

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

SHRI M. M. DHARIA: Madam, there is one recommendation made by the Members of the Committee regarding the even flow of business between the Rajya Sabha and the Lok Sabha. I would like to point out that the recommendation or rather the suggestion made by the Committee is not one which could be said to be proper having regard to the propriety of the two Houses. The Lok Sabha is a representative body of the people, where the representatives are directly elected by the people and naturally it is a House where important Bills should always originate. Besides, this House is supposed to be the House of elders. In case we try to have even flow between the Rajya Sabha and the Lok Sabha, then both the Houses will mean a combination of the two and the Lok Sabha will equally become the House of elders. We should take into consideration the principles and practices and so far as the important Bills are concerned, there should not be even flow. They should necessarily originate in the Lok Sabha and then they should come before this House of elders.

It is true that the hon. Chairman has to decide points of order and they should not be challenged at the time the decisions are given. However, these decisions are like judicial decisions and many times they are referred, whenever occasions arise. So, there should be some procedure of review of the decisions, not at the time when they are given but afterwards, in order to see whether the decision made was correct or not.

There are certain suggestions made by some of the hon. Members which deserve due consideration. Madam, a time limit has been fixed so far as private business is concerned. This is absolutely necessary; otherwise we shall not be able to render justice to all the Members who are having Resolutions or Bills. This suggestion is,

therefore, a welcome suggestion. I would also like to point out, Madam, that even so far as the Government Business is concerned, some time limit should be fixed in advance so that Members will get opportunity to participate in a justifiable manner.

Under Rule 226, the business before a Committee does not lapse but so far as this House is concerned, excepting Bills, the other business lapses. I think we should follow the Lok Sabha. They have made necessary amendments to their Rules and those amendments should also be taken into consideration.

Madam, as the time is short, I would like to conclude. I would once again congratulate the Members of the Committee for bringing such an improved Draft before the House. There are various provisions which, as I have tried to point out in the beginning, are of a vital nature. This House, with the help of these Rules, will definitely represent the picture of the people at large. This House should always endeavour to come nearer the people.

Madam, there are some other suggestions which have come particularly from the Opposition side and those which are reasonable should be taken into consideration by those who have moved for the consideration of these Draft Rules. Madam, I feel that with the help of the new Rules the Members of this House will increase the prestige and dignity of this House. This House has rich and great traditions and I am sure they will be richer and greater in days to come.

PROF. A. R. WADIA (Nominated): Madam Deputy Chairman, I have no desire to take up any long time because we have already had a number of long speeches and we have benefited by them. May I congratulate you and your colleagues on the very thorough way in which you have done your work and produced a report which certainly adds to the prestige of our House and makes it more demo-

[Prof. A. R. Wadia]

cratic than it ever was? I was also very happy to note that the work of the Committee was conducted from the stand point of the House and not on any party lines. That was also a very healthy thing to be noted and we are very glad about it. I think all the amendments have been thoroughly discussed by Mr. Bhupesh Gupta and Mr. Nafisul Hasan and our ideas have been clarified on those points and there is no need to go over them again. I do hope, Madam, that so far as these Rules are concerned, the voting on the amendments will not be on party lines but that each amendment will be considered on its merits. I do feel that several amendments are very worthy of consideration and deserve to be accepted.

There is just one more suggestion I should like to make, Madam, not merely a sort of rigid rule to be incorporated but a sort of convention to be established. I myself have felt one great difficulty. When I come to attend a session, I have not got a clear picture of the Bills and the Motions that we are going to discuss and those of us who come from very distant places are not in a position to bring all the relevant papers with us. It will be an extremely great convenience if along with the notice of the session, the Secretariat of the Rajya Sabha sends us a note of all the Bills that will be taken up and all the Motions that will be taken up during the session. There need not be anything very rigid about it. Anything new that comes up may be introduced according to the exigencies of the time but it will be a very great help to us to know what Motions are going to be discussed so that we can bring the papers and the Reports and we may have also time to study them. That is the only suggestion that I would like to make, Madam.

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, I take this opportunity of paying my tribute to the Rajya Sabha Secretariat which has been working very effi-

ciently all these years and which has tried to see that the rules under which it had to work were adhered to and minimum cause for irritation was given to the Members. However, I have to make an appeal to the Members also and that is, they should realise the difficulties of the Secretariat also. There are at times situations when a Member does not like a particular decision of the Secretariat about this Questions or Motion for Papers or about so many things and instead of getting irritated we should try to find out the reasons why the Secretariat has been compelled to take that decision and if we discuss the point in question with one of the officials of the Rajya Sabha Secretariat I am sure in many cases their doubts, their suspicions, will be removed and they will be convinced that the stand taken by the Secretariat was correct. Of course there may be occasions when we may not agree with the decision or the stand taken by the Secretariat but that does not mean that the Secretariat is doing a particular thing with a certain motive or anything of that kind. After all, they are working under great pressure during the session period and they have to take so many decisions. It is just possible that in a case here or in a case there they might not be taking an absolutely correct stand as we might be expecting. These things do happen but if we, Members of the Rajya Sabha, and the Rajya Sabha Secretariat try to understand each other's point of view I am sure there will never be any occasion to differ from the stand taken by the Secretariat and the stand taken by the Members.

I also want to pay my tribute to the Secretariat for the work which they did for the Rules Committee, for the way they provided the necessary papers, the necessary precedents from other legislatures and tried to be helpful to the Committee to their utmost.

Now, Mr. Bhupesh Gupta has already said that the Committee functioned as a team, there was no prejudice and all the decisions taken by

the Committee were in a unanimous manner. After saying all that I fail to understand how Mr. Bhupesh Gupta found it necessary to give a thirteen page note of dissent. That again shows what I have been saying about Mr. Bhupesh Gupta that he works with two minds. On this particular occasion he had one mind in which he agreed with the decision of the Committee and he was one with the Committee—and in another mind he thought that unless he said something it would not be proper and so he took the trouble of writing a thirteen page note of dissent. Now if we go through that note of dissent we find that there is hardly any matter of substance. It is like a running commentary on the decision of the Committee. It also seems that Mr. Bhupesh Gupta was not at all particular about any change and that is evident because he has not tabled a single amendment, which means that he accepts *in toto* whatever the Committee has recommended.

SHRI BHUPESH GUPTA: Who? Me?

SHRI M. P. BHARGAVA: Yes.

SHRI BHUPESH GUPTA: I did not have faith in you because you will not accept my amendments.

SHRI M. P. BHARGAVA: Well, we tried to accommodate Mr. Bhupesh Gupta in the Committee as much as we could and he cannot have any grudge that he did not have his full say in the Committee.

SHRI BHUPESH GUPTA: I am not saying about the Committee; I am talking about here.

SHRI M. P. BHARGAVA: Here also you have had your full say. I am attacking your thirteen page note of dissent which is like a running commentary on the work of the Committee, on the various recommendations of the Committee. It almost touches every point where you differed from the decision of the Committee and where after discussions you agreed with the line taken by the

Committee. But here we find there is a note of dissent.

SHRI AKBAR ALI KHAN (Andhra Pradesh): We had his running commentary for three hours in the House also.

SHRI M. P. BHARGAVA: Now I will take up some of the points raised by Mr. Bhupesh Gupta. First of all Mr. Bhupesh Gupta complains why it should have taken ten to twelve years for revising the rules. Well, revising the rules was as much Mr. Bhupesh Gupta's work, as much my work, as much any other Member's work as it was of the Secretariat. What efforts did Mr. Bhupesh Gupta make during the period he has been here—and he has been here since the inception of the Rajya Sabha—to get the rules changed? Other Members did take some action in that direction but Mr. Bhupesh Gupta was silent all these years.

SHRI DAHYABHAI V. PATEL: Silent?

SHRI M. P. BHARGAVA: Of course, he was silent about the rules.

SHRI AKBAR ALI KHAN: Say about the rules; otherwise he was never silent.

SHRI M. P. BHARGAVA: I am not saying that he was silent in the House. I am talking about the rules at the moment.

SHRI BHUPESH GUPTA: I demonstrated in the twelve years how you could do your things even with bad rules.

SHRI M. P. BHARGAVA: It is not a question of dealing with good rules or with bad rules. Whatever the rules were, they were there and we were working under those rules. What I am asking is this. Why did not Mr. Bhupesh Gupta take any steps to get the rules amended if he felt that there was necessity for changing the rules? He has made a big complaint about this aspect in his note of dissent.

SHRI BHUPESH GUPTA: Not against any individual.

SHRI M. P. BHARGAVA: Not against individuals; I am not saying that. But you have made a complaint that it would have been much better if these rules had been changed earlier. I am talking of the time factor. Now, you have been here since inception and you have never cared to take any steps to see that the rules are changed. If what you have written is taken as correct I am sure you would have taken steps much earlier. Vociferous you are and amendments you can draft in plenty and I do not in any way doubt your capacity to get the rules changed if you had tried. So the point is that you did not feel any real necessity or great urgency to change the rules and so you were taking it as quietly as any other Member was taking and you perhaps thought, 'let the Committee be appointed as is provided in the Constitution and when the Committee is appointed we shall see about it.' Now having taken up that attitude . . .

SHRI BHUPESH GUPTA: May I say one thing? We were particularly worried about your Government about which you need not be so worried and you had plenty of time that way.

SHRI M. P. BHARGAVA: I should like to tell Mr. Bhupesh Gupta, Madam Deputy Chairman, that if the Government at any time felt that the rules were standing in their way they would have taken steps to get them changed much earlier without waiting for the advice of Mr. Bhupesh Gupta. It was not that the Government was feeling any difficulty; it was not that other Members were feeling difficulty. It is your note of dissent which has raised this question of difficulty. That is what I am referring to. You have said it in very strong terms:

"As a result, the Rajya Sabha has had to face serious difficulties and occasionally even frustration . . ."

Mark the words: "occasionally even frustration" Then it says:

" . . . from the point of view of service to the people and the country in the true spirit of people's mandate and of democracy."

This is too strong a language. The House will agree with me that the position was not what Mr. Bhupesh Gupta seems to be making out in his Note of Dissent. That is about point number one.

Then in Chapter II he has made a remark and he spoke about it also which in my opinion is a very strange remark. Here he says:

"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 is absolutely contrary to what should be done. In the first term, whoever may be the Deputy Chairman—he may be a very talented person or he may not be a very talented person—he or she takes time to understand the whole thing.

SHRI BHUPESH GUPTA: I think in such a case the law of diminishing return operates.

SHRI M. P. BHARGAVA: I do not agree. It is only in the second term that the presiding officer can be really effective and show his worth. So, to bar that the presiding officer should not be eligible for re-election is a proposition to which at least I cannot subscribe.

SHRI BHUPESH GUPTA: I hope this misfortune will not fall on the present incumbent.

SHRI M. P. BHARGAVA: Well, it is a different thing. If unfortunately we have elected some person who is not worthy of the office, that is entirely a different thing. But having elected a person who is worthy of

the office, to say that we will not re-elect him is not a correct stand, in my humble opinion.

SHRI BHUPESH GUPTA: My position is not at all that. Enough trouble you give by electing him and keeping him for five years. Do not prolong that.

SHRI M. P. BHARGAVA: I will not give that interpretation, as you have said.

THE DEPUTY CHAIRMAN: You have said enough. I think you must now listen.

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, he is not used to it, I beg your pardon. He is used to speaking and not to listening.

THE DEPUTY CHAIRMAN: But he is trying very hard.

SHRI M. P. BHARGAVA: He will patiently hear me.

SHRI BHUPESH GUPTA: He likes my interruptions. He asks me to interrupt.

SHRI M. P. BHARGAVA: But I never interrupted you.

SHRI BHUPESH GUPTA: I am very sorry for it.

SHRI M. P. BHARGAVA: Well, coming to Chapter V, he says:

"At present, the Chairman can reject amendments to the President's Address without assigning any reason. I think this is not a very healthy and encouraging practice. The reasons for disallowing an amendment, in my view, should be given by the Chairman. This will enable the member to know why his amendment has been rejected. The apprehension of arbitrariness in the matter will thus be considerably reduced."

This is another proposition with which I cannot agree. There are certain

rules, which we are considering ourselves. Various categories have been provided for where the Chair takes the decision. Now, to expect that on every little occasion the Chairman must record his reasons I do not think is a feasible or practical proposition. What we have to do is to set such conventions which will be workable. Everything cannot be put down in the Rules. It is not a question of 'Do's and Don'ts'. No 'Do's and Don'ts' can be prescribed for regulating the proceedings of any Legislature. Certain things have to be left to convention and I am very happy to say that all these years Rajya Sabha can be proud of its conventions. They have worked well. They have set precedents and conventions which any House will be proud of and I do not agree with the proposition put forward by Shri Bhupesh Gupta.

Then, he comes to Chapter VI. He makes certain comments. I would humbly like to remind him that there is a body like the Business Advisory Committee on which all that Parties are represented. Shri Bhupesh Gupta also takes part in it. They decide about all the matters which will come up before the House from time to time. Therefore, whatever he has said about Chapter VI is again redundant and is not necessary.

Now, about Chapter VII, Questions, he has offered his biggest Note of Dissent. What is his point? His point is: Do not include this item for making the Secretariat reject things. Do not include that item. Now, on the one side he wants that the Secretariat should be tightened up as far as possible. On the other side he wants that the Rules should be as flexible as possible. How are the two consistent? Many of the things to which he objects have already been there all these years. There has not been a single occasion when any difficulty arose about any of the items which were there. Therefore his remarks about those things, about questions, are not very relevant to the point at issue.

[Shri M. P. Bhargava.]

