment or behaviour and so on. Some of it on the face of it may look defamatory but in the public interest it needs to be enquired into on the floor of Parliament.

Then it is said that there should be no imputation in the question or it should not be ironical. These are all phrases that only give powers for rejection of the question. What is ironical? Who is to decide? Are the Secretariat officers so literary, past-masters in literature? Some of the questions may look ironical from the very nature of the subject matter of the question, while they are not so. Therefore, they should not be rejected in this manner.

Now, imputations. Suppose I say, "Is the hon. Minister aware that at such and such time certain officers of the Government were seen in the House of Mr. Santi Prasad Jain after he had been arrested there?" There may or may not be imputation in it though it may sound that there is imputation in it. Must questions be allowed or disallowed on this ground? It is in public interest to go into such matters and find out from the Government where the matter stands.

3 P.M.

Then another thing is there—it is present rule unchanged—forbidding questions asking as to the character

or conduct of any person except in his official public capacity. Well, I do not know where public capacity begins and where it ends, or where private capacity ends and public capacity begins. May I know how you would treat, for example, the Profumo case? He was visiting Miss Christine Keeler, certainly not in his official or public capacity he was visiting that lady in an intimately private capacity. Yet you saw what happened. The question was taken up in Parliament. Macmillan Government nearly felt that Mr. Profumo had to tender apologies to Parliament. Well, all this and other things happened not because Mr. Profumo visited Miss Christine Keeler in his public or official capacity but in his private capacity. Why then are such things disallowed? It depends on how the Ministers and other high officials function in public life, where their private conduct is also very very important, sometimes even more important than what is known to be public conduct or what is known to be functioning in a public capacity. Therefore Profumo case is a case in point in order to understand how absurd is the distinction we draw here. Suppose I ask whether it is a fact that on a particular day a particular Minister—we are a secular State—went to an astrologer to ask whether he will become the next Prime Minister or not, well, you may say that it is private capacity. I say 'No' one should not do such a thing; Ministers should not go to astrologers for such purposes. Here the question should be admitted. And the Minister concerned can come and say: "I did not go." That is a very simple thing to do.

SHRI A. B. VAJPAYEE: Suppose the astrologers go to the Ministers, then what?

SHRI BHUPESH GUPTA: The same question you can ask reversing the order of the question. The other party will figure first. Therefore all I say is

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that the distinction made between private and public capacity is very very wrong and there is no cut and dried distinction provided for here. Suppose I find that a Minister is invited by a black-marketer, or a person who has been evading income-tax dues and may be charged for evasion of tax and I also find that a picture has appeared in the papers that the Finance Minister, for that matter, is associated in a particular manner with him, or is being entertained by him in a restaurant or hotel, or in his private residence, and I ask a question whether this is all a fact or not, the Chairman may reject it because the Minister was being entertained in his private capacity; you may not allow the question.

SHRI A. M. TARIQ: What is wrong there?

SHRI BHUPESH GUPTA: What you will do, I do not know, but if I put a question like that and it is admitted, Mr. Tariq will put a number of supplementaries on it; there is no doubt about it. I say, therefore that here, as far as the Ministers are concerned, as far as the public officials are concerned, their conduct should be an open book, and sometimes their private conduct is even more demoralising and harmful from the point of view of administration than their public conduct, and we should not like them to be spared, more so in the case of Ministers. It should apply also to Members of Parliament on this side. We should be open to public scrutiny. We should be constantly under the searchlight of public opinion. All our conduct should be open to the public. Why? Because we are serving the people and serving the nation, and our people should know exactly what sort of men are we. Therefore there should be no distinction as to public and private capacity, more especially when it comes to responsible people who are

charged with State affairs, like the Ministers or the high officials.

Then you find that the Government of India finances a number of institutions and yet we cannot ask questions with regard to some of them. That kind of distinction is again no good.

SHRI LOKANATH MISRA (Orissa): That is very important. Even though this Government spends a lot of money on them, all the same they are not under public scrutiny here; you cannot ask questions about them.

SHRI BHUPESH GUPTA: Well, we do and sometimes they do not allow.

SHRI LOKANATH MISRA: Therefore something should be there; I have put questions regarding the Bharat Sevak Samaj, but they have been disallowed.

SHRI BHUPESH GUPTA: You should fight it out properly; you may take my advice in the matter. Now therefore it should be done and he is quite right. But if you table a question about the Communist Party, it will be allowed, and supplementary questions will go on even for half an hour. I have seen it; I have seen it in this House. I have seen questions regarding the Communist Party freely allowed and hon. Members feasting on such questions to ask supplementaries. Therefore it is so. Let the Bharat Sevak Samaj come into the picture and let there be supplementaries for five minutes. But first of all allow the question.

Then again you find there is a tendency here to reject questions on the plea that they are in the nature of secrets. Well, if it is a secret, let the Minister come and tell us. Who is there to decide? How the Secretariat knows what is secret and what is not? They do not possess the secret files of the Government. They do not know what is secret and what is not. They go by the hunch of the situa-

tion, but then we suffer, the public suffer. And there has been criticism that there is secretiveness on the part of the Government, needless secretiveness. Whereas in the British Parliament most of the things are known in our Parliament, as you know, things are not allowed; even questions are not allowed in this manner. There is the Official Secrets Act. Let it be examined whether the question given comes under the Official Secrets Act. And if it does come under the Official Secrets Act, let the question be disallowed, but not questions of this kind; if I ask a question whether any joint defence exercises are going to take place in the country, it is deemed a military secret and disallowed. But every paper writes about it. The American television talks about it, but here for this Government, well, it has become a secret. Sometimes I have found questions on a matter disallowed in this House but that matter is discussed in the B.B.C. broadcasts, or the American papers write about it. Many things we were told 'secret' in this House by the Government, or otherwise, have appeared in the American papers and in other foreign papers, and from them we have come to know things. Therefore I say this secretiveness is again very bad. I think the rule should have been liberalised in this matter. Therefore the problem is one of liberalising the rules to allow of more questions being put, and you lose nothing by it. The matter may involve a little effort, or may involve a little money also, but the net gain will be much greater if you allow more questions, because the collective vigilance of the people will be there on the Government all the time, and it would be to the good of the country. That is why I say, Madam Deputy Chairman, that the presiding officer should kindly see that more questions are allowed and these rules to admit Questions should have been liberalised.

As far as Short Notice Questions are concerned, the Ministers feel as if

they have won a big battle if they can reject a Short Notice Question, and the rule is that no Short Notice Question can be allowed unless the Minister agrees and, naturally, when we ask Short Notice Questions—some inconvenient questions for the Ministers—and Ministers are mortal beings: some of them may like to be immortal, but they are none the less mortal beings—many of them take the attitude that they would not answer them. And the matter ends there. Why should it be so?

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA in the Chair)]

It is for the Vice-Chairman or the presiding officer to decide whether a Short Notice Question is one which is in the interests of the public and, if it is so, call upon the Minister to answer it. They cannot say 'No' to it and they should not have the vetoing power. But, then, we have the rule of the Security Council here, and there, only if everybody agrees, only if all the Big Five agree, one can do a thing. But the vetoing power in the Security Council is for a good thing and to do a thing it requires the accord of the Great Powers. And here we find that the vetoing power is exercised against the sovereignty of Parliament by a single Minister, even by a Deputy Minister perhaps. And do you know, Mr. Vice-Chairman, that we had given a Short Notice Question on a matter and also gone on deputation to the Minister concerned to please that gentleman so that he agrees to answer? Otherwise, we know such a question will not be admitted, and the Chairman will say that since the Minister has not agreed to answer it the question is disallowed. We want more and more Short Notice Questions to be admitted and the Ministers compelled to answer them. Well, in some parliaments you just go there on a day and ask an oral question; you do not have to give long notice. There is an arrangement whereunder, after a little time, you get up and ask the question orally: You do not have to

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give written notice and all that, and the Ministers are called upon to answer. Such things happen in certain parliaments of the Western countries; I believe also in Australia, but definitely in certain Western countries it does happen. And why should we not at least have a liberal provision with regard to Short Notice Questions?

With regard to half-an-hour discussion, well, it is there on paper. You can get elected to Rajya Sabha even without the requisite quota; you can manipulate it in a manner to get elected here, if you are a persevering person, and if of course you have the money, there is no problem about it. But it is a whole problem to have a motion for half-an-hour discussion admitted and accepted by the Minister, maybe we are harsh in our discussions. But should be made obligatory and the Chairman should decide whether it is in the public interest that half-an-hour discussion should take place, and once the Chairman is impressed with the need for it, the Minister should fall in line and agree to the discussion. That is all about the half-an-hour discussion.

I now come to Chapter IX with regard to legislation, Bills. The first criticism I should like, to make is that we should have here some kind of provision whereby more Bills are introduced in this House. Now we had been taking this matter up with the Leader of the House, not Leader of the House, Leaders of the Government, shall we say—the Leader of the House was an absentee proposition, as I had said, and we had not succeeded. If you introduce more Bills in this House, then a better arrangement of the business could be had, and except Money Bills any other Bill you can introduce in this House. Why this practice should not develop here, I cannot understand. We are the representatives of parties and the party-men are divided between the two Houses. The Congress Party and other parties are here; they are represented in this House and that House, and why should it not

be possible to have a larger number of Bills introduced here so that exchanges take place? Some Bills come from that House to this House, and others will go from this House to the other House, so that no time is lost. The result of the present arrangement is this. At the fag end of the session we are called upon to rush through a number of Bills. We wait here till the Lok Sabha sends us a whole bunch of Bills towards the end of the session and then we are called upon to pass them in no time. And this is not fair. Well, if you want to abolish this House, abolish it, I will vote for it. But that is a different matter. If you keep this House, I think it should be put on a proper setting and at least more Bills should be introduced here. The Government told us that they would do so, but nothing has been done.

With regard to Bills I find some amendments are rejected on the ground that they are frivolous or meaningless. But how do you decide it? It is a matter of taste. Somebody may feel what he writes is very serious and another man having a less sense of seriousness or himself being frivolous may think it is frivolous. It is for the House to decide the matter, to admit the amendment or not. For example, in the case of the Preventive Detention Act, I suggested that it should be changed to "Suppression of Fundamental Rights Act." Was it frivolous? No, it was a very serious thing for me. It is the correct nomenclature. Why not call a spade a spade? Nobody need be frivolous. I was convinced that this was a good amendment. You may not like it. You may say democracy has a certain element of hypocrisy and you may call it the Preventive Detention Act.

But we say being not so hypocritical perhaps, that it is Suppression of Fundamental Rights Act. We may like to call it by its propinome the and so we wanted to replace the words "Preventive Detention" by

"Suppression of Fundamental Rights". That amendment should have been admitted and debated, and if it was rejected, I would not mind. But it should be open to the House to discuss it. The Salary Bill is coming up.

Suppose I want to give an amendment calling it, not the Salary Bill but "The Self-appropriation" Bill, will it be admitted? Well, I am very serious about it and I want it to be admitted. Mr. Vice-Chairman, I will give that amendment and I hope that it will not be rejected. We may call it "Self-appropriation Bill" not Appropriation Bill for the nation. Why should we not speak bluntly to the people? That is what it is. We are making self-appropriation, appropriation for our own advantage, for the cause of the country, if you like to put it that way. Therefore, I say these amendments should not be disallowed. It is a matter of taste, of opinion, of relative sense of values. Therefore, the Secretariat should not be the guide to disallow anything by saying that it is frivolous or meaningless. To somebody this is meaningless, but to me it is very meaningful. Anyway it is for the House to decide and the House should not be prevented from doing so by disallowing these amendments.