That brings me to another criticism about which my hon. friend, Shri Dahyabhai Patel, spoke and that is about disallowing of questions. I have already made some remarks regarding the working of the Secretariat in the beginning. As far as questions are concerned, there is a certain procedure under which the Secretariat has to function. A large number of questions are coming every day and they have to be scrutinised and admitted or not admitted. From my personal experience I can say that there has never been any occasion when my questions had been disallowed and when I approached the Secretariat the Secretariat was not able to convince me, I thought that the question had not been correctly disallowed.

SHRI BHUPESH GUPTA: That is a good news.

SHRI M. P. BHARGAVA: But when I contacted the authorities dealing with questions they placed their point of view before me. I can safely inform the House that there was not a single occasion when I was not convinced. The percentage of disallowed questions is a matter which depends on how the questions are drafted, how they are sent and what information they seek. It is sometimes possible that we want to get information which has already been given or we want information which is not very clearly made out in the question, or there is some flaw by which they come under the category of the various items under which questions are disallowed. Mr. Dahyabhai Patel the other day read out certain questions which were disallowed. Well, he may agree or not agree but the impression left on my mind was that the questions were rightly disallowed.

Then on Chapter IX, I agree with what Mr. Bhupesh Gupta has said about the legislative business. We must make efforts to see that more and more Bills are introduced in this

House. In fact there should be a fair distribution of work between the two Houses. Some Bills should be introduced in this House and later go to the other House. The other set of Bills should be introduced in the other House and then they could come here. There should be distribution in such a manner which will keep going both the Houses simultaneously. Members probably remember that there have been occasions when this House has felt shortage of work. That has arisen only because of the fact that the distribution of work between the two Houses at times is not properly done, and while the other House is too pressed to pass Bills, this House at times starves for Bills. I again agree with what Mr. Bhupesh Gupta says about the practice of rushing through important Bills towards the fag end. That again, if I may say so, is due to the improper arrangement of business in the two Houses. No Member would like that any important Bill should be rushed through and I think all of us are one with Mr. Bhupesh Gupta when he says that this should not be done at the fag end of the session.

THE DEPUTY CHAIRMAN: Mr. Bhargava, there are five more speakers.

SHRI M. P. BHARGAVA: I will finish in five minutes.

Then Mr. Bhupesh Gupta gave another example in his own way about acceptance and non-acceptance of amendments, and he said that instead of calling it the Preventive Detention Act he would have liked to call it the Suppression of Fundamental Rights Act. I would go to the other end. It was very generous of the Government to have called it the Preventive Detention Act. It could have very well been named as the Prevention of Anti-social Activities Act, and that would have been the proper name for that Bill.

SHRI BHUPESH GUPTA: Why did you not move an amendment?

SHRI M. P. BHARGAVA: Because I do not want to rub on the wrong side of anybody. Preventive Detention Act is good enough. Why should we rub on the wrong side as you wanted to? Where is the question of suppression of fundamental rights there?

SHRI BHUPESH GUPTA: I was in the Supreme Court just this morning. One comrade was arrested, a Communist. He had been released because the Court found that the order was invalid.

SHRI AKBAR ALI KHAN: Of course the order may be invalid but not the law.

SHRI BHUPESH GUPTA: I just gave an example.

SHRI M. P. BHARGAVA: The Supreme Court are free to interpret in their own way what they think of the law. But that does not mean that the law is defective. There may be an error of judgment at times . . .

SHRI BHUPESH GUPTA: A person was kept in detention for seven months illegally.

SHRI M. P. BHARGAVA: That is what you think. But what the facts are the House is not fully aware of. We cannot make up our mind on the basis of one side of the picture. For arriving at a judicial judgment on anything both sides of the picture must be kept before us if it is expected that the House will take any view on it.

Then on Chapter XII Mr. Bhupesh Gupta says something about motion for papers, and his grouse is that all these years . . .

SHRI BHUPESH GUPTA: Not grouse but complaint.

SHRI M. P. BHARGAVA: . . . not one motion for papers has been admitted. Well, this is, as I have been seeing in the House, a correct statement of facts. But that does not mean that all the motions for papers

which were given should have been accepted. There may have been valid reasons for disallowing them. What I want to press before the House and appeal is that these are things where we have to make attempts persistently and press for those motions for papers which really require information in the public interest. We should all work for such motions when they come. One should not take it up as a party question. If really there is any case where it is required, we should all work unitedly and see that these motions for papers are admitted and the information sought for is supplied.

That is all I wanted to say at this stage.

श्री गोडे मुराहरि (उत्तर प्रदेश) :
रूलर के बारे में जब हम चर्चा करते हैं तब मैं पहले यह साफ कर देना चाहता हूँ कि मैं तो राज्य सभा और जितनी भी और काउन्सिलें हैं उन सबको खत्म करने के पक्ष में हूँ। वैसे तो मैं चाहता ही नहीं कि कोई भी इस तरह के दो हाउसेज हों लेकिन फिर भी . . .

श्री अकबर अली खान : لہجہ آپ
ہو تو ختم ہو جائیں گے -

†[श्री अकबर अली खान] : लेकिन आप भी तो खत्म हो जायेंगे ।]

श्री गोडे मुराहरि : बिल्कुल। मैं तो तैयार हूँ। लेकिन अगर इस तरह के दो सदन रखते हैं तो फिर इस सदन का कुछ महत्व भी निकलना चाहिये। तो इसलिये मैं कुछ सुझाव आपके सामने रखना चाहता हूँ। एक तो जब हम इस सदन में आते हैं तो हमारा मकसद यह होता है कि देश की जो समस्याएँ हैं उनको हम यहाँ पर लाएँ और चाहे उनका हल हो या न हो, कम से कम सरकार के ध्यान में और बाहर देश के सामने भी उन समस्याओं का एक दृष्टिकोण रखें। खास तौर पर हमारे

[श्री गोडे मुराहरि]

विरोधी दल की ओर से हमेशा यह कोशिश होती है कि देश की जो समस्याएँ हैं उनको यहां लाकर रखें लेकिन अगर इस सदन के जो नियम बनते हैं वे ऐसे बनते हैं कि हर समस्या का खात्मा सदन के सामने आने से पहले ही हो जाता है तो फिर इस सदन के रहने का कोई महत्व नहीं। इसलिये मेरा तो यही कहना है कि जब हम कोई मोशन फार-पेपर्स देते हैं या कोई प्रश्न देते हैं तो कोशिश यह होनी चाहिये कि ज्यादा से ज्यादा वे इस सदन के सामने आएँ और कम से कम उससे पहले खत्म हों, लेकिन हम यह देख रहे हैं कि हमारा यह तजुर्बा रहा है कि ज्यादा से ज्यादा तो खत्म हो जाते हैं और सदन के सामने बहुत कम मामले आते हैं। यह जो परम्परा है इसको खत्म करना चाहिये। इसका दोषी कौन है, इसमें हम नहीं जाना चाहते हैं। हो सकता है हमारे सेक्रेटेरिएट की गलती हो या हो सकता है जो हमारे प्रेजार्डिंग आफिसर्स हैं उनका दृष्टिकोण हो जिसकी वजह से इस ढंग की एक परिस्थिति हमारे सामने आती है। लेकिन मेरा यह सुझाव है कि जब कोई प्रश्न दिया जाता है तो यह कोशिश होनी चाहिये कि कम से कम उसके बारे में या तो ओरल जवाब मिलना चाहिये या लिखित जवाब मिलना चाहिये। लेकिन उसके बारे में इस तरह की कोशिश नहीं होनी चाहिये कि उसको किसी न किसी बहाने खत्म कर दिया जाय। हम समझते हैं कि बहुत से क्वेश्चन इसलिए डिसएलाउ कर दिये जाते हैं कि उनका पहले ही जवाब दे दिया गया है और दुबारा दोहराने की जरूरत नहीं है। हमने कई बार सवाल पूछने के लिए भेजे, आध घंटे के सवाल भी पूछने के लिए भेजे मगर उसका यह जवाब मिला कि इसका जवाब पहले ही दे दिया गया है और इस वजह से यह क्वेश्चन डिसएलाउ कर दिया गया है। इस तरह से कई चीजों को खत्म करने की प्रवृत्ति होती है, इसलिए मैं यह कहना चाहता हूँ कि इस बात की सेक्रेटेरिएट के

ऊपर जिम्मेदारी है कि जब कोई सवाल पूछने के लिए भेजा जाता है तो उसे इस तरह का दृष्टिकोण नहीं अपनाना चाहिये कि किस तरह से इस सवाल को खत्म कर दिया जाय। मुझे यह महसूस होता है कि उनकी कोशिश हमेशा इसी तरह की होती है कि जब कोई सवाल या कोई दूसरी चीज उनके सामने सदस्य लोग भेजते हैं तो यह होता है कि किस रूल के जरिये उस चीज को खत्म कर दिया जाय। इस तरह की जो प्रवृत्ति है वह नहीं होनी चाहिये, यही मेरा कहना है।

यह बात सही है कि राज्य सभा और लोक सभा अलग अलग हैं लेकिन जिस तरह से किसी प्रश्न के बारे में लोक सभा में सवाल पूछे जा सकते हैं उसी तरह की व्यवस्था यहां पर भी होनी चाहिये। लोक सभा में सदस्यगण एडजानमेंट मोशन ला सकते हैं लेकिन इस तरह के मोशन को लाने का हमारे पास कोई अधिकार नहीं है। अगर हम यहां पर किसी मसले के ऊपर जो एक दिन पहले घटी हो या बहुत ही महत्वपूर्ण का कोई विषय सदन की मीटिंग बैठने से पहले घटा हो उसके बारे में हम हाउस का और सरकार का ध्यान नहीं खींच सकते हैं। लेकिन अब नये रूल्स में "कालिंग एटेंशन" का प्राविजन हो रहा है जो कि एक बहुत ही अच्छी बात है। मैं यह चाहूंगा कि एक परम्परा यह भी डाली जानी चाहिये कि जो विषय हम लाना चाहते हैं सवालों के बाद उसके लिए १० या १५ मिनट का समय मुकर्रर किया जाना चाहिये। इस तरह की जो समस्या हम सदन के सामने लाना चाहते हैं वह हम इस समय "मोशन फार पेपर्स" के जरिये तथा चेयरमैन की इजाजत से उठा सकते हैं। चेयरमैन साहब इस बात की इजाजत देते हैं और हम लोग बहुत से मसलों के बारे में यहां पर सदन का ध्यान खींचते हैं। लेकिन हमें इस तरह की परम्परा डालनी चाहिये ताकि इस तरह के मसलों को ज्यादा से ज्यादा तादाद में ला सके। देश में जो महत्वपूर्ण मसले उठते हैं:

उनको हम सदन के सामने ला सकें और साथ ही साथ देश को भी यह दिखा सकें कि हम किन तरह से अपनी जिम्मेदारी को निभा रहे हैं ।

एक चीज मैं यह चाहूंगा कि राज्य सभा में सरकार के खिलाफ नॉन-कॉन्फिडेंस मोशन लाने की परम्परा नहीं है लेकिन कम से कम यह अधिकार तो उसका होना चाहिये कि जब कोई मिनिस्टर कोई गलती करता है या कोई ऐसी चीज करता है जिससे उसको सेन्सर किया जा सकता है, तब ऐसी हालत में इस तरह के मोशन को लाने का अधिकार सदस्यों को होना चाहिये जिसके द्वारा वे उस मिनिस्टर के खिलाफ सेन्सर ला सकें । हमें इस तरह का कोई अधिकार होना चाहिये कि हम उस मिनिस्टर के खिलाफ किसी रिजोल्यूशन द्वारा या किसी मोशन द्वारा उसको सेन्सर कर सकें । इसका मतलब यह नहीं है कि हम सारी सरकार के खिलाफ कोई बात कहना चाहते हैं, हम तो केवल यह चाहते हैं कि उस मिनिस्टर की करतूत के खिलाफ हमें इस प्रकार का अधिकार होना चाहिये जिसके जरिये हम उस सेन्सर कर सकें और सरकार को बतला सकें, इस सदन को बतला सकें कि फर्ना मिनिस्टर ने यह कार्यवाही की है जिससे जनता असंतुष्ट है और वह इस चीज को पसन्द नहीं करती है । इस तरह का अधिकार हमें होना चाहिये ।

आधे घंटे का जो डिसकशन इस सदन में होता है उसके बारे में हमने यह देखा है कि उसके लिए बहुत कम अवसर दिया जाता है । तो मैं यह चाहूंगा यह जो आधे घंटे का डिसकशन होता है इसीलिए हमें ज्यादा सं ज्यादा मौका दिया जाना चाहिये और हमारे चेयरमैन साहब तथा प्रिजाइडिंग आफिसर्स को इस तरह के डिसकशन की इजाजत देनी चाहिये । पुररसों ही दिल्ली मिल्क स्कीम के बारे में एक सवाल किया गया था कि इस विषय में

आधे घंटे का डिसकशन होना चाहिये लेकिन आज तक उसके बारे में कुछ नहीं हुआ । इसलिए मेरा ख्याल है कि आधे घंटे के डिसकशन के बारे में इजाजत दी जानी चाहिये क्योंकि जब कोई महत्व का सवाल होता है तो सवालों के समय उसका जवाब अच्छी तरह से नहीं दिया जा सकता है । इसलिए मैं चाहूंगा कि सवालों के बाद महत्व के सवालों के बारे में आधे घंटे का डिसकशन करने की परम्परा हमें डालनी चाहिये और इसकी इजाजत दी जानी चाहिये ताकि उस सवाल के बारे में पूरी तरह से बहस कर ली जाय ।