In Chapter XI dealing with Resolutions, you again find that we cannot discuss "such activity and behaviour on the part of the Ministers and other officials which are likely to have repercussions on public life or otherwise affect its standards." On the ground that something may affect the public standards or have repercussions on public life, we are not going to be allowed to discuss a matter. But I say if we give a motion for a Resolution, it is Parliament which should decide whether it should be debated and Parliament is the best judge of the repercussions that discussions here will have. Am I to understand that Members of Parliament coming from the people elected by them, possibly

understand the public reactions and repercussions less than the officers of the Rajya Sabha Secretariat, with all respect to them? Why then the rule should be like this, I do not know. On the contrary we should discuss such matters and if it has adverse repercussions, all the more it should be discussed in order to see we counter such things. Therefore this should have been omitted.

Then comes the question of public interest and here is Chapter XII. Here, Mr. Vice-Chairman, it is a good thing that we have Rule 175 about Motion for Papers. But I think if anything did not have any motion it is this. Never has a Motion for Papers been discussed and all these twelve years it has been completely static. Why have this thing unless we can discuss it? I do not know how many Motions for Papers I gave notice of and in not one single case have I succeeded or any other Member has succeeded, and yet there is this provision for such a discussion. It is a dead letter. Therefore, try to make it a little alive by accepting this thing. Here again the time factor is very important. I give notice of a motion for papers with regard to a matter which has happened yesterday. It is in the public mind today. It will continue to be in the public mind tomorrow and the day after, agitating the whole country. What is the use of deferring it? We are told that the thing has been sent to the Minister. I can also send it to the Minister. Sending it to the Minister is not a difficult job. I can post a letter or give it here to the Minister. We are not interested in only sending it to the Minister. We are interested in getting the Minister to face the issue, in discussing it and in his telling us what has happened and what has not happened. Today as you know, I gave notice of a motion for papers with regard to the detenus; perhaps it has gone to the Minister and the Minister will put it in the file and will forget about it

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and I have nothing else to do except shout here some time. That I do as a matter of routine and our Ministers are not at all disturbed by this kind of a thing. Therefore, I want the rule to be effective in this matter so that the Minister may face the issue and the discussion in the House and if I am in a position to convince the Chair about the importance and the urgency of the matter, why should the Minister be in a position to veto it and escape the discussion?

[THE DEPUTY CHAIRMAN in the Chair]

I do not know, Madam Deputy Chairman, why we have this rule 175. We can give it a burial now. It never functions. It is one rule in this House which has never functioned, even for keeping it alive. You know sometimes you have certain possessions or property and in order to maintain the right to it, in order to escape limitation suits and the like, one has to assert one's right to it. But here for twelve years not once have we asserted our right under this rule.

Then there is Chapter XIII dealing with adjournment motions. Here in this House we do not have adjournment motions and I think we very badly suffer on account of it. There was a prevalent notion in our country that adjournment motions are not meant for the Upper Houses. This is wrong notion because in the Upper Houses in Canada, Australia and Ireland, you can have adjournment motions. Therefore, I make it absolutely clear that it is not as if in the Parliaments of the British Commonwealth, they do not have adjournment motions in the Upper Houses. I do not know why right at the beginning we did not accept the provision for adjournment motions in this House. There we went by the practice of the House of Lords which does not have adjournment motions. But then the House of Lords has a different type of composition. If you go to the House of Lords and if you look at the members, you feel thoroughly demo-

ralised and you feel like adjourning yourself. Certainly we are not of that sort. It is not that spectacle that we present to the country, either collectively or individually. Why should there not be adjournment motions in this House, I do not know. Anyhow, as a result of it we suffer. Here I wish to say, Madam Deputy Chairman . . .

SHRI P. N. SAPRU: May I intervene to point out to the hon. Member that in the old Council of States of the pre-independence days, we were allowed to move adjournment motions?

SHRI BHUPESH GUPTA: Well, I am very grateful to the hon. Member for pointing that out. Therefore you had gone one better than the British.

SHRI P. N. SAPRU: Yes.

SHRI BHUPESH GUPTA: I am very glad to hear that, because in Australia and other places it is possible to have such motions, but here they will not allow this thing. Therefore, I say here you are putting the hands of the clock back and instead of improving upon it you are not allowing it now.

SHRI NAFISUL HASAN: It was at a time when the Government was not responsible either to the other House or to this House.

SHRI BHUPESH GUPTA: Pardon?

SHRI NAFISUL HASAN: I say adjournment motions were admitted and there was the provision for such adjournment motions at a time when the Government was responsible neither to this House nor to the other House.

SHRI BHUPESH GUPTA: Nonetheless, the Congress Party got a bargain out of it all.

SHRI P. N. SAPRU: In Australia and Canada, I believe, adjournment motions are allowed in the Upper

Houses, though the Government is responsible to the Lower House.

SHRI BHUPESH GUPTA: Quite right. The hon. Member is absolutely right there. I do not know why you are leaving us. I am fighting for your rights.

SHRI NAFISUL HASAN: I am going to support you because this has nothing to do with the motion of no-confidence. We can have adjournment motions also but they will mean nothing.

SHRI BHUPESH GUPTA: This again is wrong. The argument that a Ministry has got to resign on an adjournment motion being carried is wrong in theory. Only if the adjournment motion is accepted on matters involving policy, the Ministry has to resign. Please understand this, the two theoretical concepts have to be made clear. We have suffered on this and I do not like my House to lag behind the other House. I find that Mr. Vajpayee has now become a convert of this House. He says, "Hear, hear". That is the spirit. If a very important and urgent matter agitating the entire country arose today, the other House will have an adjournment motion, discuss it for nearly two hours. Here, we give the Motion for Papers and the Chairman will say, "I have passed it on to the Minister." If we are a little excited, we speak for ten minutes. The Chairman will say, "Sit down, sit down. Next item". We get into bad relations with the Chairman but the country does not know anything. The impression created is as if we are not vigilant. The country does not know that we do not have provisions for adjournment motions here. The country feels that the Rajya Sabha did not take up the matter, Members individually and collectively, whereas the other people took it up. This has a reflection on us both individually and collectively and yet we want to be as

vigilant as any Member in any legislature in this country. Why should we be put at a disadvantage in this manner? It so happens that I write out the adjournment motions for the other House to be taken up by our Members and come here with a Notice of Motion for Papers—or whatever it is; it has got a flamboyant name, a clumsy name that I cannot even remember it properly—but nothing is done. Therefore, we should be put on a par and issues should be taken up as much by us as by them. I pleaded for it. The note circulated by the Rajya Sabha Secretariat showed that this provision was there in other countries so far as the Upper Houses were concerned but for some reason or the other we did not like to take it up. It may be convenient to the Government or to the Minister but certainly it is inconvenient to the House as a whole including the Members of the ruling party. Therefore, we remain deficient in this respect. My only request on this score would be that the substitute Motion that is there should be given proper attention and we should be allowed to make up for the loss by taking recourse to other available avenues of agitating public issues, raising public issues and bringing things to the notice of Government and having them discussed. This should now be somewhat possible because of certain changes in the other Rule.

I come now to Chapter XIV, Calling Attention to Matters of Urgent Public Importance. Now, the other House has got this provision, the Minister comes and answers. We do have something like that. In fact, if you see the rules, the formulation is more or less the same but when it comes to actual implementation we are treated in a different way, we are second-class citizens.

SHRI A. B. VAJPAYEE: We are.

SHRI BHUPESH GUPTA: If you have such a motion there, it is

[Shri Bhupesh Gupta.]

announced in the papers and the Minister comes and answers. They can ask some questions. In our House we have also got something in the nature of that but again we are told, "I have passed this on to the Minister" and the Ministers generally remain silent. If we go on badgering them, they come sometimes to say something but on most occasions they do not come at all to deal with such matters. There again we are deficient. The Lok Sabha has a lead on us. A good change has been made and a Calling Attention Motion of some sort will be allowed in this House. All I say is that we should co-operate so that this thing becomes operative and active. We shall give plenty of notices, I assure you, from this side of the House, and from the other side too, if you like, so that we can demonstrate that we are as alert, as vigilant as anybody else in this or other Parliaments.

THE DEPUTY CHAIRMAN: Mr. Gupta, you have taken over an hour and a half.

SHRI BHUPESH GUPTA: I know but you have no business.

THE DEPUTY CHAIRMAN: But there are many other speakers. Over twelve names are with me.

SHRI BHUPESH GUPTA: The other Bill is not coming. We can go on. You can get more speakers.

THE DEPUTY CHAIRMAN: I do not want to stop you but am only just mentioning that there are twelve more names.

SHRI BHUPESH GUPTA: You will be short of speakers, I can tell you. That is the arrangement of the business of this House. I am helping you really, you will understand it later on.

I now come to Chapter XVI. Here again, I feel that we should not be very touchy about privilege. Certainly we should like to be protected against very malicious interference

with our work as Members of Parliament but we should be ready to place ourselves in the searchlight of public criticism. Even if some uncharitable things are said about us, let them be said. As public workers, we can stand up to them. If we are good, people will say that the criticism levelled against us was bad and corrections will come from the people. If we are really bad and deserve such criticism, we should not be protected by rules of privilege. I think sometimes we tend to use this rule regarding privilege in a very rigid manner. We the Communists have the privilege of being attacked almost every day by the multi millionaire press but I can tell you, Madam Deputy Chairman, we have become thick-skinned in this matter. Whenever they do such things, it is for us to win the confidence of the people by our action. We should not come with Privilege Motions unless, of course, there are very serious cases in which gross interference has taken place. Now, personally, we do not like the manner in which, for example, the Blitz paper was hauled up in another place and punished. Well, something was said about things being frivolous; if they are so, people would not take them seriously. Anyway, we should not be so very touchy. On the contrary, I should like Members of Parliament to be open to criticism. Let them be criticised. What we need today is more criticism: the conduct of everyone of us should be subjected to criticism from a democratic angle; let them even be criticised from other angles, and we the Members of Parliament should show an example to the country that we can stand on our own, show that what we are doing is for the good of the people and if we are subject to adverse criticism, others will protect us. We need not take cover under the question of privileges here. The law of privilege should be codified—that is absolutely essential—and the public should know what exactly is the law, what constitutes a breach of privilege. Today there is absolutely no certainty about it all because we still live in the old days.

As I said, I would not like to be very touchy about this and only in exceptional cases should we invoke the Rule. In other cases we should ignore them. Members of Parliament should be open to criticism.

SHRI P. N. SAPRU: I wish Mr. Bhupesh Gupta remembers what he had sent so far. He referred questions to the Privileges Committee which need not have been referred to it at all.

SHRI BHUPESH GUPTA: I was expecting an interruption of this kind I anticipated it and it is a good thing it came from our esteemed friend, Shri Sapru. Bhupesh Gupta is spoken of in so many ways; that does not come in. I remember the case which was absolutely, patently malicious. Suppose somebody calls you, Dr. Sapru, as a bandit. Certainly, I should like this matter brought up but if they call Bhupesh Gupta as somebody else or by some other things, that sort of description, I need not be very touchy and when I came.....

SHRI A. D. MANI (Madhya Pradesh): On a point of order, Madam. I do not think it is proper for us to discuss any decision of the other House. The decision might or might not have been wrong: He referred to the Blitz case and then started off his arguments on the basis of this case. I think he should avoid any reference.

SHRI BHUPESH GUPTA: Under which rule does Mr. Mani ask me not to discuss it?

SHRI A. D. MANI: The point is, it is not proper for us.

SHRI BHUPESH GUPTA: You have your own sense of propriety. It is different. You are an upper class man; I am a man of the working class or the peasantry whom you call ruffians. Therefore I do not understand all that etiquette. He is a very elegant man, man of the upper class ideologically also. I am a man of the

poorer classes. Therefore my sense of values and etiquette is something different from what he has. He said I mentioned something about Lok Sabha. But you got an editor put on the bar and a whole melodrama was enacted there and you think it is nothing?

SHRI LOKANATH MISRA: Mr. Mani is a working journalist and he represents that class.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you must not refer to that.

SHRI BHUPESH GUPTA: All right. In the Australian Parliament if such a thing had happened, wouldn't you have objected to it? I say that the Press is demanding that the privilege rules should be codified and I think it is high time that we did it. We need not feel very touchy about it.

Now there is the Rules Committee mentioned in Chapter XIX. The Rules Committee never functions. What is the Rules Committee for? I have been a Member of the Rules Committee I do not know for how many years and I do not know what I have done there. Absolutely nothing. Therefore this Rules Committee is again a fiction. Now, can I criticise my House? I think I can. Therefore if you want to have a Rules Committee, you have it but the Rules Committee should review the functioning of Parliament, should review the operations of the Rules from the standpoint of democracy. Therefore we should have occasional meetings of the Rules Committee in order to review how the Rules are being applied, how we are working them, whether we are helping to promote the growth of parliamentary institutions through fair and free discussions in the House. Why should we go to sleep all the time, get up once in twelve years like Kumbakarna and say we are members of the Rules Committee?

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Regarding General Rules of Procedure I do not wish to say much. There is a tradition that the President's name should not be taken. In Bengal—I do not know whether you have it in other parts of the country—the daughter-in-law in the house cannot take the name of husband's elder brother.

SHRI AKBAR ALI KHAN:
Husband's name. (*Interruptions.*)

SHRI BHUPESH GUPTA: Here we can't take the President's name. The President is not a divine creature or a Sovereign of the type we have in England. We have an elected President and we can naturally take his name, naturally with some measure of dignity. So there should not be any taboo about taking his name, and I think this matter should be considered.

With regard to other things, sometimes the Press—not all but some of them—misreport and I think it is very important that we give special place to the Press as far as Parliament is concerned. In fact, minus the Press, many of us would not be speaking at all. (*Interruptions.*) You are not conscious of it, I know. But I am brutally frank in such matters. Do I think that I can convince you by saying anything? When I say something about the Government it is reported in the Press and public opinion is roused. The Press is that mechanism. Therefore do not be ashamed of keeping in mind the Press. The Press should publish what we say here. What are we here for? We have been trying to convince each other for twelve years now. The public should know what we are saying; our constituents should know what we are saying. But sometimes misreporting takes place, and misreporting of a serious nature. And I am the poor chap who is sometimes subjected to it. Now, Madam Deputy Chairman, certain nasty remarks are made against the Communist Party. If I get up and interrupt, then you say, 'sit down, sit down; don't inter-

rupt'. And the Press says that Bhupesh Gupta did not get up and I have accepted the criticism. I think we should have some provision. To protect against this kind of suggestion on the part of the Press I have to get up, not that I want to disturb the proceedings. So you see, if I get up there is trouble and if I don't get up, then also there is trouble.

SHRI NAFISUL HASAN: Your past conduct is responsible for all that. Because you get up on every point so that if you don't get up on one point this sort of presumption is made.

SHRI BHUPESH GUPTA: If I do not answer this thing in a very fitting way, then again the Press will say I have had nothing to say.

SHRI I. K. GUJRAL (Delhi): You should have raised an issue of privilege at that time.

SHRI BHUPESH GUPTA: No; this does not come under that. Mr. Vajpayee one day came and said something about reporting made in a particular way. It is understandable that certain political colouration will always be there. I can understand the monopolist Press not being very gracious towards me. Similarly the Communist Press may not be gracious towards him and if the Communist Press does some misreporting, he should be given a chance to have this thing corrected. That is what I say. The matter should be corrected here on the floor of the House immediately. These are really minor matters.

Then I come to another question. Whenever the Ministers quote from a certain paper and we ask them to lay it on the Table, they say they would not lay it. They can take cover under Rule 249 but they should not abuse this privilege given to them. Normally, the paper quoted should be laid on the Table of the House if a demand is made. The Minister should be made to lay it on the

Table of the House and the Ministers should satisfy the Chair at least before they refuse to lay it on the Table of the House, especially when the Members object to this kind of refusal. But we find sometimes on very frivolous grounds things are not laid on the Table of the House, things which would be of advantage to the House and useful to the Members for discharging their functions.

So far as Rule 256 relating to suspension of Members is concerned, I think the suspension of Members should be the subject of discussion in the House. Personally I think a habit is developing in our country of using police force in order to get a Member evicted from the House. We do not like such a thing to happen. In the Uttar Pradesh Assembly it is happening. It is reported in the papers that the Auxiliary Police force is called in in order to chuck out a number of Members from the House. Now that is a very very bad thing. Why can't the House adjourn and see that the moral consensus of the Members is brought to bear on the Member concerned if he has done anything wrong so that he can correct himself?

SHRI P. N. SAPRU: It won't be possible at all.

PROF. B. N. PRASAD (Nominated): It won't work.

SHRI BHUPESH GUPTA: Suppose a party had 101 Members and the police force comes in to remove them. Do you think that will work? There will be a fight; there will be a civil war in the House. Would you like it? You would not like fisticuffs in Parliament. You can do it because we are small in number. Suppose we are a hundred people here; would you move in an army in order to get us out?

SHRI NAFISUL HASAN: It is in pursuance of the order of the Chair that the police is brought in.

SHRI BHUPESH GUPTA: Let the Police Commissioner deal with the

police; not the Chair. There is no Parliament in the world where the police enters. It would be considered an insult to Parliament, an affront to the nation, if police is brought in. In the Italian Parliament . . .

SHRI M. RUTHNASWAMY: On a point of information, the police were called in to take away Irishmen who gave trouble in the House of Commons.

SHRI BHUPESH GUPTA: He is living in Parnell's time. I think we have travelled far ahead of that. Police in British Parliament?

SHRI M. RUTHNASWAMY: Yes, if there is any trouble.

SHRI BHUPESH GUPTA: When? Was it in the 19th century or 18th century?

SHRI NAFISUL HASAN: Even now, when he disobeys the Marshal, who acts in pursuance of the order of the Chair, only when the police comes in.

SHRI BHUPESH GUPTA: That is not so. In the British Parliament the police will not come in now-a-days. I know the former Labour Minister, when he was a member of the Labour Party, Mr. Emanuel Shinwell. He walked up to the other side and slapped a Minister. He was asked to quit, but he would not.

SHRI P. N. SAPRU: Is it your suggestion that it should be open to a Member to bring to a standstill the entire business of the House?

SHRI BHUPESH GUPTA: But how does police help your business to be conducted?

SHRI P. N. SAPRU: We may have our own police. We may have our own Watch and Ward.

SHRI BHUPESH GUPTA: Whatever it is, how does the police help you? If disturbances take place, you

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can adjourn the House. (*Interruptions.*)

SHRI P. N. SAPRU: If you make it impossible for the business to be carried on, what is to be done?

SHRI BHUPESH GUPTA: There again, you are a very learned man. You tell me. Suppose in Bengal we are 100 in the Opposition and 150 there, on that side. You call in the police and ask the police to act. There will be fight inside the House and the House will not go on.

SHRI AKBAR ALI KHAN: The point is, how is the order to be kept? If somebody makes working impossible, what is your alternative?

SHRI BHUPESH GUPTA: Moral sanction.

HON. MEMBERS: No.

SHRI BHUPESH GUPTA: With the police how would you do such things?

SHRI NAFISUL HASAN: Only when moral sanction is not going to work that is done. It is only against those persons who do not believe in moral sanctions.

SHRI BHUPESH GUPTA: I think we believe in moral sanctions.

SHRI M. M. DHARIA (Maharashtra): May we know why Mr. Gupta is particular so far as this provision is concerned?

SHRI BHUPESH GUPTA: The hon. Member thinks that some day he would like the police to be set on me . . .

SHRI M. M. DHARIA: No.

SHRI BHUPESH GUPTA: . . . but the House will not go on. I can tell you, if you bring in the police, I shall fight and die here before I am chucked out. You can take it that I can go out on your orders or if all of you, Members, want me to go out.

The police will not throw me out. Therefore, do not go into that.

SHRI M. GOVINDA REDDY: The question of police does not arise.

SHRI BHUPESH GUPTA: The problem has not arisen and I think that it is not necessary. But it is abhorrent that Parliament House should be invaded by policemen, take away Members of Parliament by force. If we have failed, all of us have failed. If we cannot correct an erring Member, well, let us try to do it otherwise, by talking to other Members, by talking to his Party, by bringing to bear upon him our moral influence. I think it is possible that we could discuss it. But the tendency today in most parts of the country is to call in the police whenever they like. What has happened to the U.P. Assembly? By frequently calling in the police, have you served the cause of the Assembly? If disturbances take place, let the Assembly be adjourned or even prorogued. Therefore it does not help. That is what I say. I do not think that I will give you an occasion at all to attract the police force. Therefore, if a suspension is made, the matter should be discussed and debated in the House. Why should not the suspension be debated? We summarily suspend him. No. When the man is there, there should be a proper discussion and the person should be in a position to state why he should not be suspended. Others may speak either for or against it. The opportunity should be given. Therefore, I say if you bring in the police force every now and then, what will remain in the country is not Parliament but the police force. It is the surest way of putting the country at the door of a dictatorial regime.

SHRI AKBAR ALI KHAN: It will be only in exceptional cases when it is difficult and absolutely unmanageable. We agree with you and we do not accept the proposition that the police should come in, but if there are one or two Members who make the working of the House impossible, what are we to do?

SHRI P. N. SAPRU: The police can be under the control of the Chairman. The police working in Parliament can be under the control of the Chairman.

SHRI BHUPESH GUPTA: But lathi charge is not the right way of dealing with Members of Parliament inside the House. Why must we have lathi charge upon us?

SHRI A. B. VAJPAYEE: From police you have shifted to lathi charge.

SHRI BHUPESH GUPTA: Otherwise, how will you remove me?

SHRI M. RUTHNASWAMY: They would bodily carry the hon. Member out.