मुझे एक चीज के बारे में कहने पर दुःख होता है और वह यह है कि जो प्रेस रिपोर्टिंग होती है वह किस तरह से गलत रूप में की जाती है । राज्य सभा और लोक सभा की जो प्रेस रिपोर्टिंग होती है उसको गलत रूप में बाहर फैलाया जाता है । उसको देखकर मुझे ऐसा लगता है कि हमारे चेयरमैन साहब या प्रिजाइडिंग आफिसर्स को हमेशा इस बात का ध्यान रखना चाहिये कि सदन की जो कार्यवाही होती है उसकी गलत तौर पर प्रेस रिपोर्टिंग न हो और अनबैलेन्सड रिपोर्टिंग नहीं होनी चाहिये । इस सदन में जब स्वर्गीय पंडित जवाहरलाल नेहरू जी के देहान्त के बारे में बहस हो रही थी, लोक सभा में भी हुई, उसकी जो रिपोर्टिंग दूसरे दिन अखबारों में निकली उसको देखकर ऐसा लगता है कि जानबूझकर एक पार्टी के नुमायन्दे के नाम हटा दिया गया है । इस तरह की बात चाँद आल इंडिया रेडियो ने की हो, अखबार के किसी एडिटर ने की हो, या हो सकता है किसी न्यूज एजेंसी के जरिये हुई हो, लेकिन इस तरह का स्वरूप बाहर रखा गया था जिससे यह मालूम होता था कि उनको श्रद्धांजलि देने में केवल दो तीन पार्टियां शामिल नहीं हुईं । इस तरह की बात सरासर गलत है । होना यह चाहिये था कि एक रिप्रेजेन्टेटिव ऑपीनियन देश के सामने जानी चाहिये थी लेकिन इस तरह की अनबैलेन्सड रिपोर्टिंग करके और

[श्री गोडे मुराहरी]

गलत स्वरूप पेश करके जनता को भ्रम में डालना उचित बात नहीं है। इसलिए मैं चाहूंगा कि इस तरह की जब कोई चीज होती है तो उसकी ओर हमेशा ध्यान रखा जाना चाहिये। चेयरमैन को यह अधिकार होना चाहिये कि जब भी इस तरह की चीज अखबारों में निकलती हो तब उसके बारे में चेयरमैन साहब को देखना चाहिये कि इस तरह की चीजें अखबार में नहीं आनी चाहिये। जब कभी इस तरहकी चीज अखबार में निकलती है तो चेयरमैन साहब को यह अधिकार होना चाहिये कि उस बारे में करेक्शन भेजें और दूसरे दिन उस अखबार वाले या न्यूज एजेंसी वाले से कहा जाय कि वह करेक्शन इश्यू निकाले।

अब मैं एक्सपन्ज करने के बारे में कुछ कहना चाहता हूं जिसके बारे में हमारे रूलस में प्राविजन है। उसके बारे में हमें यह देखना चाहिये कि सदन में जो बहस होनी है उसका सही सही स्वरूप प्रोसीडिंग्स में आनी चाहिये। इस तरह की एक प्रवृत्ति रहती है और खासकर रूलिंग पार्टी में कि जो अपोजीशन के सदस्य की तरफ से कोई चीज कही जाती है, कोई कड़ी चीज कही जाती है तो तुरन्त भांग की जाती है कि इसको एक्सपन्ज कर दिया जाय। इस तरह की जो प्रवृत्ति है वह गलत है। इसलिए मेरा चेयरमैन साहब से निवेदन है कि प्रिजाइडिंग आफिसर चाहे कोई भी हो उसे हमेशा इस बात का ध्यान रखना चाहिये अगर कोई कड़ी बात कही जाय तो उसको सावधानी के साथ एक्सपन्ज करने की इजाजत दी जानी चाहिये और एक्सपन्ज करने का जब भी कोई मौका आता है तो उसका कम से कम इस्तेमाल किया जाना चाहिये। सिर्फ ऐसे ही अवसरों पर उसका इस्तेमाल किया जाना चाहिये जब कोई सरासर झूठ बात कही गई हो या कोई अव्युज की बात कही गई हो। अगर कोई बात सरकारी दल या मिनिस्टर के खिलाफ कही जाती है तो उसको एक्सपन्ज करने की कोशिश

की जाती है जो कि एक गलत तरीका है और इस पर प्रिजाइडिंग आफिसरों को सावधानी के साथ काम लेना चाहिये जब कोई मिनिस्टर कोई गलत बात कह देता है तो उसको एक्सपन्ज करने की बात नहीं कही जाती है। तो मेरा निवेदन है कि इस बारे में प्रिजाइडिंग आफिसरों को विशेष ध्यान देना चाहिये।

जब किसी चीज के बारे में यहां पर कोई बहस होनी है तो जो सदन में छोटे छोटे ग्रुप्स हैं उनका भी दृष्टिकोण सुना जाना चाहिये क्योंकि हम देखते हैं कि जो बड़ी पार्टी है उसको तो बोलने के लिये काफी मौका दिया जाता है क्योंकि उसकी ताकत ज्यादा है, उनकी संख्या ज्यादा है। लेकिन जो छोटी पार्टी के नुमाइन्दे हैं उनको बोलने के लिये कम समय मिलता है या बिल्कुल ही समय नहीं दिया जाता है। यह खराब परम्परा हमारे राज्य सभा में चल रही है उसको दूर किया जाना चाहिये। मैं चाहूंगा कि कम से कम राज्य सभा में जितने भी राजनीतिक दल हैं चाहे वह कितना ही छोटा क्यों न हो उनको बोलने का मौका दिया जाना चाहिये ताकि हर एक अपना प्वाइन्ट आफ व्यू सदन के सामने रख सके। ऐसा नहीं है कि राज्य सभा में हमारे पास समय नहीं है। हमारे पास समय है और अगर समय की कमी हो तो मैं तो यह कहूंगा कि हमारे लंच अवर में से आधा पंटा कम कर दिया जाय, लेकिन समय सबको मिलना चाहिये। लोक सभा में मैं समझता हूं कि वहां पर पांच सौ मेम्बरान हैं और वहां पर समय कम मिलता है, लेकिन राज्य सभा में कम से कम समय की बात नहीं होनी चाहिये और सबको मौका मिलना चाहिये।

और मैं ज्यादा कुछ नहीं कहना चाहूंगा। सिर्फ इतना ही कहूंगा कि जो भी हमारे रूलस वगैरह इंटरप्रेट किये जायेंगे, उसमें यह दृष्टिकोण हमेशा रहना चाहिये कि जो विरोधी पक्ष है उसको ज्यादा से

ज्यादा मौका दिया जाय और जो सत्ताधारी पक्ष है उसको कम से कम मौका दिया जाय क्योंकि उसको तो मौका मिलता ही है यानी जो कुछ करना है सरकार की ओर से उसको तो सरकारी पक्ष करना ही है और कहने का मौका सिर्फ विरोधी दल को होना चाहिये। यह सही है कि आप लोगों में से कुछ लोग ऐसे होंगे जो सरकार की कुछ चीजों के ऊपर भिन्न राय रखते हों और यहां पर कुछ कहना चाहें, तो ठीक है उनको मौका दिया जाय, लेकिन यह कौशिल्य होनी चाहिये कि जो विरोधी दल है उसको पूरा पूरा मौका दिया जाय। सरकारी पक्ष अपने मेम्बरों के ऊपर समय बांट ले, लेकिन वह कम से कम समय जाया करे। मिनिस्टर को भी यह खयाल रखना चाहिये कि जब वे यहां पर भाषण करते हैं तो उनको लम्बा चौड़ा भाषण करने की जरूरत नहीं होती है। उनको सुनना चाहिये और कम भाषण देना चाहिये। मुझे इतना ही निवेदन करना है।

SHRI M. RUTHNASWAMY (Madras): The object and purpose of any set of rules regulating the procedure and conduct of business of a legislature are to ensure efficiency in the conduct of the business of the legislature, orderliness and speed in its proceedings because the object of a legislature or a deliberative assembly is to pass laws required for the good of the country and to deliberate with a certain amount of leisure on the grave questions affecting the welfare of the country. There are only a few observations which I have to make on the Rules of Procedure that have been presented to the House that spring from my experience of legislatures elsewhere and my own experience in this House.

Madam, one of the first things that I was surprised by early in my career in this House was when the Budget was presented for discussion. No Minister made a motion calling for consideration of the Budget. The

Chairman came and announced that the Budget was for discussion. It is as if discussion could commence on any papers laid on the Table of the House without a motion being made, whereas in every deliberative Assembly modelled on the pattern of England every debate has to be preceded by a motion to be made either by a Minister or by a private Member. No doubt there is a rule in our Rules of Procedure that no motion should be made on the financial statement presented in the other House. That does not bar a motion for consideration of the Financial statement. No motion affecting the course or the details of the financial statement can be made, but no deliberative Assembly cannot be seized of any subject of importance like a financial statement without a motion being introduced by a responsible Minister.

Another point that I was surprised by was that debates are initiated on points of order. I remember on one occasion a whole hour or an hour and a half was taken up by a debate on a point of order. I wonder if it is because the first Presidents of our Legislatures were lawyers who were used to procedures in courts of law that these debates on points of order have been allowed. The legislature is not a court of law. The business of the court is to arrive at the truth. The Presiding Officer is not there to arrive at the truth. He is to expedite the proceedings of the House. Points of order have to be judged by him, are to be decided by him but not after a debate in the House. No doubt he must give reasons as far as possible for his decision, but the responsibility for taking decisions on points of order is his and his alone and it should not be shared by means of debates with other Members of the House.

Another thing that I was struck by was that the Presiding Officer is in the habit of addressing Members while sitting. This, again, I trace to the practice in courts of law where Judges talk to lawyers and witnesses sitting

[Shri M. Ruthnaswamy.]
down. But the practice in a legislature has always been for the Presiding Officers to stand up and speak which shows not only respect for the House but also it has a very practical consequence, and that is that when the Presiding Officer stands up, the Member standing has to sit down, whereas here I have seen on many occasions the Presiding Officer sitting and Members in the House standing and discussing the matter with him or with each other. So although it cannot be laid down in a rule, I think the convention ought to be adopted in this House as in any efficient legislative chamber that a Presiding Officer, even when he makes the briefest remark, should stand up and address the House. In Question time may I suggest that the eye of the Presiding Officer should range from one side of the House to the other side. We form a spectrum here. But unfortunately the middle of the spectrum or the right of the spectrum seems to attract the attention of the Presiding Officer.

SHRI M. S. GRUPADA SWAMY (Mysore): You have to pay the price for being the first Opposition.

SHRI M. RUTHNASWAMY: There is a certain price to be paid but I do not think that the Presiding Officer should make us pay the price. Presiding Officer, in order to be efficient has to choose questioners from all sides of the House. The suggestion is that his eye should range from one extreme side of the House to another.

And then may I be allowed to offer certain observations on my friend, Mr. Bhupesh Gupta's statements? One astonishing suggestion that he made was that the suspension of Members by the Presiding Officer should be discussed, should be debated upon. It is as if the sentence of a court of law could be debated on by the lawyers present, by the jury men present and also by the witnesses. Perhaps this suggestion of Mr. Bhupesh Gupta is traceable to the Communist

practice where the sentence is not by a presiding Judge but by the whole body of people, representatives of the people who are called upon to inflict a sentence and judgment upon the unfortunate accused.

Madam, I am quite at one with him in his remarks about the touchiness of the House in regard to matters of privilege especially as against the Press. The House is a strong enough body, privileged enough body which should not be touchy over criticisms by Press. And any House, any deliberative Assembly, any Legislature, cuts a sorry figure when it comes into conflict with the Press. So I hope and trust that this House will always refrain from being very sensitive about criticisms of itself or of individual Members of the House.

And in regard to the expunction of objectionable passages in the speeches of Members, I am quite at one with the distinguished former Speaker of the Madras Assembly, who said that before any expunction takes place, the offending Member should offer an apology to the House. As things are now, the most foul things are said, the most offensive things are said, and the presiding officer just decides that that passage should be expunged, whereas the offence, the insult still stays; the insult has been offered to the individual Member or to the House to the dignity of the House, and the offending Member just gets away with the passage being expunged, and such passages being expunged cannot contribute to the truthfulness of the record of the proceedings of this House. What I would suggest is that the whole objectionable passage should be printed in the proceedings of the House and scored out in such a way that the offending passage may be known to the people; let it be brought to the notice of the people that that passage has been expunged on account of its offensive character. But expunction or no, an apology from the offending Member must be extracted by the presiding officer.

SHRI AKBAR ALI KHAN: If he does not do so, what? There are very good persons but they do not offer apology.

SHRI M. RUTHNASWAMY: They must be forced to offer, and I think . . .

SHRI BHUPESH GUPTA: Otherwise he will act as the Marshal.

SHRI M. RUTHNASWAMY: I also am at one with Mr. Bhupesh Gupta with regard to the procedure followed on the admissibility of questions; not only questions by him but even questions by such an inoffensive person like myself have been disallowed on the ground that the matter of the question is secret or confidential, or that it is not in the public interest to answer these questions. Now, if it is the Secretariat of the House that decides against the admission of questions on account of their secrecy, or their confidential character, or because it is not in the public interest, I am afraid our Secretariat is taking too great a responsibility upon itself. It is not in a position to judge about the secrecy or the confidential character of a question. It is the Ministry concerned, specially the Ministry of Defence and the Ministry of External Affairs, that ought to have the deciding voice. I do not know if it is the practice but I suppose our Secretariat consults the Ministry in question before it disallows these questions.

While I am with Mr. Bhupesh Gupta in some of his criticisms of the Rules of Procedure, I am not happy with regard to the manner in which he made his observations, and of the general manner of his speeches. We are all glad that Mr. Bhupesh Gupta has been returned to this House. What would this House be without Mr. Bhupesh Gupta? We would lose much of our entertainment and also much of our instruction, although the instruction may be of a negative character. He is the chartered libertine of our debates; no rules of relevancy

or appropriateness, or of time seem to bind him. He can speak for hours while we, lesser mortals, are made to keep to the limits. But may I deprecatingly ask: Why does he shout at us? He shouts as if we were at the Calcutta Maidan?

SHRI DAHYABHAI V. PATEL: Force of habit.