SHRI BHUPESH GUPTA: That is right, but suppose the Member is a little bulkier than I am. What happens? Do not go into that. Now, it leads to clashes. It degrades Parliament. Please understand that you have not gained by it. In Pakistan, Parliament and Assemblies have time and again been adjourned when Members of Parliament were very strong. That habit of calling in the police should not be created. Moral force is the biggest force. Do you think today that we are controlled by the fear of the police? If we are controlled by anything, it is by the fear of moral disapprobation. That is the thing. Develop it. But who is to control the Ministers?

SHRI LOKANATH MISRA: There is no Minister now in the House.

SHRI BHUPESH GUPTA: Can you send for the police to get them out?

SHRI P. N. SAPRU: If they misbehave.

THE DEPUTY CHAIRMAN: Now, Mr. Gupta, you have dealt with the police.

SHRI BHUPESH GUPTA: Therefore, as far as the point of order is

concerned, I do not like any dictatorial methods in the Legislature. Whatever the Chair says is final. Suppose the Chair says it is defamatory. A medical man may be in the Chair as the Vice-Chairman of the House. Now, how would he interpret what is defamatory? Normally, he is not expected to know it. He can say: I rule it out on the ground that it is defamatory on the advice of somebody. Therefore, I say in respect of points of order, such things should be open to review from time to time because sometimes very bad points of order are raised in certain Assemblies. Therefore, it should be reviewed. Occasionally it should be reviewed. Therefore, I say that it should be provided here. It is said undignified

SHRI NAFISUL HASAN: Do you not think that it would be impossible to work in Parliament on every point of order a discussion takes place?

SHRI BHUPESH GUPTA: The point of order stands. When it is given it is final. I am not saying that at that time you debate it. But later on there should be a provision for some review, if the question is raised after the House is over on some other occasion. I understand your point. I am not saying that it should be debated again concurrently.

Now, I come to expunctions. Expunctions are made. There are rules. But we find expunctions are sometimes made without caring for the rules. Take for example the other day in this House Mr. Krishnamachari called us traitors. I could not get it expunged. But everything that I said against him, most of the thing, was expunged. I do not know under which rule my remarks were expunged and not Mr. Krishnamachari's utterances against me. I should like to know it. Therefore, this should be

SHRI AKBAR ALI KHAN: In such matters somebody should exercise discretion, whether it is your own.

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affair or the Minister's affair. Otherwise, Mr. Bhupesh Gupta, democracy will not work. If you are working up to it, then it is a different thing.

SHRI BHUPESH GUPTA: Is it your conception, Mr. Akbar Ali Khan, that for democracy to work you must allow Mr. Krishnamachari to call the Opposition traitors and prevent the other Opposition Members from repudiating it?

SHRI AKBAR ALI KHAN: No. I am not supporting him. I may not agree with him. That is a different thing. But there may be occasions when the Chair should have its discretion.

SHRI BHUPESH GUPTA: I agree, but you have the rules here. You lay down exactly on what grounds things could be expunged. The rules are there. The rules should be adhered to if you like. But it should not be as if because I have caused discomfiture to the Minister, said something he does not like, therefore, it should be expunged. No. If it comes within the mischief of the rule, by all means expunge it. I have no objection. But it should be a two-way traffic. If the Minister has said something that should also be expunged. We want the protection of the rules here.

My final point is about the rule mentioned in paragraph 38 of my Minute of Dissent about the All India Radio. I want that rule because it is a Government institution. These are new suggestions. Why do you go by the old rules? The All India Radio makes a coverage of Parliament's proceedings. Many of you listen to it. You will see how the Government's case is made out. Suppose the Budget is discussed. A few make speeches in support of the Budget, praising it and most speakers speak against it, opposing it. The coverage will be such as to create the impression that most of the Members had supported the budget and very few had opposed it. These things happen. Inconvenient

things said against the Ministers are not included.

SHRI ARJUN ARORA (Uttar Pradesh): But most of the Members do support it.

SHRI BHUPESH GUPTA: The trouble with you in the Congress Party is this, this is the dilemma. He speaks against the budget but votes for it. They can say that he voted for it but his speech should be correctly reported. That is the paradox into which you are placed, but we are not. Anyhow let it be properly reported. It should be objective. All I say is, do not try to artificially keep out some things. Suppose Mr. Arora makes a long speech. You are there criticising the Government but you say that the Finance Minister is very good. Would you like this point to be reported in this way that Mr. Arora paid tribute to and complimented the Finance Minister? No. You would like other things to be said and after that about the voting. In this Parliament I find that sometimes we come out with solid criticisms from both sides of the House, Congress side and this side. Together we criticise them on many things. That should be reflected properly by the All India Radio because it gives the version of Parliament and a report of what happens in Parliament. I think it is very very necessary that they should do that. I should like to have some kind of supervision on that kind of thing through a proper mechanism so that the reporting coverage is objective. That is all I say. It should not be weighted in favour of Government.

SHRI P. N. SAPRU: A Board.

PROF. B. N. PRASAD: It is a good suggestion.

SHRI A. B. VAJPAYEE: Only the Lok Sabha is reported well.

SHRI BHUPESH GUPTA: You must know how to get more time. Here I say if you function vigorously,

attack the Government and you get more time. I know they cannot miss it. Attack the Government on points on which the Government should be attacked. But the trouble with you is on good points you attack the Government and on bad points you support the Government as far as you are concerned. Anyhow this is the problem here. Therefore, I say that the coverage should be good and I do not know whether some mechanism should not be there in order to ensure it. This is another important matter.

Then I come to translations. I understand that Hindi translation is now being arranged for. There should be simultaneous translation in all languages. Hindi is not the only language. Other Indian national languages are there. Hindi certainly is the official language and is going to be the official language for all-India purposes, but it is not the only language. Members of Parliament come from all parts of the country from the poorer sections of the community, many of whom may not follow Hindi or English. They should be in a position to follow what Mr. Sapru says in his chaste Oxford English with Oxford accent. Even people knowing English do not understand him sometimes. It should be translated into various languages. Why only Hindi should be there? It is possible today and it is within our reach to have arrangement for simultaneous translation into Hindi, Urdu, Telugu, Tamil, Malayalam, Bengali, Gujarati, Marathi, Assamese and so on. Everything you can do.

SHRI N. VENKATESWARA RAO (Andhra Pradesh): Is it possible to translate simultaneously into fourteen languages?

SHRI BHUPESH GUPTA: I have attended conferences where it is very easily done. I found in a university in the Soviet Union which I visited provision for thirteen languages, not only their languages but also other languages. Anyhow you have the languages. It is a mechanical thing.

Once you have it for one language you can have it for two languages also. It is a mechanical contrivance. You can multiply and make various arrangements. It is undoubtedly a little expensive, but why should we not spend money on it as it is absolutely essential? We do not like that the speeches should always be made in English or Hindi and others should not understand them. In any case I should be in a position to speak in Bengali if I like. For twelve years I have not spoken in this House in Bengali. Why should I be debarred from speaking in Bengali? Why should he be debarred from speaking in Malayalam if he wants to speak in Malayalam? I do not like that. These are Indian national languages and arrangements should be made so that the Members can speak in their mother tongue if they like. That is only showing respect to their mother tongue.

SHRI ARJUN ARORA: If the hon. Member wants to speak in Bengali, he may do so. We will welcome it.

SHRI BHUPESH GUPTA: There is bar. Mr. Arora is forgetful of the rules. If I know English or Hindi, I cannot speak in my language. I am barred by the rules. If anybody now wants to speak in Malayalam who does not know English or Hindi, he has to write out his speech, give a copy to the Chair beforehand and then make the speech. (Interruption) Therefore, we want to change that. There should be arrangement for simultaneous translation. These are the galleries. Have you seen anybody there any day? I have not seen. Sometimes I see some Governors there and I do not see anybody else. They can be easily transformed into proper boxes or cubicles which could operate the machines for translation. We can easily buy them from any country. They are very common today. I think if we spend a little money, we can make this arrangement here and now. This is so simple in other countries. Why it should not be provided for here in

[Shri Bhupesh Gupta.]

this House, I do not understand. That is conducive to national integration. Indian Parliament speaks not only the voice of India but in the languages of India in the common deliberations of the biggest national forum. What else could be a greater example to the world than that we are speaking here in different languages? When we quarrel, we also quarrel in our own languages and thereby we develop a common symphony in the debate and discussion. It is very very important. I think a recommendation on this had been made by the National Integration Committee, and the only ground on which it is rejected is that we have not enough funds. Have you found out how much money it requires? First enquire; it does not require much money at all. Therefore, I would ask the House to consider this matter. If you do not have all the twelve, start with some of the major things. You have started with Hindi. At least we will learn Hindi here, it will help us also, help those who do not speak Hindi. But start with at least some languages. Urdu language should be there and other languages should be there. If you like, I should say that Bengali should also be included. Have respect for all the languages, but this is for you to decide. I do not say that all the twelve should start on the same day together. But start with as many languages as possible and make arrangement for simultaneous translation in this House. I would like this to be done in the other House also. These are my observations with regard to this rule.

I hope I have covered the entire ambit of the rules.

SHRI AKBAR ALI KHAN: More than covered.

SHRI BHUPESH GUPTA: That I have done. This is the only occasion in which you can speak on this subject. Never can you get a chance to speak on this subject. Probably it will be the last chance for myself.

Finally, I should like to pay a tribute to the work of the Committee where we worked in a team spirit. We did not inject into it anything in a partisan spirit or narrow party spirit. We tried to function as if we were the representatives of the House and not of any particular Party. Despite our very serious ideological, political and other differences we so functioned in the Committee under your Chairmanship that we could produce by and large an agreed thing.

That itself is a tribute to the 4 P.M. collective approach in matters like this. If we have given some Notes of Dissent, it is only to highlight some of the tasks which need to be faced later on, some of the problems which remain unsolved. The generations that will come after us might consider in their wisdom whether what we have said was wrong or not and then it is for them to decide as to what should be incorporated or not.