SHRI M. RUTHNASWAMY: Mr. Stanley Baldwin, when he was Prime Minister, had a colleague who had the same physical advantage which Mr. Bhupesh Gupta possesses and the consequences of which he wants to inflict on other Members of the House; he was in the habit of shouting even in ordinary conversation. Once Mr. Stanley Baldwin heard this Minister shouting in the next room. So he asked his Private Secretary to go and find out what he was doing. The Private Secretary came back and said: "Oh, he is speaking to his constituents in Edinburgh." "Speaking to his constituents in Edinburgh? Then why does he not use the telephone?" said Mr. Stanley Baldwin. Similarly, Mr. Bhupesh Gupta seems to forget that he has got the mike before him. Why does he forget that he has a mike before him?

In conclusion, Madam Deputy Chairman, I would offer a friendly advice to Mr. Bhupesh Gupta in the words of a poet adopted to suit here. "Be to the gallery a little blind, and to our ears, somewhat kind."

SHRI P. N. SAPRU: Madam Deputy Chairman, the Council of States came into existence in 1952 and we are framing rules for it in 1964 for the first time. This is a long interval but I do not think that we have suffered in any way by the delay.

I have read with care the note of dissent or, shall I say, the supplementary note which Mr. Gupta has added to this Report, and I must say that, while I am not in complete agreement with him, there are points on which I do agree with him. But

[Shri P. N. Saprui.]

let me first make it clear that Mr. Gupta's point of view is not that of a believer in the British parliamentary system. He has made that abundantly clear in his note. He says that the British parliamentary procedure should not be our guide. He has no particular affection for the British parliamentary system. He has his own system of Government in mind, or legislature in mind, and he would like that to be adopted by us. Therefore, there is, to that extent, a fundamental difference between our point of view and that of Mr. Gupta. These rules are meant for the working of a normal legislature in a parliamentary system of Government; they are not meant for the functioning of a House in a communist system of Government. I should like to say that there is a tendency—and I think Mr. Gupta is right there—to disallow questions rather arbitrarily. Questions which should be answered are not always answered. They are treated as confidential. I think almost everything is not confidential in the world and the Ministers should not escape by taking the plea that by answering a particular question they will be disclosing some confidential matter. It has been particularly so in matters relating to the subject of Defence. I have known in the pre-Chavan days questions on Defence which were of an innocent character not being answered on the ground that they would disclose some information which would be of value to the enemy or which would set the country on fire. I do not think that this is a proper approach with regard to questions.

I should also like to say that there is much to be said for Mr. Gupta's viewpoint regarding the election of the Deputy Chairman. The Deputy Chairman should be elected by a majority of the entire House, by an absolute majority of the entire House. If you want that to be done, you should have successive elections as is the case in the United Nations. You may model your procedure on that of U.N. in this matter. But I

cannot understand Mr. Gupta's view that the Deputy Chairman should not have a second term. I should have thought that a Deputy Chairman who succeeds in the first term should have a priority of claim. I think there should be continuity in the office of Deputy Chairman.

I am glad that we are going to have some sort of procedure which would enable questions of urgent public importance to be raised in this House. I know that constitutionally speaking, the Executive is not responsible to this House. But in the pre-British days, in the Council of State of which I was a member, we used to have motions of adjournment of the House and many important discussions used to take place on those motions of adjournment of the House. The British House of Lords is a hereditary chamber, a more or less hereditary chamber, which has a peculiar history. It is not necessary for us to follow in this respect the procedure of the British House of Lords. In Ireland, in Australia and I believe, in other democratic countries, motions of adjournment of the House are allowed in the Upper Chamber. We must remember that this House is an elected chamber and therefore, to that extent it differs from the House of Lords and the analogy of the House of Lords does not hold good so far as this chamber is concerned.

I should also like a convention to develop which would make it possible or which would make it incumbent on the Leader of the House to keep himself in touch with the leaders of the opposition groups. Unfortunately there is no one opposition here and there is no one who can be called the opposition leader, in leader, in the sense that he is in a position to provide an alternative government. But a convention should be developed which would make it possible, or which would make it incumbent on the Leader of the House to keep himself in touch with the leaders of the opposition groups.

More Bills should be introduced in this House and more time should be given to this House for discussing matters of importance. I do not see any reason why the practice which used to be in the old British days of formal introduction of financial statements in the House should not be revived. Here at six o'clock the Finance Minister makes a statement in the other House, in the Lok Sabha, and it is not very nice to go and listen to the Finance Minister's speech there from the gallery of the other House, and we have no speech in this House introducing the Budget. I think that function can be discharged by the Minister of State in the Finance Ministry in this House, or that function can be discharged by the Deputy Minister of Finance. It will give some training to the future Finance Ministers also. I think this is a matter with regard to which there should be a change so far as our House is concerned.

Next I come to the question of defamatory statements. I think it is very wrong on the part of any Member to make a defamatory statement about any person. I do not like the names of industrialists or trade union leaders or of communists to be introduced in this House. They are not here to defend themselves and care should be taken to see that no defamatory statement is made about any person in a question or in speeches made in this House. I quite agree with Mr. Gupta that there are occasions when a Member's or a Minister's private life affects his public life also. We have had the case recently in the British nation of the Profumo case. Well, there have been other similar instances in British history. But nevertheless those cases are very rare and the floor of the House should not be utilised for making vindictive speeches against persons who are not in a position to defend themselves.

May I say a word about privileges? I am not unhappy at the fact that the law of privileges has not been

codified. There are difficulties of a constitutional and legal character in codifying that law. If you codify the law of privileges you may subject yourself to the jurisdiction of the courts. It will be unfortunate if we come within the purview of the courts because the privileges are the fundamental rights of the Parliament and you may have a conflict between the fundamental rights of the citizens and the fundamental rights of Parliament. I think the present position which lays down that our privileges are the privileges of the British House of Commons is the right and proper position and we must be careful not to abuse this right of exercising our privileges. I have a great deal of sympathy for the Press. I think that in a democratic country it should be open to the Press and the public to criticise Members of Parliament, Ministers, those who are functioning in this House freely and it should be on very rare occasions, if at all, that we should exercise our powers under the provisions relating to privileges. Here, there is a tendency to refer everything as a sort of breach of privilege. May I say that in this respect the Communist Party, of which Mr. Bhupesh Gupta is the leader, has not shown much discretion? Many of the cases which have come before the Privileges Committee, many of the cases which have been referred to the Privileges Committee, are by Mr. Bhupesh Gupta or his Party. I think, therefore, greater discretion is needed in dealing with this delicate question.

SHRI BHUPESH GUPTA: You know the nature of the cases.

SHRI P. N. SAPRU: Yes, I know the nature of the cases and I think that those cases should have been treated in the right hearted spirit.

SHRI BHUPESH GUPTA: One day we criticised the Birlas on the Vivian Bose Committee's Report and on the basis of that some paper wrote saying that we were doing it because we were inspired by the Chinese. Don't

[Shri Bhupesh Gupta.]

you remember this case, in 1962 or 1963?

SHRI P. N. SAPRU: The law of defamation, the law of libel and the law of slander are there to protect individuals and Members should not use the privilege issue to protect individuals. The privilege should be used to protect an individual from undue interference with the due performance of his duties as a Member of Parliament. I have not got before me the observations which Mr. Gladstone made on a famous occasion in regard to privileges but he was of the opinion that this right should be very very sparingly used. It is hardly used in Britain and there is a tendency in this country, I regret to say, evident not only in this House—it is evident in all the Legislatures of this country—to misuse the right of exercising this right to privilege.

Then I should like to say that my friend, Mr. Gupta's suggestion that a Member who continues to disobey the Chair should not be removed by force is ridiculous. I use the word "ridiculous" deliberately. If that suggestion is accepted, work in this House would become impossible. It would be possible for Mr. Gupta or any Member for the matter of that, it would be possible for me to squat on the floor of the House and refuse to get out and the House will have to adjourn. I do not know how long the adjournment will last. I may squat for one day, two days, three days or four days.

SHRI BHUPESH GUPTA: We may send Mr. Ruthnaswamy with Baldwin's book to persuade you to go.

SHRI P. N. SAPRU: I think we should have our own police under our Chairman to deal with cases of this character, but rank cases of indiscipline against the Chair must be strongly dealt with, the Chair's authority should be respected. Often it is said that the Chair gives wrong rulings. Well, it is the privilege of the Chair to give right rulings and wrong

rulings. No one is infallible. It is possible that there are occasions when the rulings of the Chair are not correct. We have just to submit to those rulings because even the Supreme Court cannot say that its rulings are always correct. I know of cases in which eminent jurists think that the Supreme Court has gone wrong and have expressed their comments in a free manner in legal journals on the merits of the judgement. But there must be respect shown to the Chair and we must assume that the Chair's judgements are honest. The assumption underlying some of the observations of Mr. Bhupesh Gupta or men who think like him is that the Chair is deliberately dishonest. That is an assumption which is fatal for the working of a democratic government.

SHRI NAFISUL HASAN: Nobody should even think in those terms.

SHRI P. N. SAPRU: We should not even think along those lines; it would not be proper for us to think along lines. I remember Judges giving judgments which they regret afterwards. After all, they are human and to err is human. It is impossible for everyone to be infallible and, therefore, the suggestion that there should be no provision for removing a person from the House, if he disobeys the Chair, is something which should be strongly turned down by the House. Unfortunately, we have not got it turned down, Mr. Gupta having moved an amendment to that effect but as he has made the suggestion and his suggestion may be taken up at some future time, it is necessary to speak strongly on this matter.

4 P.M.

Then I should like also the work of this House to be better regulated than it is at present. We find that legislation is not introduced in the first few days. Unimportant Bills are introduced here and we spend two or three days in discussing a very minor Bill just because there is no work for the Council. I see no reason why Bills of a non-financial charac-

ter—I want the financial power to reside solely and wholly in the lower House—should not be introduced in House—should not be introduced be a better distribution of work. What I have noticed is that towards the end of the session we get a number of Bills and the Business Advisory Committee allots one hour or two hours for a Bill which requires real consideration. That sort of thing should disappear and that will disappear if the Ministry of Parliamentary Affairs will be vigilant, if the Ministry of Parliamentary Affairs will know how to do its job properly, if the Ministry of Parliamentary Affairs will co-operate with the Business Advisory Committee and ensure that the House gets a proper chance of discussing questions.

We are, Madam, Deputy Chairman, a revising chamber and we should be in a position . . .

SHRI BHUPESH GUPTA: Where do you get it? We do not have it in our Constitution.

SHRI P. N. SAPRU: No; but that is the constitutional theory of a second chamber. I am of course not familiar with the Communist theory. I can only talk in terms of democratic theory. We are a revising chamber and it should be possible . . .

SHRI BHUPESH GUPTA: If you accept in theory that you are a revising chamber, you cannot demand legislation being introduced in this House because in that case your role of revising chamber does no more exist since we will be taking up legislation in the first instance. I feel that the theory itself is wrong because...

SHRI P. N. SAPRU: I know it is a very subtle argument but Mr. Bhupesh Gupta knows that the House of Lords is regarded as a revising chamber and yet Bills are introduced in the House of Lords.

SHRI AKBAR ALI KHAN: It is only a technical expression.

SHRI P. N. SAPRU: We are a chamber which can revise the work done by the other House.

SHRI BHUPESH GUPTA: The other House can also do the same thing.

SHRI P. N. SAPRU: Yes; the other House also can do so. But we are an indirectly elected chamber and therefore we cannot claim exactly the same status as the other House which is the direct representative of the people.

SHRI NIREN GHOSH (West Bengal): We represent the States. Either abolish this House or it should have full rights. It represents the States which comprise the Union of India.

SHRI P. N. SAPRU: Quite so. We represent the States of India but we do not represent the peoples of India and I should have thought that the Communist Party of which Mr. Niren Ghosh is a leading light—I do not know whether he is of the Moscow Brand or of the Peking Brand. . .

AN HON. MEMBER: Peking Brand.

SHRI BHUPESH GUPTA: Indian Brand.

SHRI P. N. SAPRU: I am rather nervous of describing him. . .

SHRI NIREN GHOSH: Home Brand, Dr. Sapru.

SHRI P. N. SAPRU: Home Brand?

SHRI BHUPESH GUPTA: Mr. Ghosh, I can tell you, is Calcutta Brand.

SHRI ARJUN ARORA: You are Bombay Brand, Dange Brand.

THE DEPUTY CHAIRMAN: Please let Mr. Sapru finish.

SHRI P. N. SAPRU: I am glad that Mr. Niren Ghosh has stood up for the rights of an indirectly elected House.

[Shri P. N. Sapru.]

I should have thought that as democrats we would take the line that a directly elected House, a House which is in touch with the masses. . .

SHRI ARJUN ARORA: We are elected by the people who are elected by the electorate which elects the Lower House.

SHRI BHUPESH GUPTA: Therefore in our case democracy is telescopic.

SHRI P. N. SAPRU: So we represent what I would call the federal element in our Constitution and therefore I should have thought that there can be no comparison between us and the other House. We should know our rights and we should know our limitations and we should so work as to make this House a House which really contributes something of value to the nation. It should be a House which must not be regarded as a superfluous commodity or a superfluous House in a big country such as ours.

Thank you very much, Madam, Deputy Chairman, for giving me this opportunity to speak on this.

شری عبدالغنی (پنجاب) : مہدم

تہمتی چورمین : میں نے بڑے دھیان

سے

श्री प्रकाश नारायण सत्रु : सरदार
प्रताप सिंह कैरों ।

شری عبدالغنی : . . . تقریروں

کو بھی سنا اور ملک کی قابل فخر
بیٹی کے تحت بڑے بڑے ملک کے
مدیر جو رولز پر اٹھتی تھیں
کرنے کے لئے بار بار اٹھتا ہوا رہے ان
کی سنارشات کو بھی بڑے دھیان سے

سنا - مہدم : آپ جانتی ہیں کہ
لوک سبھا اور راجیہ سبھا دونوں کو
پارلیمنٹ کے لفظ سے یاد کیا جاتا ہے
اور دونوں کے ممبر جو وہ پارلیمنٹ
کے ممبر سمجھے جاتے ہیں لیکن اگر
مجھے معاف کیا جائے تو نوے فی صدی
جنتا بھارت کی پارلیمنٹ کے معنی
لوک سبھا کے لیتے ہیں - پاس لہنے
والے پارلیمنٹ کے - ہم سمجھتے ہیں کہ
راجیہ سبھا بھی پارلیمنٹ ہے اور ہم
کہتے ہیں کہ راجیہ سبھا کا تو وہ
کہتے ہیں کہ نہیں نہیں پارلیمنٹ
کا لوک سبھا کا تو سہرا اشارہ یہ ہے
کہ اگر پارلیمنٹ کے دو حصے ہیں اور
اگرچہ میں تو بچہ ہی ہوں ابھی
لیکن کہتے ہیں کہ یہ ایڈورس کا
ہاؤس ہے اور ان مدبرین پر یہ ہاؤس
مرکوز ہوتا ہے جو ہندوستان کے بہترین
دل و دماغ سمجھے جاتے ہیں اور ان
کو پارٹیاں اپنی طرف سے یہاں بھیجوانی
ہیں - میں نہیں دیکھ پایا کہ اس
کمیتی نے رولس میں اسپیکر کیپتا
کوتے وقت جس میں بھوپیش گپتا
بھی تھے ہندوستان کے آہنی انسان
سردار ولہ بھائی پٹیل کے سپر دیا
بھائی پٹیل بھی تھے اور کانگریس کے
بڑے بڑے نہتا اور ہمارے بزرگ سپرو
صاحب بھی تھے جن پر ملک کو
فخر ہے وہ بھی ایسی تبدیلی کو لا
پائے ہوں کہ نوے فی صدی جنتا کے
دماغ میں جو ایک غلط نقشہ بیٹھا ہے
وہ پارلیمنٹ کے معنی لوک سبھا

ہوں اور یہ تو صرف ایسے بزرگوں کا
مجموعہ ہے جس کو رکھا گیا ہے
ہندوستان کی اور بھارت کی شان کو
قائم رکھنے کے لئے - اس خیال کو
بدلنے کے لئے کوئی کوشش کی
گئی ہو ایسا میں نہیں سمجھ
پایا - میرا کہنا یہ ہے کہ ٹھیک ہے
کہ لوگ سبھا میں جو بھائی آئے ہیں
وہ سات لاکھ بھائیوں کی رائے سے آئے
ہیں اور یہاں جو آئے ہیں اگر ان
بزرگوں کو چھوڑ دیا جائے جن کو
راشٹریہ جی اپنی طرف سے بھیجتے
ہیں . . .

श्री प्रकाश नारायण सरू : बाज़ वक्त
कुछ प्वाइंट्स से आते हैं ।

شری عبدالغنی : . . . تو یہاں
چالیس چالیس لاکھ کی نمائندگی
کرنے والے تقریباً سبھی بیٹھے ہیں -
کم از کم چالیس لاکھ بھائی بھنوں کے
نمائندے بن کر آتے ہیں اور وہ اسٹیٹ
کے نمائندے اگر کہلاتے ہیں تو میں
کوئی وجہ نہیں سمجھتا کہ جو اسٹیٹ
کی نمائندگی کرتے ہیں یا چالیس
لاکھ بھائی بھنوں کی نمائندگی کرتے
ہوں ان کو کیوں حق حاصل نہیں
ہے کہ وہ دیکھیں کہ جو دیہات کا
بجٹ بننے جا رہا ہے اس میں ان
کی اسٹیٹ کے ساتھ . . .

श्री नफीसुल हसन : यह तो कांस्टि-
ट्यूशन में आप शायद अमेंडमेंट तजवीज़ कर
रहे हैं ?

شری عبدالغنی : آپ ذرا تھریئے -
ذرا تھریئے -

آخر آپ کی پارٹی نے کلسٹی
ٹیوشن میں کئی امینڈ مینٹس کئے
ہیں تو کوئی وجہ نہیں کہ ایسا
امینڈ مینٹ نہ ہونے پائے اگر آپ
چاہیں اگر آپ کی پارٹی چاہے اگر
نہ چاہیں تو میرے پاس اس کا
علاج نہیں ہے - میں تو سمجھاؤ دینے
والا ہوں - اس امینڈ مینٹ میں
کہاں دقت آتی ہے - کہوں نہیں ان کو
حق حاصل ہو جو بزرگ یہاں بیٹھے
ہیں کہ وہ دیکھیں کہ اسٹیٹ کی
ترقی کے لئے جتنے فنڈس دیئے جا رہے
ہیں اس میں ان کے اسٹیٹ کے
ساتھ کوئی بے انصافی تو نہیں ہوئی -
اگر یہ خیال آپ کے ذہن مبارک میں
آسکے تو اچھا ہے - اب نہیں پھر
کبھی آپ اپنی پارٹی میں اسے قسقس
کریں جو پائی ان پارور ہے اس میں
سوچنا چاہئے کہ آخر ہم لوگ جو
یہاں آئے ہیں ان میں بہت سے بزرگ
ہیں جن کی صلیک تعظیم کرتا ہے
اور جن کے پاس کافی وقت ہے کہ وہ
پورا دھیان دے سکیں پوری توجہ دے
سکیں - لیکن یہ سمجھا جاتا ہے کہ
اگر لوگ سبھا سات مہینے اپنے لگاتی
ہے اس لئے کہ وہ سمجھتی ہے کہ
ہمارا اکتھا ہونا دیہات کے لئے بہت
ضروری ہے تو راجہ سبھا کو بھی کچھ
وقت کے لئے موقوفہ ملتا ہے کہ وہ جو

[شری عبدالغنی]

پاس کر کے لکسلیشن بھیج دے اس پر اپنی تھک تھلی کرے۔ تو میرا کہنا یہ تھا کہ ہم اس طرف نہیں آئے کہ واقعی پارلیمنٹ ایک ہے اور اس کے دو حصے ہیں۔ ہم چاہے جتنا کہتے رہیں کہ دونوں ہاؤس برابر کے ہیں ایک جیسی ان کی عزت ہے ایک جیسی ان کی مانتا ہے لیکن میں یہ نہیں مانتا کیونکہ کوئی وجہ نہیں کہ کچھ باتوں میں لوگ سبھا کو اس ہاؤس سے کہیں زیادہ ادھیکار حاصل ہوں۔ ادھیکار کہوں دیئے جاتے ہیں؟ ادھیکار اس لئے دیئے جاتے ہیں کہ ہم اپنے اس ہاؤس کے دوارا جو سرکار راج چلاتی ہے اس کی ترتیباں اس کے سامنے لاسکیں اس کو مشورہ دے سکیں کہ ملک کی عزت کے لئے ملک کی ترقی کے لئے کون کون سی باتیں ہیں جو زیادہ سے زیادہ سرکار ان باتوں کو سلجھے۔ تو کوئی وجہ نہیں کہ بجٹ ہمارے سامنے نہ آئے۔ اگر ہم اسٹیٹس کے نمائندے ہیں تب بھی یہ ہمارا حق ہے اور اگر ہم چالہس لاکھ بھائی بھلوں کی نمائندگی کرتے ہیں تب بھی ہمارا یہ حق ہے۔ ایک تو یہ بات ہے جو کہ میں آپ کے سامنے ذہنی چیمبر میں صاحبہ کی اجازت سے لانا چاہتا تھا۔

دوسری بات جو کہا چاہتا ہوں وہ یہ ہے۔ مسٹر بھوپیش گپتا نے لکسلیشن کے بارے میں جو کہا اور جس کی تائید ہمارے ایم۔ پی۔ بھارگوا صاحب بھی کرنے پر مجبور ہوئے کہ کچھ بل ہمارے سامنے آئیں کچھ ادھر جائیں کچھ ادھر جائیں کچھ ادھر آئیں کچھ ادھر آئیں تاکہ محسوس ہو کہ واقعی پارلیمنٹ ایک ہے اور اس کے دو حصے ہیں۔ راجیہ سبھا ہے لوگ سبھا ہے حالانکہ اس کے چناؤ کے راستے الگ الگ ہیں۔ کوئی شک نہیں کہ پہلے یہ خیال ہوتا تھا کہ انہیں ۲۵ ہزار روپیہ خرچ کرنا پڑتا ہے اور راجیہ سبھا کے ممبر جو ہیں انہیں پارٹیاں بھیج دیتی ہیں لیکن اب تو وہ کام بھی کچھ خراب ہو گیا ہے۔ لاکھوں روپیہ راجیہ سبھا والے ہی خرچ کرنے لگے ہیں اس طرح سے کچھ بھائی ممبر ہو کر آ گئے ہیں۔ خیر مجھے اس سے کوئی واسطہ نہیں ہے۔ میں یہ عرض کر رہا تھا کہ کوئی ایسا راستہ نکالنا چاہئے جس سے نوے سی صدی جلتا کے دماغ میں یہ آئے کہ یہ ہاؤس بے کار نہیں ہے۔ یہ ایک فالتو خرچہ نہیں ہے جیسا کہ مراہری صاحب نے فرمایا کہ میں اس کو فالتو مد سمجھتا ہوں۔ تو میں یہ عرض کروں گا کہ اس ہاؤس کا اتنا وقار بڑھ جائے کہ لوگ سمجھیں کہ یہ بہت بڑا چھک ہے ملک کے فلد کا استعمال

کرنے میں بھی اور ملک کے لئے اچھے سے اچھا لوکسلیشن کو لانے کے لئے بھی - اس لئے میری آنرہبل ممبران سے اور خاص طور پر جو پارٹی ان پاور ہے اس سے درخواست ہے کہ وہ اس طرف دھیان دیں کہ یہ ذہن بدلنا چاہئے -

تیسری بات جو ہے اس کا مجھے کچھ دکھ ہوا - میرے ساتھی میرے بزرگ ملک کے لیڈر دنیا کی امن کے پیغمبر پلڈت جواہر لال نہرو جی ہم سے جدا ہوئے - یہاں میں نے چیئرمین صاحب کو درخواست دی کہ مجھے بھی بولنے کا موقعہ دیا جائے لیکن چونکہ رولس میں کوئی پابندی نہیں ہے کوئی بات اتکتی نہیں ہے اس لئے مجھکو موقعہ نہیں دیا گیا - وہ زندگی کے ساتھی تھے ایک برس کے نہیں دو برس کے نہیں چالیس برس کے ساتھی تھے - گرجہ آج پانچ آئے کی ٹوپی پہننے والا کوئی بھائی ہم سے کہیں زیادہ ان کو سانہی مانتا ہے - تو چہر مہن صاحب نے مجھے اجازت نہیں دی - میں سمجھتا ہوں کہ رولس میں تبدیلی آئی چاہئے کہ ایسے موقعوں پر اگر کوئی ممبر خود درخواست کرے کہ اسے موقعہ دیا جائے تو یہ موقعہ دیا جانا چاہئے - یہ موقعہ روز نہیں آتا - مہن شری گورے مراہری صاحب کے سانہ اتفاق کرتا ہوں کہ دنیا دیکھتی ہے کون بھائی ہیں کتنی پارٹیاں ہیں کتنے لوگ ہیں جن کو اپنے ملک کے ہیرو کی

وفات پر جن کو ان کے جدا ہو جانے پر کچھ دکھ ہوا اور انہوں نے اپنی بات کہی - میں سمجھتا ہوں کہ رولس میں ایسی بات بھی آئی چاہئے کہ چیئرمین صاحب سے یا صاحب جو بھی ہوں ان سے اگر کوئی ممبر درخواست کرے کہ وہ ایسے موقعہ پر پارٹیسپیٹ کرنا چاہتا ہے تو اس کو موقعہ دیں اور اس میں روک نہیں آئی چاہئے -

چوتھی عرض جو میں کرنا چاہتا ہوں وہ یہ ہے - بہارگو صاحب نے بڑے زور سے یہ بات کہی کہ جو کویسٹنن ڈس الا ہوا جو سوال رجیکٹ ہوا ان میں اکثر میں ٹھیک ہوا اور ہمارے ڈھایا بھائی نے جو کہا اس میں بھی بہت وزن ہے - میں عرض کرنا چاہتا ہوں کہ آخر سوال کیوں کئے جاتے ہیں ؟ اس کے پیچھے تین مقصد ہو سکتے ہیں - پہلا مقصد یہ ہے کہ ممبر خود اپنے لئے انفارمیشن حاصل کرنا چاہتا ہے - دوسرے یہ کہ اپنے ذریعہ وہ سارے دیکھ کو انفارمیشن دلانا چاہتا ہے اور تیسرے یہ کہ سرکار کے کان کھڑے ہو جائیں وہ دیکھے کہ اس کے راج میں کیا ہو رہا ہے - وہ ممبر اس سوال کے ذریعہ سے اس کی تہتیاں اس سامنے لانا چاہتا ہے - مجھے اس سدن کا ممبر بنے دوسرا برس چل رہا

[شری عبدالغنی]

ہے۔ میں دہشتی چیر مہن صاحبہ کے ذریعہ اپنے معزز ممبران کو یقین دلاتا ہوں کہ میں نے ایک سوال کے لئے بہت کوشش کی لیکن وہ نہیں آیا۔ ملندرا - ڈالمنہاں - اور ایسے ہی جو لوگ ہیں ایسی ہی جو فرم ہیں ایسی جو کنسرنس ہیں جو کریکٹ ہیں اور جن کے کریکٹ کو روکنے کے لئے بھائی ارجن ارورا ہر روز آئے دن کوئی نہ کوئی نکتہ چینی تیکہ تیلی کرتے ہیں اور بھوپیش جی بھی بڑی چرجا کرتے ہیں ویسی ہی ایک فرم کے بارے میں میں نے ہر طرح سے سوال لائے کئی کوشش کی - وہ ایسی فرم ہے کہ اگر اس پر کبھی بھی انکوائری بیٹھی تو وہ ملندرا اور ڈالمنہاں سے کہیں زیادہ بدتر اور کہیں زیادہ ہلک میل کرنے والی ثابت ہوئی - میں نے اس کے لئے کوشش کی - اگر میں نے جنرل سوال بھانے کی کوشش کی تو کہہ دیا گیا کہ ویک ہے اور اگر پرتیکولر کوئسٹن کرنے کی کوشش کی . . .