Madam Deputy Chairman, I think by and large, we have all tried to make this House a success. This House is sometimes despised by outside, not here: "Oh! you are Members of the Rajya Sabha!" and so on. Well, if you ask me, very politely I say, with all that we discuss sometimes it hurts us because it may mean a reflection of how we function in this House. Therefore, I say that we should, so long as this House is there in the present set-up, try to make it a vibrant institution, a vigorous institution, we should try to transform it, within the limitations of the present system as far as possible, as an instrument in the service of the people and we should make it a tribune of the people if we can. It is a very, very difficult and ambitious task but none the less, we should try to make it so because Parliament is glorious only when the people's interests are reflected in it truly; Parliament is a success only when it carries forward the vital interests of the masses and speaks out against tyranny and oppression and the forces of dark reaction

and so on. Parliament is good when it is progressive; it is bad when it is retrograde. And we have seen the degeneration of Parliament in many countries, in South East Asian countries, when even under a Constitution Parliament's functioning gets debased, demoralised, degraded on account of the advent of the reactionary forces at the scene of parliamentary politics. We hope, Madam Deputy Chairman, that that shall not be the fate of the Indian Parliament. We hope that we shall not only be helped by the powers that be in order to strengthen the parliamentary institution but, what is more, that Parliament becomes such an effective institution that bars the way to reaction wherever it may be, and we should try to fashion our parliamentary work so that we become truly vigilant about the rights and liberties and interests of the people. Rules, procedures, conventions and traditions must yield to the interests of the people and the nation. Therefore, whenever we discuss such questions of traditions, conventions, rules and by-laws and other things like interpretations or the conduct of the House, we must always have in our minds our people, the downtrodden people, who look forward to us for succour and relief, for a fair deal, for a good life, for social justice being meted out to them and who want to be saved from the hands of the concentrated power of wealth and so on. Therefore, that should be our approach. Parliament has to develop more and more a social outlook, a democratic outlook, and that must be a dynamic outlook. Parliament should function in such a manner that it has no compromise with the forces of evil and tyranny and oppression; on the contrary, it should become a fighting institution in the hands of those who stand for progress and want to go forward. That is how we should view it. We should not imitate these countries of the Commonwealth and other things. They are of bygone days. They are obsolete in many ways. They do not answer the needs of their own people. They are

the creation of a society which is full of vested interests. Therefore it is not right for us, a brave nation like ours, to look to the English House of Commons all the time in order to decide what we should or should not do. We must take counsel from the people of our country. We have our traditions of struggle, our traditions of progress. We have got a fund of culture and civilisation and I think once we know how to go forward, we will also know how to draw upon our past heritage and combine it with the current needs of our situation and see that the Parliamentary institution becomes a shield against all forces of dark reaction and it becomes a fulcrum of progress and advance for the people and the country. Parliamentary institution shines not in the speeches but in the nature of the service it renders to the people; parliamentary institution projects itself, by day-to-day work, into the hearts and minds of our millions of people, peasants, workers, working people and toilers in all parts of the country who begin to see more and more of our conduct and look at us and say: "Here are the true representatives of the people". This is a great and ambitious task but nevertheless that is how we should set about the task and the assignment that has been given to us.

I welcome these Rules which have been modified by this House—and the other House—and I hope that we shall give substance, flesh and blood, to these Rules. Thank you.

SHRI A. M. TARIQ: Have you finished your speech?

SHRI BHUPESH GUPTA: Yes.

श्री विमलकुमार मन्नालालजी चौरड़िया
(मध्य प्रदेश) : उपसभापति महोदया, यह जो
रूलस विचारार्थ आए हैं इनके लिये जो सभिति
बैठी थी उस सभिति का मैं भी सदस्य था और
इन रूलस के बनने से पहले के जो रूलस हैं

[श्री विमलकुमार मन्नालालजः चौरडिया]

उनमें काफी परिवर्तन और संशोधन करके इनको लाया गया है।

मैं सदन का ध्यान कुछ खास बातों की ओर दिलाना चाहता हूँ। वैसे तो कई रूलस में ठीक से व्यवस्था है ही, पर इसके बावजूद भी रूलस का पालन ठीक तरह से हो और उसके अनुरूप काम चले यह भी अत्यंत आवश्यक है। पूर्व वक्ताओं ने कुछ बातों की ओर ध्यान आकर्षित किया है और प्रश्नों पर सप्लीमेन्टरीज के बारे में एक भाई ने सुझाव दिया है कि सप्लीमेन्टरी करने का अधिकार अधिकतर उस आदमी को दिया जाना चाहिये, जिसने कि प्रश्न रखा है और दूसरे का अधिकार सीमित किया जाना चाहिये। मैं जरा उस विचार से मतभेद रखता हूँ। अगर कोई सदस्य उस में दिलचस्पी रखे और उस प्रश्न के ऊपर पूरक प्रश्न पूछना चाहे तो पूछ सकता है और इसमें किसी तरह की आपत्ति नहीं होनी चाहिये और ऐसी स्थिति में मैं इससे सहमत नहीं हूँ कि केवल जो मूल प्रश्न पूछने वाला है उसको पूरा अधिकार दिया जाना चाहिये और वही उसको पूछे, और बाकी सदस्यों का अधिकार सीमित कर दिया जाना चाहिये। वैसे अगर हम देखते हैं तो हमारे यहां जो परम्परा है उसके अन्तर्गत जो मूल प्रश्न रखता है और उसको तीन प्रश्न पूछने का अधिकार साधारणतया दिया जाता है, आवश्यकता पड़ने पर उसको और मौका दिया जाता है। ऐसी बात नहीं है कि उसका अधिकार बिल्कुल सीमित हो। दूसरे लोगों का अधिकार सीमित रखना मैं किसी भी परिस्थिति में उचित नहीं समझता। यदि मूल प्रश्न पूछने वाला जो है उसको अधिक प्रश्न पूछने का अधिकार दिया जाय तो उसमें किसी प्रकार की आपत्ति नहीं हो सकती है और वैसे ही अध्यक्ष महोदय जब वैसा उचित समझते हैं वैसा करते हैं और ऐसी स्थिति में, यह जो सुझाव दिया है उसका मैं विरोध करता हूँ और अपनी जो वर्तमान व्यवस्था है उसको ठीक समझता हूँ।

प्रश्नों को अस्वीकृत करने के बारे में भी काफी चर्चा की गई। यह जरूर है कि जब सदस्य प्रश्न देते हैं और उनमें से काफी अस्वीकृत हो जाते हैं तो जरा कुछ अप्रिय लगता है। मगर कुछ नियमों के अन्तर्गत चलना पड़ता है। फिर भी कई कैसेज में ऐसा देखने में भी आया है कि हमारे यहां पर उनका ठीक तरह से इन्टरप्रिडेशन नहीं होने के परिणामस्वरूप कई प्रश्न जो स्वीकृत होने चाहिये वे अस्वीकृत हो जाते हैं और फिर इसको समझाने के बाद, मिलने जुलने के बाद और रूलस का ठीक इन्टरप्रिडेशन देने के बाद कई कैसेज में वह प्रश्न एड्मिट भी हो जाते हैं। मगर यह कहना कि बिल्कुल ही डिसएलाऊ कर दिये जाते हैं और उसमें रूलस की परवाह नहीं की जाती, ऐसा मैं नहीं मानता हूँ। मगर, इसके साथ साथ जो अपना विभाग है उसको इस बारे में ध्यान रखना चाहिये कि ज्यादा काशस होकर के निर्णय ले और किसी प्रश्न को अस्वीकृत करते वक्त जरा दस बार सोचे तो ज्यादा अच्छा होगा। अधिकतर प्रश्नों को अकारण अस्वीकार कर दिये जाने की जो बात कही जाती है, ऐसा तो मुझे दिखायी नहीं देता।

मेरा मुख्य आरोप शार्ट नोटिस कवेश्चन के बारे में है। इसके बारे में जो हमारी पहली व्यवस्था थी, उसके अन्तर्गत हम उसका नोटिस देते हैं और नोटिस देने के बाद वह संबंधित मंत्री महोदय के पास भेजा जाता है। संबंधित मंत्री महोदय अगर चाहते हैं तो स्वीकार करते हैं और अगर नहीं चाहते हैं अस्वीकार हो जाता है। मुझे कुछ समय में नहीं आता कि जब हम प्रजातंत्र की परम्परा को मान कर चलते हैं और उसमें जब एक बार चैयरमैन जिस प्रश्न को स्वीकृत कर लेते हैं, उसको इस योग्य समझते हैं कि वह नियमों के अन्तर्गत ठीक प्रश्न है, शार्ट नोटिस कवेश्चन होने के काबिल है, और दस दिन से कम की सूचना पर एड्मिट हो सकता है तब फिर उसको स्वीकृत किया जाना चाहिये। तो ऐसी स्थिति में यह अधिकार मंत्री के ऊपर छोड़ना

कि वह चाहे तो उसका जवाब दें, उसको स्वीकार करें और अगर नहीं चाहें तो नहीं करें, यह कुछ न्यायसंगत नहीं प्रतीत होता और यह तरीका प्रजातंत्र की परम्पराओं के विपरीत लगता है और मनमानों के दृष्टिकोण का द्योतक है। इसलिये यह जो व्यवस्था है कि इस तरह से हमारे शार्ट नोटिस क्वेश्चन को डिसएलाऊ कर दिया, बाबजूद इसके कि चेयरमैन उसको एडमिट कर लें अगर चूकि मंत्री स्वीकार नहीं करता है इसलिये उसको अस्वीकार कर दिया जाय, यह ठीक लगता नहीं। पुराने आंकड़ों को देखने से पता लगता है कि इस संबंध में मनमानों के, तानाशाही के अनुरूप जितने भी आरोप हैं वे लगाए जा सकते हैं हमारे मंत्रियों के ऊपर। ४६वें सत्र में कुल शार्ट नोटिस क्वेश्चन मिले थे २८, जिन में से केवल ५ एडमिट हुए और ११ को चेयरमैन ने डिसएलाऊ करा दिया और १२ डिसएलाऊ किये हमारे मंत्री महोदय ने यह कह कर कि हम जवाब देना नहीं चाहते। तो इस तरह की परम्परा ठीक नहीं लगती है। ४७वें सत्र में ४० नोटिस दिये गये और उनमें से केवल ५ एडमिट किये गये। एक शार्ट नोटिस को लांग नोटिस के रूप में एडमिट कर लिया गया और ६ को डिसएलाऊ कर दिया गया। माननीय अध्यक्ष ने और २८ को माननीय मंत्री जी ने डिसएलाऊ कर दिया और २८ प्रश्नों का उन्होंने उत्तर देना ठीक नहीं समझा। तो इतनी बड़ी संख्या किस बात का परिचायक है और इसका स्पष्ट मतलब है कि अगर मंत्रिगण चाहें तो शार्ट नोटिस का उत्तर दें और अगर न चाहें तो वे इन्कार कर सकते हैं। उपसभापति महोदय, यह साधारण सी बात है कि जिससे प्रश्न पूछा जाता है उसको जवाब देना अप्रिय लगता है। जब वह सामने खड़ा होकर जवाब देता है तो बगलें झांकने लगता है और आफिशियल गैलरी की तरफ देखने लगता है और ऐसा महसूस करता है जैसे कि ऊपर बैठा हुआ नीचे की ओर खींचा जा रहा है। मैं यह आरोप लगाता हूँ कि हमारे