श्री प्रकाश नारायण सप्रू : कौन सी फर्म थी ?

شری عبدالغنی : ابھی عرض کئے دیتا ہوں . . . تو کہا گیا کہ چوں کہ اس کی پبلک امپورٹنس نہیں ہے اس لئے اس کی اجازت نہیں دی جا سکتی - میں نے دس بار کوشش کی اور دسویں بار وہ دس الاؤ ہوا - کل میں نے تلگ اکر چیر مہن صاحب

کو خط لکھا - ویسے سیکریٹریٹ کو بہت بڑا ادھیکار ہے اور میں ان ادھیکاروں کو چیلنج کرنے والا کوئی - مہری حقیقت کہا ہے - وہ فرم جو ہے اس کو سنٹرل گورنمنٹ خود بلیک لسٹ میں لئے ہوئے ہے پھر بھی ان کو کروڑھا روپیہ کا اسٹیبیلیٹی سرٹیفیکیٹ ملتا ہے اور پرمیٹیں ملتی ہیں اور وہ چیز ہاؤس کے سامنے آتی نہیں ہے کہ وہ یہ بتائیں کہ انہیں کتنا لائسنس دیا ہے کہوں دیا ہے - کب دیا ہے آیا اس سے پہلے ان کو ہلک لسٹ کہا یا کہا گیا - کہتے ہیں کہ یہ پبلک امپورٹنس کا نہیں ہے - وہ فرم ہے مہرس اسے چلند پیارے لال - ابھی تک ان کا کہس سامنے نہیں آیا ہے - اگر وہ سامنے آ جائے تو وہ ایسا درد ناک کہس ہوگا کہ سارے ملک میں تھلکے مچے گا کہ کہا کرپشنی ہوا ہے لیکن مہرے سوال کو ہمیشہ دس الاؤ کر دیا گیا - دس الاؤ کرنے کا انہیں حق ہے اور جھٹسا کہ بھارگوا صاحب فرماتے ہیں کہ اگر سیکریٹریٹ سے بات کی جائے تو کچھ نہ کچھ بات بن سکتی ہے - مہری تو بات بلی نہیں مہرا دس میں تھا نہیں اس لئے میں عرض کرنا چاہتا ہوں کہ سوالوں کی پوچھ تاجھ میں ڈیفنس کا معاملہ ہے تو آپ روک دیں میں مان سکتا ہوں - کوئی فارن فہرس کے بارے میں ہو

جس میں ہماری قومیت میں دھکا لگتا ہو تو میں مانتا ہوں لیکن بلیک مارکیٹرس کو پناہ دینے کے لئے کرپٹ فرموں کو پناہ دینے کے لئے اگر ایک بہانہ سے چاہیئے وہ بہانہ ایسا ہو جیسا بھارتیہ صاحب نے فرمایا کہ وہ الفاظ لکھتے نہیں آتے ہیں بعضوں کو میں مانتا ہوں - مجھے وہ ٹیکنیک نہیں آتی جس سے کوپسچن دس لاؤ نہ ہو - شاید آہستہ آہستہ سیکھ جاؤں لیکن کوپسچن کو اس طرح سے دس لاؤ کرنا میری رائے میں ملک کے ساتھ دھوکا کرنا ہے - جن کا تعلق دیپلس سے نہ ہو یا باہر کی پالیسیز نہ ہوں جس سے ملک کو دھکا لگتا ہے اس میں میں جھگڑا نہیں کرتا لیکن ایسے معاملات دس لاؤ کرنا میرے خیال میں ہاؤس سے بے انصافی کرنی ہے دیپس کے ساتھ بے انصافی کرنا ہے اور ہماری سرکار کے ساتھ بے انصافی کرنا ہے جو اسٹیل میلٹی سرتیفیکیتس دے کر غریبوں کو نواب اور راجہ بنا سکتی ہے -

دوسری بات ان سوالوں کے بارے میں میں یہ کہنا چاہتا ہوں کہ میرا تجربہ یہ ہے کہ رولز میں ۳۰ سوال ہر روز آتے ہیں - ایسا بھی ہوتا ہے کہ کسی دن زیادہ سپلیمینٹری چلیں - تو تھوڑا سا سوالوں کے بعد سوالوں کا جو وقت متعین ہے اور اس تھوڑے سے زمانہ میں میں نے ایسا

دیکھا ہے کہ بڑے بڑے امپورٹمنٹ کوپسچن اس لئے کہ ان کا بیلف پیچھے آیا ان کو پیچھے رکھا گیا وہ رہ جاتے ہیں - تو میں یہ سمجھتا تھا کہ کمیٹی ایسی سفارش کرے گی کہ اگر وہ چاہتی ہے کہ شکروار کو فراہمی دے کو بھی کوپسچن آئیں تو اس میں وہ رکھے جائیں - جو پہلے چار دن میں اہم ترین کوپسچن جن کو وہ چاہے ہاؤس کی ایڈوائزی کمیٹی ہو کوئی اور کمیٹی ہو چیئرمین صاحب نئی کمیٹی بنا لیں کہ جن کے سمجھیں کوپسچن وہ کئے ان سے بے انصافی ہوئی کیونکہ وہ ہاؤس میں نہیں آ سکے - اس کے بعد یہ یقین ہے کہ فکسڈ ٹائم پر وہ پہلے آ جائے گا اس کا نمبر پیچھے نہیں آئے گا - تو میرا خیال تھا کہ اس بارے میں کمیٹی کچھ ہماری رہنمائی نہیں کر سکی کہ جو آئے دن امپورٹمنٹ کوپسچن باوجود اس کے کہ وہ لسٹ پر آ جاتے ہیں وہ ہاؤس کے سامنے نہیں آ پاتے ہیں - ان کی ایک لسٹ ہو اس کا ایک ہی علاج ہو سکتا تھا کہ شارٹ نوٹس کوپسچن میں وہ بات ہاؤس کے سامنے لائی جائے لیکن اس میں بھی میرا تجربہ یہ ہے کہ میں نے جتنے شارٹ نوٹس کوپسچن دیئے وہ سب کے سب منسٹر صاحب نے - چیئرمین صاحب نے نہیں منسٹر صاحب نے - ان کی اجازت نہیں دی - تو دونوں راستے

[شری عبدالغنی]

بداد ہو گئے۔ مہدی رائے میں اس
میں بھی کھٹی کو توجہ دینی
چاہئے اور اگر نہیں دے پائی تو ہاؤس
کو توجہ دینی چاہئے۔ تیسرا پہلو
جو کونسل کے بارے میں ہے وہ یہ
ہے کہ سلیپٹریز بعض اوقات بڑے
امپورٹمنٹ چلتے ہیں لیکن چونکہ
چیرمین صاحب کے بڑے واسطے پارر
ہوتے ہیں وہ کئی بار سلیپٹریز کو
روکے ہوئے دوسرے کونسل پر چلے
جاتے ہیں۔ میں چیرمین صاحب
کے ادھکار کو چیلنج نہیں کرتا لیکن
میں درخواست کروں گا کہ رولس میں
کوئی گنجائش ایسی رکھی جائے کہ
اگر ایسے اہم سوال ہوں کہ جن کا
تعلق ایک پالیسی سے ہو، جن کا تعلق
ایک ایسے مسئلہ سے ہو جس کا اثر
ہمہ گیر ہو یعنی سارے ملک پر پڑتا
ہو اس میں سلیپٹریز پر یا بلدی
نہیں ہونی چاہئے۔

ایک اور عرض کیا چاہتا ہوں
کیونکہ مجھے حکم دیا گیا تھا کہ میں
کم سے کم وقت لوں وہ یہ ہے کہ۔۔۔

उपसभाध्यक्ष : ग्रामने बीस मिनिट ले लिये
है।

شری عبدالغنی - میں اب دو
مذمت میں ختم کئے دیتا ہوں۔
ایک یہ ہے کہ بھارت خواہ نصیب
دیں ہے جو ایک دیس ہی نہیں
بلکہ براعظم ہے۔ اس میں کئی دیس

ہیں اور چونکہ کئی دیس ہیں اور
ہزارہا میںوں پر یہ دیس پھیلا ہوا
ہے۔ اس لئے کئی بھائی ہیں جو
ایک دوسرے کی بولی کو نہیں سمجھ
پاتے ہیں یا یوں کہتے کہ ہماری
ہمدی کو یا ہمدوستانی کو جو بولی
میں بول رہا ہوں اس کو ساؤتھ
والے بھائی نہیں سمجھتے۔ میں نے
سنا آج کی دنیا بڑی ترقی کر رہی
ہے۔ وہ اس لئے کہتا ہوں جب
تک کوئی سمجھ نہیں پائے یا مہدی
سمجھ میں کسی کی بات نہیں
آئے تو میں پورا فائدہ نہیں اٹھا
سکوں گا اور اپنی بات نہیں کہہ
سکوں تو میں نے سنا آج دنیا
بہت ترقی کر گئی ہے۔ اگر کوئی
بھائی ہمدی میں بولتا ہے تو دوسرا
انگریزی میں سنا چاہتا ہے۔ سنا
ہے ایسے انتظامات جب دنیا والے
اکٹھے ہوتے ہیں اس میں ہو جاتے
ہیں۔ تو یہ چودہ پندرہ زبانیں
جو آپ مانتے ہیں نہیں شامل زبانیں
ہیں تو کوئی ایسا رول بنا دیا
جائے کہ جو ممبر جس زبان میں
سنا چاہے سمجھنا چاہے سمجھ سکے۔
آپ کہیں گے خرچہ ہوا ہوگا۔ میں
یوں مانتا ہوں۔ خرچہ ہوا ہوگا
لیکن یہ ممکن ہے کوئی تہدیلی آ
سکے تو مجھے بڑی خوشی ہوگی۔

آخری ایک مذمت کی گواہی کر
کے بڑے جاؤں کا۔ ہمارے پنجاب

میں بھی ایک اور ہاؤس ہے - ایک
ایر ہاؤس کہلاتا ہے اور ایک لوئر
ہاؤس کہلاتا ہے تو اس میں اگر
منسٹر صاحبان کسی طرح کی زیادتی
کریں تو ان کے خلاف نو کلفیڈریس
موشن آ سکتا ہے - میں نہیں سمجھتا
اگر ہمارا ہاؤس اس بات پر متفق
ہو جیسا کہ میں نے کئی باتوں
میں دیکھا جب بھی یہ ہاؤس ایک
طرح سے متفق ہوا اس میں آواز
اٹھائی تو سرکار کو ماننا پڑا - اس
کمیشن اسی آواز کا نتیجہ ہے - میں
سمجھتا ہوں اس ہاؤس کو بھی
پورا ادھیکار ہونا چاہئے تاکہ یہ
ایڈورس کا ہاؤس ہے یہ کوئی ایسی
غیر ذمہ دار بات لانے والا نہیں ہے
تو میں یہ عرض کر رہا تھا کہ دولس
میں اس بات کی اجازت ہونی
چاہئے کہ اگر اس ہاؤس کے اتنے
ممبران جتنے ممبران کی آپ اجازت
دیں - سمجھ لیں کہ یہ منسٹری
غلط جا رہی ہے دیس کے خلاف جا
رہی ہے تو ان کو پورا ادھیکار ہو
کہ وہ اپنی تجویز لاسکیں اور اس
پر تمککشن ہو -

میں امداد کرتا ہوں کہ مہری
تھوڑی سی گزارشات جو وہیں ان پر
معزز ممبران غور فرمائیں گے -

†[श्री अब्दुल गनी (पजाव) मैडम
डिप्टी चैयर मैन । मैंने बड़े ध्यान से

श्री प्रकाश नारायण सप्रू : सरदार
प्रताप सिंह कैरों ।

श्री अब्दुल गनी : तकरीरों
को भी सुना और मुल्क की काबिले फक्र बेटी
के तहत बड़े बड़े मुल्क के मुदब्वर जो रूल्स
तक अपनी टीका टिप्पणी करने के लिये
बार बार इकट्ठा होते रहे उनकी सिफारशात
को भी बड़े ध्यान से सुना । मैडम, आप
जानती हैं कि लोक सभा और राज्य सभा
दोनों को पार्लियामेंट के लफ्ज से याद किया
जाता है और दोनों के मेम्बर जो हैं वो
पार्लियामेंट के मेम्बर समझे जाते हैं लेकिन
अगर मुझे माफ किया जाए तो नब्बे फी सदी
जनता भारत की पार्लियामेंट के माने लोक सभा
के लेती है । पास लेने वाले पार्लियामेंट
के -- हम समझते हैं कि राज्य सभा
भी पार्लियामेंट है और हम कहते हैं कि
राज्य सभा का, तो वो कहते हैं कि, नहीं नहीं
पार्लियामेंट का, लोक सभा का । तो मेरा
इशारा यह है कि अगर पार्लियामेंट के दो
हिस्से हैं और अगरचे मैं तो बच्चा ही हूँ अभी
लेकिन कहते हैं कि ये एल्डर्स का हाउस
है और इन मुदब्वरीन पर यह हाउस मरकज
होता है जो हिन्दुस्तान के बहतरीन दिलो-
दिमाग समझे जाते हैं और उनको पार्टियां
अपनी तरफ से यहां भिजवाती हैं । मैं नहीं
देख पाया कि इस कमटी ने रूल्स में एमेंडमेंट
करते वक्त जिसमें भूपेश गुप्ता भी थे ।
हिन्दुस्तान के आहंगी इन्सान सरदार बल्लभ
भाई पटेल के सुपुत्र दयाभाई पटेल भी थे और
कांग्रेस के बड़े बड़े नेता और हमारे बुजुर्ग
सप्रू साहब भी थे जिन पर मुल्क को फक्र है
वो भी ऐसी तबदीली को ला पाए हों कि
नब्बे फी सदी जनता के दिमाग में जो एक
गलत नक्शा बैठा है कि पार्लियामेंट के माने
लोक सभा हैं और यह तो सिर्फ ऐसे बुजुर्गों
का मजमूआ है जिसको रक्खा गया है हिन्दू-
स्तान की और भारत की शान को कायम रखने
के लिए । इस खयाल को बदलने के लिए
कोई कोशिश की गई हो ऐसा मैं नहीं समझ

[श्री अब्दुल गनी]

पाया। मेरा कहना यह है कि ठीक है कि लोक सभा में जो भाई आते हैं वो सात लाख भाइयों की राय से आते हैं और यहां जो आते हैं अगर उन बुजुर्गों को छोड़ दिया जाय जिनको राष्ट्रपति जी अपनी तरफ से भेजते हैं . . .

श्री प्रकाश नारायन सप्रू : बाज वक्त कुछ प्वाइंट्स से आते हैं।

श्री अब्दुल गनी . . . तो यहां चालीस-चालीस लाख की नुमायन्दगी करने वाले सभी बैठे हैं। कमसकम चालीस लाख भाई बहनों के नुमाइन्दे बन कर आते हैं और वो स्टेट के नुमाइन्दे अगर कहलाते हैं तो मैं कोई बजह नहीं समझता कि जो स्टेट की नुमाइन्दगी करते हैं या चालीस लाख भाई बहनों की नुमायन्दगी करते हैं उनको क्यों हक हासिल नहीं है कि वो देखें कि देश का बजट बनने जा रहा है उसमें उनकी स्टेट के साथ . . .

श्री नफीसुल हसन : ये तो कांस्टीट्यूशन में आप शायद अमेंडमेंट तजवीज कर रहे हैं ?

श्री अब्दुल गनी : आप जरा ठहरिये— जरा ठहरिये।

आखिर आपकी पार्टी ने कांस्टीट्यूशन में कई अमेंडमेंट्स दिये हैं तो कोई बजह नहीं है कि ऐसा अमेंडमेंट न होने पाये। अगर आप चाहें कि आपकी पार्टी चाहे न चाहे तो मेरे पास इसका इलाज नहीं है। मैं तो सुझाव देने वाला हूं। इस अमेंडमेंट में कहां दिक्कत आती है। क्यों नहीं उनको हक हासिल हो जो बुजुर्ग यहां बैठे हैं कि वो देखें कि स्टेट की तरक्की के लिए जितने फंड दिये जा रहे हैं उसमें उनके स्टेट के साथ कोई बेइन्साफी तो नहीं हुई। अगर यह ख्याल आपके जहन में मुबारिक में आ सके तो अच्छा है। अब नहीं फिर कभी आप अपनी पार्टी में इसे डिसकस करें। जो पार्टी इन-पावर है उसमें सोचना चाहिए कि आखिर

हम लोग जो यहां आए हैं उनमें बहुत से बुजुर्ग हैं जिनकी मुल्क तार्जाम करता है और जिनके पास काफी वक्त है कि वो पूरा ध्यान दे सकें' पूरी तवज्जो दे सकें। लेकिन यह समझा जाता है कि अगर लोक सभा सात महीने अपने लगाती है इसलिए कि वो समझती है कि हमारा इकट्ठा होना देश के लिये बहुत जरूरी है तो राज्य सभा को भी कुछ वक्त के लिए मौका मिलता है कि वो जो पास करके लेजिस्लेशन भेज दे उस पर अपनी टीका-टिप्पणी करे। तो मेरा कहना यह था कि हम इस तरफ नहीं आए कि वाकई पालियामेंट एक है और उसके दो हिस्से हैं। हम चाहे जितना कहते रहें कि दोनों हाउस बराबर के हैं, एक जैसी उनकी इज्जत है, एक जैसी उनकी मान्यता है लेकिन मैं यह नहीं मानता क्योंकि कोई बजह नहीं कि कुछ बातों में लोक सभा को इस हाउस से कहीं ज्यादा अधिकार हासिल हों। अधिकार क्यों दिये जाते हैं। अधिकार इसलिए दिए जाते हैं कि हम अपने इस हाउस के द्वारा जो सरकार राज चलाती है उसकी त्रुटियां उसके सामने ला सकें, उसको मशवरा दे सकें कि मुल्क की इज्जत के लिए मुल्क की तरक्की के लिए कौन कौन सी बातें हैं जो ज्यादा से ज्यादा सरकार के काम आ सकती हैं और सरकार हमारी इन बातों को सुने। तो कोई बजह नहीं कि बजट हमारे सामने न आए। अगर हम स्टेट्स के नुमाइन्दे हैं तब भी यह हमारा हक है कि अगर हम चालीस लाख भाई बहनों की नुमाइन्दगी करते हैं तब भी हमारा यह हक है। एक तो यह बात है जो कि मैं आपके सामने डिप्टी चेयरमैन साहिब की इजाजत से लाना चाहता था।

दूसरी बात जो कहना चाहता हूं वो यह है मि० भूपेश गुप्ता ने लेजिस्लेशन के बारे में जो कहा और जिसकी ताईद हमारे एम० पी० भारगवा साहब भी करने पर मजबूर हुए कि कुछ बिल हमारे सामने आए, कुछ इधर जाएं, कुछ इधर आए। कुछ इधर जाएं, कुछ उधर आए। ताकि महसूस हो कि वाकई

पालियामेंट एक है और उसके दो हिस्से हैं। राज्य सभा है, लोक सभा है, हालांकि इसके चुनाव के रास्ते अलग-अलग हैं। कोई शक नहीं कि पहले यह खयाल होता था कि उन्हें पच्चीस हजार रुपया खर्च करना पड़ता है और राज्य सभा के मेम्बर जो हैं उन्हें पाटिया भेज देती हैं। लेकिन अब तो वह काम भी कुछ खराब हो गया है। लाखों रुपया राज्य सभा वाले भी खर्च करने लगे हैं इस तरह से कुछ भाई मेम्बर होकर आ गए हैं। खैर मुझे इससे कोई वास्ता नहीं है। मैं यह अर्ज कर रहा था कि कोई ऐसा रास्ता निकालना चाहिए जिसमें नव्वे फी सदी जनता के दिमाग में यह आए कि यह हाउस बेकार नहीं है, यह एक फालतू खर्चा नहीं है जैसा कि मुराहरि साहब ने फरमाया कि मैं इसको फालतू मद समझता हूँ। तो मैं यह अर्ज करूँगा कि इस हाउस का इतना वक्कार बड़ जाए कि लोग समझें कि यह बहुत बड़ा चैक है। मुल्क के फंड्स का इस्तमाल करने में भी और मुल्क के लिए अच्छे से अच्छा लेजिसलेशन को लाने के लिए भी। इसलिए मेरी आनरेबिल मेम्बरान से और खास तौर पर जो पार्टी इन-पावर है उससे दरखास्त है कि वो इस तरफ ध्यान दें कि यह जहन बदलना चाहिए।

तीसरी बात जो है उसका मुझे कुछ दुःख हुआ। मेरे साथी, मेरे बुजुर्ग मुल्क के लीडर दुनिया के अमन के पैगम्बर पंडित जवाहरलाल नेहरू जी हमसे जुदा हुए। यहां मैंने चेयरमैन साहब को दरखास्त दी कि मुझे भी बोलने का मौका दिया जाए लेकिन चूँकि रूल्स में कोई पाबन्दी नहीं है, कोई बात अटकती नहीं है इसलिए मुझे कोई मौका नहीं दिया गया। वो जिन्दगी के साथी थे एक बरस के नहीं, दो बरस के नहीं, चालीस बरस के साथी थे। अगरचे आज पांच आने की टोपी पहनने वाला कोई भाई हम से कही ज्यादा उनको साथी मानता है तो चेयरमैन साहब ने मुझे इजाजत नहीं दी। मैं समझता हूँ कि रूल्स में

तबदीली आनी चाहिए कि ऐसे मौकों पर अगर कोई मेम्बर खुद दरखास्त करे कि उसे मौका दिया जाए तो यह मौका दिया जाना चाहिए। यह मौका रोज नहीं आता। मैं श्री गौडे मुराहरि साहब के साथ इत्तिफाक करता हूँ कि दुनिया देखती है कि कौन भाई है, कितनी पाटिया हैं, कितने लोग हैं जिनको अपने मुल्क के हीरो की वफात पर, जिनको उनके जुदा हो जाने पर कुछ दुःख हुआ और उन्होंने अपनी बात कही। मैं समझता हूँ कि रूल्स में ऐसी बात भी आनी चाहिए कि चेयरमैन साहब से या डिप्टी चेयरमैन साहिबा से या साहिब जो भी हों उनसे अगर कोई मेम्बर दरखास्त करे कि वो ऐसे मौके पर पार्टिसिपेट करना चाहता है तो उसको मौका दें और उसमें रोक नहीं आनी चाहिए।

चौथी अर्ज जो मैं करना चाहता हूँ वो यह है कि भारगवा साहब ने बड़े जोर से यह बात कही कि जो कुवस्चन डिसअलए हुआ जो सवाल रिजक्ट हुआ उनमें अक्सर में ठीक हुआ और हमारे डाह्याभाई ने जो कहा उसमें भी बहुत वजन है। मैं अर्ज करना चाहता हूँ कि आखिर सवाल क्यों किए जाते हैं। इसके पीछे तीन मकसद हो सकते हैं। पहला मकसद यह है कि मेम्बर खुद अपने लिए इन्फार्मेशन हासिल करना चाहता है। दूसरे यह कि अपने जरिए वो अपने सारे देश को इन्फार्मेशन दिलाना चाहता है और तीसरे यह कि सरकार के कान खड़े हो जाए वो देखे कि उसके राज में क्या हो रहा है और वो मेम्बर उस सवाल के जरिए से उसकी त्रुटियाँ उसके सामने लाना चाहता है। मुझे इस सदन का मेम्बर बने दूसरा बरस चल रहा है। मैं डिप्टी चेयरमैन साहिबा के जरिए अपने मुअजिज मेम्बरान को यकीन दिलाना चाहता हूँ कि मैंने एक सवाल के लिए बहुत कोशिश की लेकिन वो नहीं आया। मुंधरा, डालमिया और ऐसे ही जो लोग हैं, ऐसी ही जो फर्म हैं, ऐसी जो कन्सर्नस हैं, जो क्रस्ट हैं और जिनके कृषान को रोकने के लिए भाई अर्जुन अरोड़ा

[श्री अब्दुल गनी]

हर रोज़ आए दिन कोई न कोई नुक़्ताचीनी, टीका-टिप्पणी करते हैं और भूपेश जी भी बड़ी चर्चा करते हैं वैसे ही एक फ़र्म के बारे में मैंने हर तरह से सवाल लाने की कोशिश की। वो ऐसी फ़र्म है कि अगर उस पर कभी भी इन्क्वायरी बैठी तो वो मुँदरा और डालमिया से कहीं ज्यादा बदतर और कहीं ज्यादा ब्लैक मेल करने वाली साबित होगी। मैंने उसके लिए कोशिश की। अगर मैंने जनरल सवाल बनाने की कोशिश की तो कह दिया गया कि बेग है और अगर पार्टिकुलर कुएश्चन करने की कोशिश की...

श्री प्रकाश नारायण सप्रू : कौनसी फ़र्म थी ?