मिनिस्टर लोग जानबूझकर जो अनपैलेबिल क्वेश्चन हैं उनका जवाब नहीं देते हैं और चाहते हैं कि जितना जवाब न दिया जाय उतना अच्छा है। ऐसी स्थिति में यह अधिकार उनको और देना कि आप यह अधिकार और लीजिये कि आप किसी सवाल को चाहें तो स्वीकृत कर सकते हैं और किसी सवाल को चाहें तो अस्वीकृत कर सकते हैं, इस तरह की जो चीज आप कर रहे हैं वह प्रजातंत्र की परम्परा के बिल्कुल विपरीत लगती है। ऐसी स्थिति में मैंने जो संशोधन दिये हैं जब इस बारे में चर्चा होगी तो सदन का ध्यान इस बात की ओर दिलाऊंगा। ऐसी स्थिति में हमारे सदन को इस बारे में विचार करना चाहिये कि वह अपने नियमों में परिवर्तन करे। हमारे मध्य प्रदेश में इस प्रकार के रूल्स हैं कि कई जगहों पर मिनिस्टर भी उन रूल्स के अन्तर्गत किसी प्रश्न का उत्तर देने से इन्कार नहीं कर सकता है। लेकिन हम यहां यह देखते हैं कि मिनिस्टर्स को काफी लेटिट्यूड दिया गया है और सब प्रश्नों का उत्तर देना उन्हीं के ऊपर छोड़ दिया गया है कि जिस प्रश्न का चाहें वे जवाब दे सकते हैं और जिस प्रश्न का चाहें जवाब नहीं दे सकते हैं। हमने पहले ही इतने अधिकार उन्हें दे रखे हैं कि जब कोई प्रश्न जनहित से संबंध रखता हो तो वे उसका उत्तर देने के लिए बाध्य नहीं हैं और अगर कोई सीक्रेट मैटर हो तो वे भी उसका उत्तर नहीं दे सकते हैं। इस तरह के कई लेटिट्यूड हमने अपने रूल्स में दे रखे हैं। इतने व्यापक अधिकार देने के बाद भी मिनिस्टर्स को यह अधिकार है कि वे चाहें तो किसी प्रश्न का उत्तर दे सकते हैं और न चाहें तो किसी प्रश्न का उत्तर नहीं दे सकते हैं, चाहे चेयरमैन साहब उस प्रश्न को एडमिट क्यों न कर लें। यह उचित नहीं है। लेकिन मिनिस्टर साहब इस बात की कोई चिन्ता नहीं करते कि किसी प्रश्न का जवाब देना चाहिये या नहीं देना चाहिये। मैं यह अनुभव करता हूँ कि यह जो परम्परा है वह प्रजातंत्र के अनुकूल नहीं है

[श्री विमलकुमार मन्नालालजी चौरड़िया]

और इसलिये इस व्यवस्था को ठीक करने के लिए कुछ न कुछ अवश्य किया जाना चाहिये ।

अब मैं सार्वजनिक महत्व के प्रश्न पर आधे घंटे की बहस के बारे में कहना चाहता हूँ । रूल्स में इस बात की व्यवस्था है कि आधे घंटे के लिए किसी महत्व के विषय पर बहस की जा सकती है । किसी महत्व के मामले पर बहस करने की परम्परा है लेकिन यहां पर यह व्यवस्था नाममात्र के लिए ही रखी गई है । आखिर यह व्यवस्था इसलिए रखी गई है कि अगर कोई महत्व का मामला हो तो उसकी ओर शासन का ध्यान आकृष्ट किया जा सके । हमारे शासन में जो गड़बड़ी चल रही है, देश में जहां पर कुछ गड़बड़ी होती है, उसकी ओर शासन का ध्यान एकदम दिलाया जा सके ताकि उस अव्यवस्था को एकदम ठीक किया जा सके । मूल में तो यह परम्परा बहुत अच्छी मालूम देती है लेकिन ४५वें सत्र में इस संबंध में ५ नोटिस दिये गये थे और एक एडमिट हुआ, जो ठीक मालूम नहीं देता है । यहां पर इस तरह की परम्परा को देखकर हमारे कई सदस्यों ने यह ठीक नहीं समझा कि आधे घंटे के डिसकशन का नोटिस दिया जाय क्योंकि वे जानते हैं कि अगर हम इस तरह का नोटिस देंगे तो वह एडमिट होने वाला नहीं है । कुछ इस तरह का कम्प्लीकेशन और इन्टरप्रिटेशन किया जायेगा कि आधे घंटे की चर्चा का अवसर मिलना सम्भव नहीं होगा । तो ऐसी स्थिति में इस ४६वें सत्र में इस तरह का एक भी नोटिस नहीं दिया गया । ४७वें सत्र में इस तरह के प्रश्नों के दो नोटिस दिये गये मगर एक भी एडमिट नहीं हुआ । इसलिए इस संबंध में जो हमारा इतिहास है, जो स्टेटिस्टिक्स हैं, वह यह बतलाते हैं कि आधे घंटे की चर्चा हमारे सदन में नगण्य रूप में हुई और नगण्य मात्रा में हुई जबकि रूल्स में इस तरह की चर्चा होने की व्यवस्था है ।

लेकिन उतका उदारता के साथ प्रयोग नहीं किया जाता है जिसके परिणामस्वरूप यह सारी गड़बड़ी होती है । ऐसी दशा में अगर हम आधे घंटे के डिसकशन के बारे में जरा उदारता से विचार करें, अधिक से अधिक चर्चा का अवसर दें तो कई ऐसे महत्व के मामले होते हैं जहां पर शासन का ध्यान आकर्षित करना होता है और जो सारे समाज के लिए बहुत ही आवश्यक होता है । अगर अध्यक्ष महोदय एवं शासन इस तरह के प्रश्न एडमिट करने के बारे में उदारता के साथ विचार करेंगे और चर्चा करने का अवसर देंगे तो ज्यादा अच्छा होगा । मैं तो यह महसूस करता हूँ कि मध्य प्रदेश में जो पहले मध्य भारत था उसमें आधे घंटे की चर्चा करने का अवसर ज्यादा दिया जाता है जब कि हम यहां पर सारे हिन्दुस्तान के प्रश्नों के बारे में चर्चा करना चाहते हैं । तो इन सब बातों को दृष्टि में रख कर जहां तक आधे घंटे के प्रश्न का सवाल है उस पर उदारता के साथ विचार करना चाहिये ।

रूल्स में बिजिनेस एडवाइजरी कमेटी की व्यवस्था है, सब कुछ है, मगर इस व्यवस्था को देख कर आश्चर्य होता है कि रूल्स में जो इस तरह की व्यवस्था है वह नाममात्र की व्यवस्था है । अगर हम बिजिनेस एडवाइजरी कमेटी से एडवाइस लेना चाहते हैं तो कम से कम जब सेशन शुरू होता है उसके पहले उसको बुलाया जाना चाहिये और उसके सामने आने वाले सेशन का कार्य रखना चाहिये कि हमारे पास इतना कार्य है और हमें इतना निपटाना है । लेकिन हमारा यह अनुभव है कि इस एडवाइजरी कमेटी से तब ही काम लिया जाता है जब कोई काम निपटाना होता है और समय सीमित रह जाता है । उस समय बिजिनेस एडवाइजरी के सामने आया जाता है । जिससे सब दल वाले अपने सदस्यों के ऊपर नियन्त्रण रख सकें और काम जल्दी से निपट सकें । जब कोई सदस्य किसी महत्वपूर्ण विषय पर बोलता है तो चेयरमैन साहब कह

देते हैं कि समय बहुत कम है और आपके नेता वहाँ पर थे और एडवाइजरी कमेटी ने इतना ही समय रखा है, इससे ज्यादा टाइम आपको बोलने का नहीं दिया जा सकता है। इस तरह से सारा मामला जल्दी से निपटा दिया जाता है। तो मेरी समझ में नहीं आता है कि जब हमारे रूल्स में बिजिनेस एडवाइजरी कमेटी का प्रावधान है तो हम प्रारम्भ में ही जबकि सेशन शुरू होता है इसको क्यों नहीं बुलाते ताकि हमारे पास जितना कार्य करने को है उसके लिए ठीक तरह से समय निर्धारित किया जा सके। तो मैं यह उचित समझता हूँ कि हमें बिजिनेस एडवाइजरी कमेटी की मीटिंग सेशन शुरू होने से पहले ही बुला लेनी चाहिये ताकि कार्य के लिए समय अच्छी तरह से निश्चित किया जा सके। रूल्स में इस तरह की व्यवस्था होने के बावजूद भी हम देखते हैं कि अक्सर बहुत सा समय ऐसे प्रश्नों पर चला जाता है जो कि इतने महत्व के नहीं होते हैं—वैसे तो सभी महत्व के होते हैं—लेकिन जब इस तरह टाइम एवमीड हो जाता है तो कई मामले जो महत्व के होते हैं उनके लिए बहुत कम समय रह जाता है। इसलिए मेरी प्रार्थना है कि रूल्स का उपयोग ठीक तरह से किया जायेगा और प्रारम्भ से ही इस प्रकार की व्यवस्था कर ली जायेगी ताकि हर एक बिल के लिए उचित समय मिल सके। अगर हमने इस दृष्टि को सामने रखा तो हम बिजिनेस एडवाइजरी कमेटी का उचित उपयोग कर सकेंगे। मेरा फिर यह सुझाव है कि बिजिनेस एडवाइजरी कमेटी को सेशन शुरू होने से पहले ही बुला लेना चाहिये ताकि वह हर एक काम के बारे में निर्णय कर सके। अगर इस तरह की व्यवस्था कर दी जायेगी तो बहुत ज्यादा अच्छा होगा।

अभी तक बिजिनेस एडवाइजरी कमेटी का जो काम होता आया है वह शासकीय काम के दृष्टिकोण से होता आया है। मगर अब जो नये रूल्स बनने जा रहे हैं उसमें "अदर

बिजिनेस" अशासकीय कार्यों, के बारे में भी निर्णय किया जा सकेगा। यह अत्यन्त आवश्यक है कि जहाँ तक अशासकीय कार्य है उसके बारे में भी समय का निर्धारण हो जायेगा। अगर हम यह चाहते हैं कि किसी अशासकीय प्रस्ताव पर निर्णय लिया जाय कि शासन का इस बारे में क्या मत है तो देखने में यह आता है कि कभी कभी कांग्रेस दल या शासन के मन्त्रीगण को उस चीज के बारे में स्वाद नहीं रहता है तो वे इस तरह की व्यवस्था करते हैं, इस तरह का मॉडुलेशन करते हैं, व्हाय लाते हैं कि उस पर कोई निर्णय ही न हो सके चाहे वह कितना ही महत्व का बिल या प्रस्ताव क्यों न हो। अगर वह अशासकीय प्रस्ताव है तो उसको वाकआउट करके खत्म कर देंगे। तो इस दृष्टि से यह अत्यन्त आवश्यक है कि जहाँ तक प्राइवेट मेम्बर्स के बिल या प्रस्ताव का सम्बन्ध है उसके बारे में इस तरह का नियम बनाया जाना चाहिये कि इतनी अवधि में जो अमुक अमुक प्रस्ताव या बिल रखे गये हैं उन पर निर्णय हो जाना चाहिये। इस मामले में अभी तक बिजिनेस एडवाइजरी कमेटी का दखल नहीं है। कई ऐसे महत्व के प्रस्ताव या बिल होते हैं जिनका पास होना बहुत ही अत्यन्त आवश्यक होता है मगर वे नहीं हो पाते। इसलिए मेरी प्रार्थना है कि बिजिनेस एडवाइजरी कमेटी का जो फंक्शन है और उसमें जो यह लिखा गया है कि "एण्ड अदर्स" वह बहुत अच्छा है।

अब मैं "नो डेट यट नेम्ड मोशन" के बारे में कहना चाहूँगा। इसकी जो दुर्दशा है उसको मैं बयान नहीं कर सकता हूँ। हमारे बुलेटिनों में सदस्यों ने इस तरह के प्रस्ताव के बारे में कई दफा पढ़ा होगा। इस तरह के प्रस्तावों के बारे में कागज का काफी प्रयोग और दुर्ूपयोग होता है और कार्यालय को भी इस बारे में काफी काम करना पड़ता है तथा चेयरमैन साहब को निर्णय लेना पड़ता

[श्री विमलकुमार मन्नालाल जी चौरड़िया]

है कि यह एडमिट होना चाहिये या नहीं। मगर परिणाम वही होता है कि “दिन भर चले अढ़ाई कोस फिर भी दिल्ली १२ कोस।” इस तरह के मोशन कभी नहीं आ पाते हैं। मैं हिन्दू इनडाउमेंट ट्रस्ट की जो रिपोर्ट आई थी, उसके बारे में क्रमशः कई सत्रों से नोटिस देता आ रहा हूँ और हमारे चेयरमैन साहब भी इसको स्वीकार कर लेते हैं कि यह मामला योग्य है और “नो डे येट नेम्ड मोशन” में आना चाहिये। मगर मिनिस्टर्स को वे स्वीकार नहीं होते क्योंकि उन्हें वे अप्रिय लगते हैं या अन्य कारण होंगे जिन्हें मैं नहीं जानता। यह तो मैंने आपके सामने एक उदाहरण रखा और मैं कई मोशनों के नाम बतला सकता हूँ जो कि बहुत ही महत्वपूर्ण हैं जिन्हें केवल महत्व के होने की ही वजह से चेयरमैन साहब स्वीकृति देते हैं। हजारों हपया हमारा बुलेटिनों के छपने में लगता है और सेशन समाप्त होने के बाद देखा जाता है कि कोई भी मोशन बहुस के लिए नहीं आया और मेम्बर घर चले जाते हैं। जब नया सेशन शुरू होता है तो फिर बुलेटिनों में ये मोशन छपते हैं और उनका प्रारम्भ ए, बी, सी, डी, से करना पड़ता है और जैड तक सारा काम चलता है। इस तरह के मोशन फिर मन्त्री जी के पास भेजे जाते हैं और यह उनके डिस्क्रेशन में होता है कि मंजूर करें या न करें। उन्हें वह मोशन प्रिय या अप्रिय लगता है, कई बातों पर उन्हें विचार करना होता है मगर फिर भी उन पर चर्चा नहीं होती है और फिर मेम्बर अपने घर चले जाते हैं। तो इसके बारे में भी हमें कुछ निर्णय लेना चाहिये कि इस “नो डे येट नेम्ड मोशन” का क्या भविष्य हो, कितने एडमिट होने चाहिये, प्रायोरिटी के हिसाब से कितने आने चाहिये, नहीं तो ऐसे मोशन्स की भरमार रहती है, काफी मोशन्स आ जाते हैं और परिणाम कुछ नहीं होता है। हमारे जैसे अशासकीय प्रस्ताव या संकल्प रहते हैं, उनके बारे में तो हमारा यह निर्णय है कि एक संकल्प

आयेगा किसी भी सदस्य का चाहे वह सौ संकल्प दे, चाहे दस संकल्प दे, प्रायोरिटी के हिसाब से जो प्राथमिकता उसने दी है उसका बैलेट होगा। चाहे एक सदस्य ने सौ संकल्प दिये होंगे, उन सबका एक ही बैलेट होगा। उसके सौ संकल्प हैं, इसलिये सौ बैलेट हों, ऐसी व्यवस्था नहीं है। इसके परिणामस्वरूप यह होता है कि कोई सदस्य यह नहीं सोचता है कि इतनी मेहनत करो और सौ संकल्प बनाओ क्योंकि सौ संकल्प बनाने के बाद परिणाम तो यही होने वाला है कि बैलेट में एक ही बार उसका नाम आने वाला है। इसलिये वह यह प्रयत्न नहीं करेगा। वैसे अभी भी हमारे यहाँ यह प्रयत्न चलता है। मैंने खुद पहले १७, १७, २०, २० और २५, २५ तक संकल्प दिये जो कि एडमिट हुये, मगर चूँकि बैलेट तो एक का ही होता है, एक ही नाम से होता है, एक ही आ पाता है, इस लिये उतनी ही मेहनत करनी पड़ती है, ज्यादा व्यय भी नहीं होता और समय का भी उपयोग हो पाता है। तो जिस तरह से हमारी वह व्यवस्था है, उसी तरह से क्यों न हम “नो डे येट नेम्ड मोशन” के बारे में; ऐसा कोई निर्णय कर लें कि प्रत्येक सेशन में कम से कम इतने ‘नो डे येट नेम्ड मोशन’ हम लेंगे और बैलेट से लेंगे या जिस हिसाब से प्रत्येक सदस्य जो भी देना चाहे या दिलवाना चाहे, विचार करके दे सकता है और उसका सदुपयोग हो सकता है। आज परिणाम यह है कि हम चाहे जितने मोशन दें, उसका कुछ लाभ नहीं हो पाता। इसलिये यह अत्यन्त आवश्यक है कि हमारा विभाग, हमारे चेयरमैन साहब, इसके बारे में विचार करें और ‘नो डे येट नेम्ड मोशन’ के बारे में कुछ ऐसी परम्परा हमारे यहाँ डालें जिससे हम उन पर चर्चा कर सकें। इसको रखने का मुख्य कारण तो यही है कि हमारे यहाँ पर अलग अलग डिमाण्ड्स पर चर्चा हो नहीं पाती, इसलिये इसी वजहसे हम भिन्न भिन्न क्षेत्रों की और भिन्न भिन्न विभागों की जो रिपोर्ट्स हैं उन पर चर्चा कर सकें। इसी लिये विशेष रूप से हमारे रूल्स में यह व्यवस्था

की गई है। इसलिये इस पर विशेष ध्यान रख करके 'नो डे येट नेम्ड मोशन' पर चर्चा हो सके तो ज्यादा अच्छा होगा जिससे हमारे प्रशासन के भिन्न भिन्न अंगों पर चर्चा करने की व्यवस्था की जा सके।

हमने इस रूल में कुछ नये प्रावधान भी किये हैं जैसे 'काल एटेंशन' का महत्व की समस्या पर प्रारम्भ करने के बारे में नोटिस देना। तो ये परम्पराएँ हमारे लिये अत्यन्त आवश्यक थीं। उसके अभाव में वैसे तो कुछ काम चलाऊ काम चलता था, मगर वह नियमों के अन्तर्गत नहीं था और नियमों के अन्तर्गत न होने की वजह से जितना एप्रोच, जितना प्रेशर, जितनी चैम्बर प्रैक्टिस और जितना सारा कुछ होना चाहिये, उस हिसाब से काम चलता था। अब नियमों के बन जाने के बाद वह कठिनाई नहीं रहेगी। तो यह जो इस तरह का नया प्रावधान इसमें किया गया है "नोटिस आफ रेजिग डिस्कशन एण्ड काल एटेंशन" का, यह बहुत उपयुक्त है और मैं सदन से अपील करूँगा कि जो नये प्रावधान इसमें किये गये हैं इन नियमों के बारे में, उनको वह स्वीकार करे और जो संशोधन दिये गये हैं उन पर विचार करके, उसके बारे में वह कुछ करे तो ज्यादा अच्छा होगा।

रहा सवाल मुख्यतः शार्ट नोटिस क्वेश्चन का, तो उसके बारे में मैंने अमॉडमेट दिया है और मैं सदन के समस्त सदस्यों से अपील करूँगा कि मेहरबानी करके वे अमॉडमेट भी पढ़ लें और जो प्रावधान इसमें किये गये हैं, वे भी पढ़ लें और मैं अपेक्षा करूँगा कि हमारे चेयरमैन का अधिकार मिनिस्टर की अपेक्षा अधिक ऊंचा रहे और अगर चेयरमैन साहब किसी शार्ट नोटिस क्वेश्चन को स्वीकार करते हैं तो मिनिस्टर किसी भी हालत में उसको टाल सकें, यह नहीं होना चाहिये। यह मिनिस्टर की ड्यूटी होनी चाहिये कि वह आ करके उसका जवाब दे। इस आशय से जो मैंने सुझाव दिये हैं, उन्हें माननीय सदस्य स्वीकार करेंगे, यही मेरी प्रार्थना है।

SHRI NAFISUL HASAN: Madam Deputy Chairman, I support the motion which has been made by my friend, the hon. Member Mr. Reddy, for taking into consideration the Report of the Rules Committee. At the very outset I am glad to find the observations of my friend, Mr. Dahyabhai Patel, and also my friend, Mr. Bhupesh Gupta, when they said that, as far as the working of this Rules Committee was concerned, the work was done there with no consideration as to which party a Member of this Committee belonged, so that the deliberations of the Rules Committee under your chairmanship, Madam, were directed to make such improvements in the rules as were considered desirable. Even when there was an occasion to take votes on certain provisions, even then, I think, the voting was not on party lines. Therefore the report, as it has come before this House together with the Draft Rules, I believe, will, in the main, be acceptable to the whole House.

There is an article 118 in the Constitution, and 118 (1) reads:

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

It is a very recognised principle all over the world that a House of Legislature is master of its own procedure. Even after making the rules there are occasions when the rules are suspended by the House itself. So this provision of the Constitution is only a recognition of the well-established rule and practice in all the Legislatures all the world over.

Now in article 118 (2) it is said:

"Until rules are made under clause (1), their rules of procedure and standing orders in force immediately before the commencement of the Constitution with res-

[Shri Nafisul Hasan.]

pect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be."

Thus our present Rules of Procedure, on the basis of which we are working, are really the rules of the old Legislature subject to such adaptations as have been made from time to time by the Chairman. Generally our present rules have worked well; naturally the rules could be improved upon. But as it has been observed by other hon. friends also that generally the rules have worked very well, I may submit in addition that more rules cannot be made to work; it is the spirit with which work is done in a house of Legislature that counts very much. But since they had worked very well, they were taken by this Committee to be the basis on which it was to proceed. Taking them to be the basis, the Committee went through them, suggested such amendments as they thought proper and then the whole thing was discussed and the present Report which is before the House is the result of all those considerations and discussions. We find and I hope all hon. Members will agree, that a distinct improvement has been made in the Committee's Report over our present rules. I need not go into the details. My learned friend, the mover of this motion, has already enumerated the rules by which improvements have been made. I may particularly mention just two or three of them.

More provision has been made for non-official business. Attempts have been made to see that practically all Fridays should be set apart for private Members' business, unless of course, there is some urgency for Government business when the Government will come forward with a motion to that effect and then alone there will be Government business on

a Friday. Normally on all Fridays, according to this Report, the business in the House will be non-official. Also, up till now Questions were not on the agenda on Fridays. According to this Report, the Question Hour is to be there on every Friday also.

The right of raising matters of urgent importance has been recognised and provision for that made. There is also a provision for the appointment of a committee on delegated legislation which is not there in the existing rules. Formerly there was provision for having a half-an-hour discussion on only two days in a week. Now there is the provision that it could be fixed on any day and for more than two days in a week. Reference was made to this question of half-an-hour discussion by at least two hon. Members who spoke before me. This half-an-hour discussion is normally intended to clarify certain points which are raised by means of questions. If the question is sufficiently important and if justice has not been done to the question during the Question Hour, then, of course, that half-an-hour discussion has to be allowed. It must be left to the discretion of the Chairman to decide whether a discussion should be allowed or not. I find here that the Chair has got to decide the matter in consultation with the Minister to know if the Minister agrees or not. My personal view is that since the replies to the question put in the House, both original and supplementaries, are before the Chairman, he can decide whether the matter is of sufficient importance or not, and if he thinks that the half-an-hour discussion should be allowed, then it should be for him to allow it without any intervention by the Government or by any Minister. It must be left to the Chairman to decide whether the half-an-hour discussion should be allowed or not. If the Chairman decides to have it, then it should be allowed and only the fixing of the day and time for it may be done in consultation with the Minister so that the Minister concerned may be able

to be present in the House. That is all. As far as the question whether the half-an-hour discussion should be allowed or not is concerned, it should remain strictly and entirely in the hands of the Chairman and the Minister or the Government should have no say in the matter.

Similarly I may deal with another point along with this one, and that is with regard to short-notice questions. There has been a slight change in the wording of the rule and an attempt has been made to improve the present rule. My personal opinion is that a simple change in the wording of the rule without making any substantial and real change, does not take us very far. Normally it is the Chairman who admits questions. The only matter on which consultation has to be made with the Minister is whether he will be in a position to accept it or not as a short-notice question. That is the first step provided in the rule, i.e. that after the notice of the short-notice question has been received, information has to be sent to the Minister and the Chairman has to take into consideration the reaction of the Minister and then decide whether that question is to be admitted as a Short-Notice Question or not. After the Chairman has taken into consideration what the Minister has to say and decides to accept a particular question as a Short Notice Question, the Minister should not come into the picture at all. Whatever he has to say, whether he will be able to collect the information within the time proposed or not, shall be taken into consideration and I do not think any Chairman will not take the objections, if any have been made, into consideration. If the Minister does not want to answer the question, not because he cannot get the information but because he feels that it would be inconvenient to answer that question, in that case, of course, the Chairman will admit it as a Short Notice Question and fix the time on which it should be answered. When the Chair-

man has done such a thing, the only thing that a Minister can do is to come to the House and give as much information as he is able to collect by that time and explain to the House why he is not in a position to give the whole information. Once the Chairman has decided that a particular question should be accepted as a Short Notice Question, it should not be left to Government to have any say in the matter. Government had had its say before the Chairman considered the point. My friend, Mr. Dahyabhai Patel, complained about incomplete or incorrect answers; but the remedy for such things does not lie in the Rules. No Minister can be compelled to answer a question in a particular way, the particular way that a Member likes. Whether an answer satisfies the Member or the House is for the House to consider.

SHRI LOKANATH MISRA: The point is whether the answer given satisfies the facts, not the Members.

SHRI NAFISUL HASAN: If he does not give correct answers, the Rules cannot help us. You can come out with propoganda and see that the majority is converted to the minority view. All actions of the Government are before the House and the country. That is the only remedy in democracy. By amending the Rules of Procedure you cannot get anything.

SHRI LOKANATH MISRA: In that case we should not have any Rules of Procedure; if you argue that platform will determine democracy, then we should not have the Rules.

SHRI NAFISUL HASAN: No Government can be compelled to answer a question in a particular way the Member likes.

SHRI LOKANATH MISRA: I think the hon. Member has misunderstood what Shri Dahyabhai Patel said. What he said was that the Ministers should give correct facts, they should not mislead the House by giving wrong information. That is what he said which is now being twisted.

SHRI NAFISUL HASAN: My reply to this is that the Rules cannot give you any remedy. If the Minister wants to give incomplete or incorrect answers . . .

SHRI AKBAR ALI KHAN: It is for the Chair to decide whether it is incorrect or irrelevant.

SHRI LOKANATH MISRA: Suppose I ask a question whether there was any case of stealing in Calcutta. The Minister comes and says "No". Subsequently it may transpire that there was really a case of stealing in Calcutta which the Minister did not want to inform us about.

SHRI AKBAR ALI KHAN: If you would permit my saying so, in such a contingency, the House has the right to face the Minister with the facts, tell him that he gave wrong facts. Then he will be held responsible, he will have to come out with an explanation or an apology to the House. That, of course, is the right of the House, but no Rules can provide for that.

SHRI A. D. MANI: Madam, I would like to ask my friend, Mr. Akbar Ali Khan, the Rule under which a Member can challenge the accuracy of an answer of the Minister? The Minister makes a statement. Next day we find that the statement is not true. How are we to raise the matter, under what Rule can we raise this?

SHRI AKBAR ALI KHAN: Mr. Mani, if I may be pardoned, this is an elementary principle of the working of Parliament that the House should be given the correct facts and many a time when the Ministers had not given correct answers it had raised the question and the Ministers had to come out either correcting the information or apologising to the House.

SHRI M. GOVINDA REDDY: There have been a number of such cases.

SHRI A. D. MANI: There was one such case. A question was asked of the Minister of External Affairs and

the Deputy Minister answered the question, which was, "whether the tribals in NEFA had been given Military training". The answer was given in the affirmative, "Yes, they have been given military training". In the evening we met the Defence Minister and put the same question to him. He said, "No, no training has given". How are we going to get the facts corrected unless we raise it? We cannot bring a censure motion here.

SHRI LOKANATH MISRA: Mr. Hasan wants us to have this determined on the platform.

SHRI AKBAR ALI KHAN: No, in the House itself. The Defence Minister will have to explain whether he was correct or his Deputy.

THE DEPUTY CHAIRMAN: The Defence Minister was not asked here; he was asked outside.

SHRI LOKANATHA MISRA: In the Consultative Committee.

SHRI AKBAR ALI KHAN: That question must have been put before the House.

SHRI NAFISUL HASAN: I would like, particularly, to say something about draft Rule 7 which deals with the election of the Deputy Chairman. I have read the Note of my friend, Shri Bhupesh Gupta, in which he says:

"I am of the opinion that the manner of election of the Deputy Chairman is unsatisfactory. The election should be by secret ballot and there is considerable substance in the argument that no one should be elected to occupy this Post unless he or she gets the support of at least a bare majority of the members of the Sabha. I am not also in favour of one person continuing in this Office for a long time and, therefore, I would have liked that no one should be eligible for re-election as the Deputy Chairman of the Rajya Sabha for a second term."

This deals with the Presiding officer and I know that the office of Speaker of the House of Commons was held by one person for thirtysix years. Governments came and Governments went, Governments were changed but the Speaker continued. So, it is the experience that one gets as the Presiding officer that counts. Therefore, to think that a person who has once worked as a Deputy Chairman should not be eligible for re-election, I think, is a proposition which cannot in the least be considered to be anything approaching soundness.

SHRI M. P. BHARGAVA (Uttar Pradesh): In fact, he is fully experienced for the second term.

SHRI NAFISUL HASAN: Mr. Gupta continues:

"We have also noted with regret that in the matter of election to this office, the Opposition is not at all consulted by the ruling party. For our part we would like a convention to grow whereby the candidate for the post of Deputy Chairman of the Rajya Sabha is nominated from amongst the Members of the Opposition."

[THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

If there had been two offices, one that of Speaker and the other that of Deputy Speaker, there might have been some justification for the claim that the Deputy Speaker may be from amongst the Opposition. What is the position here? Who is the Chairman? The Vice-President of India is the Chairman. We are not to elect him, he is elected as the Vice-President for which a special and different procedure is laid down. On account of the dignity of the office, both the President and the Vice-President are non-party men. They do not belong to any party. They may have belonged to some party before their election. Therefore here the only office of presiding officer to be filled by election is that of Deputy

Chairman and Mr. Bhupesh Gupta's claim that the Deputy Chairman should always be taken from the Opposition does not stand to reason. If the majority thinks that they will have the best Deputy Chairman in a person who is in the Opposition, there is no reason why he should not be elected. He is eligible. This is an office which must not go with the Government. On that point I am quite clear. He may belong to any party, either the Government party or the Opposition or he may be an independent but the majority cannot abdicate to the Opposition its right to select the best person and it will exercise that right. But for proper working in the House, I think it will be better and desirable that some consultation is made with the Opposition. Now, I know when at another place this question of consultation was raised. There are occasions when the party in power takes time to consider such matters. Only after it makes up its mind it can consult the Opposition. There may be some difficulties. But anyway it would be a good practice that the views of the Opposition are also taken into account when the question of election of the Deputy Chairman comes up because if the person who occupies the Chair most of the time enjoys the confidence of all sections of the House, there will be good spirit all round and there will be smooth working. Everybody having confidence in the presiding officer, there will be no question of disobedience of orders or anything of that sort.

Then I am sorry to find that there are some hon. Members who are advocates of the rights of Members and of their own right to speak but who do not care at the same time for the rights of others.

SHRI M. GOVINDA REDDY: And the Chair also.

SHRI NAFISUL HASAN: It is something mutual. If you want to have

[Shri Nafisul Hasan.]
your rights respected, you must respect the rights of others. There can be no two opinions about it. Now I remember the instance of an hon. Member belonging to the Opposition—today also I think he spoke for two and half hours—who spoke for more than three hours on another day and I was astonished to hear the hon. Member who is the leader of a party say that he will not allow the Bill to be passed. That way he stands in the way of the working of the House and he takes pride over it. Is that the way that the work of the House can be carried on in mutual confidence and all that? When we expect proper treatment from the presiding officers we should ourselves behave properly.

SHRI N. M. ANWAR (Madras):
There should be provision against filibustering.

SHRI NAFISUL HASAN: As far as the election of the Deputy Chairman is concerned, I think that the present provision may lead to a strange position when the election may not be finalised. The provision which is a continuation of the present rules is to the effect that notice of motions is to be given with one proposer and one seconder and all the motions that are received will be put to the vote of the House. If one of them is carried by a majority, it will not be necessary to put the other motions because no other motion can be passed. But one contingency has been overlooked. Suppose there are three candidates sponsored and it is possible that all the three motions may be put and none may be carried for lack of majority of the whole House. In that case this provision will not work. My friend, Mr. Bhupesh Gupta, has suggested that the election should not be by means of motions but it should be by ballot. I am not enamoured of election by ballot and I do not mind whether it is secret voting or open. That is a question which can be decided but what I do object to is this. At present constituted as we
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are there is no chance of a motion not being carried because the Government commands a majority in the House and therefore if the Government is going to support one of the motions, that is bound to be passed. But we ought to provide for all contingencies. There is a similar rule in the Lok Sabha for the election of the Speaker and the Deputy Speaker. But in Lok Sabha there will not be any occasion when a motion for this purpose may not be passed for the obvious reason that the Government is responsible to the Lok Sabha. Whether it is a single-party Government or a coalition, unless it has a majority in the Lok Sabha the Government cannot work and therefore one of the motions is bound to get the majority support. So this provision is quite all right for the Lok Sabha. As far as the Rajya Sabha is concerned what is the position? How are we elected? We are elected by the elected Members in the State Legislative Assemblies. Normally five or six Members of the Vidhan Sabha are elected from that one territorial constituency of the Lok Sabha. Now a party, although it wins the Lok Sabha seat, may lose five of the six seats as far as the Vidhan Sabha is concerned because in those five seats it may lose by small margins. It may win only one seat. Although it wins the Lok Sabha seat it may win only one of the six Vidhan Sabha seats.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Nafisul Hasan, will you take very long?

SHRI NAFISUL HASAN: Not long; ten or fifteen minutes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Then you may continue tomorrow.

The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 2nd June, 1964.