श्री अब्दुल गनी : अभी अर्ज किए देता हूँ... तो कहा गया कि चूँकि उसकी पब्लिक इम्पोर्टेंस नहीं है, इसलिए इसको इजाजत नहीं दी जा सकती। मैंने दस बार कोशिश की और दसियों बार वो डिसअलौ हुआ। कल मैंने तंग आकर चेयरमैन साहब को ख़त लिखा। वैसे सैक्रेटरीएट को बहुत बड़ा अधिकार है और मैं इन अधिकारों को चैलेंज करने वाला कौन। मेरी हकीकत क्या है। वो फ़र्म जो है उसको सेंट्रल गवर्नमेंट खुद ब्लैक लिस्ट में लिए हुए हैं फिर भी उनको करोड़ों रुपए का इंसैन्सिएलिटी सर्टिफिकेट मिलता है और परमिटें मिलती हैं और वो चीज़ हाउस के सामने आती नहीं है कि वो यह बताए कि उन्हें कितना लाइसेंस दिया है, क्यों दिया है। कब दिया है आया इससे पहले उसको ब्लैक लिस्ट किया या क्या किया। कहते हैं कि यह पब्लिक इम्पोर्टेंस का नहीं है। वो है मैसर्स अमोचन्द प्यारेलाल। अभी तक उनका केस सामने नहीं आया है। अगर वो सामने आ जायें तो वो ऐसा दर्दनाक केस होगा कि सारे मुल्क में तहलका मचेगा कि क्या करप्शन हुआ है। लेकिन मेरे सवाल को

हमेशा डिसअलाउ कर दिया गया। डिसअलाउ करने का उन्हें हक है और जैसा कि भार्गवा साहब फरमाते हैं कि अगर सैक्रेटरीएट से बात की जाये तो कुछ न कुछ बात बन सकती है— मेरी तो बात बनी नहीं, मेरा वश में था नहीं। इसलिए मैं अर्ज करना चाहता हूँ कि सवालों की पूछ-ताछ में डिफेंस का मामला है तो आप रोक दें मैं मान सकता हूँ। कोई फौरन एफेयर्स के बारे में हो जिसमें हमारी कौमियत में धक्का लगता हो तो मैं मानता हूँ लेकिन ब्लैक मार्किटियर्स को पनाह देने के लिए क़ट फ़र्मी को पनाह देने के लिए अगर एक बहाने से चाहे वो बहाना ऐसा हो जैसा कि भार्गवा साहब ने फरमाया कि वो अल्फ़ाज़ लिखने नहीं आते हैं, बाजों को मैं मानता हूँ। मुझे वो टैक्नीक नहीं आते हैं जिससे कुअश्चन डिसअलौ नहीं हो। शायद आहिस्ता आहिस्ता सांख़ जाऊँ लेकिन कुअश्चन को इस तरह से डिसअलौ करना मेरी राय में मुल्क के साथ धोका करना है। जिनका कि ताल्लुक डिफेंस से न हो या बाहर की पौलिसीज़ न हों जिससे मुल्क को धक्का लगता है उसमें मैं झगड़ा नहीं करता। लेकिन ऐसे मामलात डिसअलौव करना मेरे ख़दाल में हाउस से बेइत्साफी करनी है। देश के साथ बेइत्साफी करना है और हमारी सरकार के साथ बेइत्साफी करना है जो कि इंसैसियालिटी सर्टीफिकेट देकर ग़रोबों को नवाब और राजा बना सकती है।

दूसरी बात इन सवालों के बारे में मैं यह कहना चाहता हूँ कि मेरा तजुर्बा यह है कि रूल्स में ३० सवाल हर रोज़ आते हैं तो ऐसा भी होता है कि किसी दिन ज्यादा सप्प्लोमेंट्री चले। तो थोड़ा सा सवालों के बाद सवालों का जो वक्त्त मुतमयन है और इस थोड़े से जमाने में मैंने ऐसा देखा है कि बड़े बड़े इम्पोर्टेंट कुएश्चन इसलिए कि उनका बेलफ़ पोछे आया कि या उनको पाँछे रखा गया वो रह जाते हैं तो मैं यह समझता था कि कमेटी ऐसी सिफ़ारिश करेगी कि अगर वो

चाहती है कि शुक्रवार को फाइडे को भी कुए-
श्चन आए तो उसमें वो रखें जाए। जो पहले
चार दिन में अहम तरीक़े कुएश्चन जिनको
कि वो चाहें हाउस की एडवाइजरी कमेटी
हो कोई और कमेटी हो चेयरमैन साहब
नई कमेटीबनाले कि जिनके समझ में कि कुए-
श्चन रह गए उनसे बेइन्साफी हुई क्योंकि
वो हाउस में नहीं आ सके। इसके बाद ये
यकीन है कि फिक्सड टाइम पर वो पहले आ
जायेगा उसका नम्बर पीछे नहीं आएगा।
तो मेरा ख्याल था कि इस बारे में कमेटी कुछ
हमारी रहनुमाई नहीं कर सकी कि जो आए
दिन इम्पॉर्टेंट कुएश्चन बावजूद इसके कि
वो लिस्ट पर आ जाते हैं वो हाउस के सामने
नहीं आ पाते हैं। उनकी एक लिस्ट हो, उसका
एक ही इलाज हो सकता था कि शार्ट नोटिस
कुएश्चन में वो बात हाउस के सामने लायी
जाए। लेकिन उसमें भी मेरा तज़ुर्वा यह है कि
मैंने जितने शार्ट नोटिस कुएश्चन दिए वो
सब के सब मिनिस्टर साहब ने — चेयरमैन
साहब ने नहीं मिनिस्टर साहब ने — उनकी
इजाजत नहीं दी। तो दोनों रास्ते बन्द हो गए।
मेरी राय में इसमें भी कमेटी को तबज़्जो
देनी चाहिए और अगर नहीं दे पायी तो हाउस
को तबज़्जो देनी चाहिए। तीसरा पहलू जो
कुएश्चन के बारे में है वो यह है कि जो सप्ली-
मेंट्रीज बाज़ औकात बड़े इम्पॉर्टेंट चलते हैं
चूँकि चेयरमैन साहब के बड़े वास्ट पावर्ज होते
हैं, वो कई बार सप्लीमेंटरीज को रोकते हुए
दूसरे कुएश्चन पर चले जाते हैं। मैं
चेयरमैन साहब के अधिकार को चैलेंज नहीं
करता लेकिन मैं दरख्वास्त करूँगा कि रूल्स
में कोई गुंजाइश ऐसी रखी जाए कि अगर
ऐसे अहम सवाल हों जिनका ताल्लुक एक
पौलिसी से हो, जिनका ताल्लुक एक ऐसे मसलें
से हो, जिसका असर हमान्गीर हो यानि कि
सारे मुक्त पर पड़ता हो उसमें सप्लीमेंटरी पर
पाबंदी नहीं होनी चाहिए।

एक और अर्ज किया चाहता हूँ
क्योंकि मुझे हुक्म दिया गया था कि मैं कम से
कम वक्त लूँ वो यह है कि...

उपसभाध्यक्ष : आप ने बीस मिनट ले
लिए हैं।

श्री अब्दुल ग़नी : मैं अब दो मिनट में
ख़त्म किए देता हूँ। एक यह है कि भारत
खुश नसीब देश है जो कि एक देश ही नहीं
बल्कि बरेआजम है। उसमें कई देश हैं और चूँकि
कई देश हैं और हजारहा मीलों पर यह देश
फैला हुआ है। इसलिए कई भाई हैं जो कि एक
दूसरे की बोली को नहीं समझ पाते हैं या यूँ
कहिए कि हमारी हिन्दी को या हिन्दुस्तानी
को जो भी मैबोल रहा हूँ उसको साउथ वाले
भाई नहीं समझते। मैंने सुना कि आज की
दुनिया बड़ी तरक्की कर रही है वो इसलिए
कहता हूँ कि जब तक कोई समझ नहीं पाए
या मेरी समझ में किसी की बात नहीं आए
तो मैं पूरा फायदा नहीं उठा सकूँगा और अपनी
बात नहीं कह सकूँगा तो मैंने सुना कि आज
दुनिया बहुत तरक्की कर गयी है। अगर कोई
भाई हिन्दी में बोलता है तो दूसरा अंग्रेज़ी में
सुनना चाहता है। सुना है ऐसे इन्तज़ामात
जब दुनिया वाले इकट्ठे होते हैं ता उसमें हो
जाते हैं। तो यह चाँदह पन्द्रह जुवानें जो आप
मानते हैं नेशनल जुवानें हैं तो कोई ऐसा रूल
बना दिया जाए कि जो मैम्बर जिन जुबान
में सुनना चाहे, समझना चाहे समझ सके।
आप कहेंगे खर्चा बड़ा होगा मैं भी मानता हूँ
खर्चा बड़ा होगा लेकिन यह मुमकिन है कि
कोई तबदीली आ सके तो मुझे बड़ी खुशी
होगी।

आखिर एक मिनट की एक गुज़ारिश करके
बैठ जाऊँगा। हमारे पंजाब में भी एक अपर
हाउस है। एक अपर हाउस कहलाता है और
एक लोअर हाउस कहलाता है तो उसमें अगर
मिनिस्टर साहेबान किसी तरह की ज्यादाती
करें तो उनके खिलाफ नो कॉन्फिडेंस मोशन
आ सकता है। मैं नहीं समझता कि यदि
हमारा हाउस इस बात पर मुत्तिफिक हो जैसा
कि मैंने कई बातों में देखा कि जब भी यह
हाउस एक तरह से मुत्तिफिक हुआ उसमें

[श्री अब्दुल गनी]

आवाज उठाई तो सरकार को मानना पड़ा। दास कमीशन इसी आवाज का एक नतीजा है। मैं समझता हूँ कि इस हाउस को भी पूरा अधिकार होना चाहिए क्योंकि यह एल्डर्स का हाउस है, यह कोई ऐसी गैर-जिम्मेदार बात लाने वाला नहीं है तो मैं यह अर्ज कर रहा था कि रूल्स में इस बात की इजाजत होनी चाहिए कि अगर इस हाउस के इतने मੈम्बरान, जितने मੈम्बरान की आप इजाजत दें समझ लें कि यह मिनिस्ट्री गलत जा रही है, देश के खिलाफ जा रही है तो उनको पूरा अधिकार हो कि वो अपनी तजवीज ला सकें और उस पर डिस्कशन हो।

मैं उम्मीद करता हूँ कि मेरी थोड़ी सी गुजारिश जो है उन पर मुअज्जिज मੈम्बरान तवज्जो फरमायेंगे।

SHRI M. GOVINDA REDDY (Mysore): Madam Deputy Chairman, I am grateful to the hon. Members who have participated in this debate. I am very happy to find that many Members have taken a very keen interest and have assisted in offering suggestions. I am glad that this opportunity has made the Members go through the rules of procedure, particularly those Members for whom keeping in constant touch with the rules is found to be absolutely necessary. I am thankful to the Members, Madam, who have appreciated the work of the Committee, who have paid high compliments to your able guidance as Chairman of the Committee, to the very good work and useful work put in by the Secretariat in assisting the Committee in its work and also to the Members who have taken a lot of trouble in formulating this report. I must here say that some of the Members who were in the Committee are not here today. If they were here, certainly they would have been very happy to see that their work received such high

appreciation in this House. Some of them have retired, and I take this opportunity to thank such Members as have been in the Committee and have assisted the Committee and have not had the opportunity to be here to hear the House welcoming this report.

The debate, generally, Madam, has strayed beyond the scope of the report of the Committee. In fact it has been a general resume of the work of this House for the past twelve years, of the opportunities we have had or of the opportunities we could have had and that sort of thing. Although many Members have touched on many points, still amendments have been tabled only on a few of the Rules. But I do not mean to say that their references to the several points—points on which they have not tabled amendments but on which they have made remarks—are not quite relevant, certainly they are relevant, and they are very useful suggestions. In fact, this debate has been very valuable in throwing much light on the Report of this Committee.

There is no time at my disposal. So, I will very briefly cover some of the points which need reply. Of course, many points do need reply but I will take some points which are very relevant and reply very briefly.

Before going to that, I would mention that there was a very factual error committed by one of the hon. Members when he said that although we were revising our Rules at this late stage, still we had an advantage over the other House which had not yet done this work. It is not correct. The other House had adopted the Rules under article 118(1) on the 22nd December, 1956 and later on also the other House has modified those Rules; one or two modifications were adopted next year. So, that is not factually correct.

Now, much of the criticism or suggestion or discussion has centred round the subject of questions. About question, three parts have been made—admissibility of questions or rejection of questions, answering questions and then the various clauses that determine the nature of questions. These are the three aspects on which several Members have made remarks.

Now, with regard to admissibility, several Members have cast some reflection on the Secretariat. Well, the Secretariat can only go by the Rules, by the conditions, prescribed here. Unless we say that these conditions or qualifications for a question should not be there, I do not think we can blame the Secretariat. You will remember, Madam Deputy Chairman, that I was one of those, in the earlier stages of this House, who was putting many questions regularly and I also had the misfortune to have many of my questions rejected. And it is true, as many of the hon. Members have said, that questions which have been rejected on one ground have been admitted again on the same ground. It has happened like that. But that depends upon the particular person handling the question and his interpretation put upon that. However much we may put down these Rules, however much a fool-proof framework we can devise for the guidance of those who have got to function and deal with these questions, still there is the subjective element which we cannot avoid, and it is a matter of interpretation. Therefore, we should not blame the Secretariat because nobody can say that they do it with any *mala fide* intention. All that we can say is, they can exercise their judgment either wrongly or correctly or indifferently. So, it is open to every Member, when he feels that his question ought not to have been rejected, to go to the Secretariat, sit with the concerned section and then discuss with them. That was what I was doing; that is what many of the Members have been doing. Then after a dis-

cussion, either the person understands that his interpretation was wrong or he convinces us that his interpretation was right and that the question, as the Rule is framed, cannot be admitted. And it must be realised that the admissibility or rejection of questions is in the name of the Chairman. Although one section of the Secretariat handles the questions, still it is done in the name of the Chairman. So, it is not correct propriety to bring the Secretariat into question here. The remedy is open to us to go to them and discuss with them. But the disappointment is there; I have also had that disappointment. It is true that when in one House on one ground a question is rejected, in another House on the same ground that question is accepted. It has happened like that. But there can be no remedy except going there and having a personal discussion.

With regard to the second point, that is answering questions, I think some remarks have been made attributing a sort of motive to the Ministers. Madam Deputy Chairman, I would humbly like to submit that we should not question the *bona fides* of the Government. If we begin to question the *bona fides* of the Government there can be no end to it and we cannot carry on. Even granting that a Minister may be acting *mala fide*, we must take it that he is acting *bona fide*. But a Minister may err. He is not infallible and the Secretariat which furnishes him with answers is also not infallible. I have found often that the factual material supplied to the Minister has not been quite correct, it has been wrong, and we have found on many occasions, more than one hundred occasions, here a Minister coming next day or a few days later and correcting his reply saying that the information or fact that he gave was wrong and that he was correcting it. So, no *mala fide* intention should ever be attributed to any Minister in answering questions. And about the definiteness or preciseness of the answers, the Ministers can

[Shri M. Govinda Reddy.]
only give us such answers as could be based upon the material that is furnished to them by their Secretariats. We cannot expect a Minister to know or have first-hand information on all the subject matters, he can only depend upon the factual material that is supplied to him by his Ministry. Therefore, I think it is wrong to attribute any *mala fide* to them.

And the third aspect of this question is... I forget which. One was admissibility or rejection of questions. The other was answering questions. With regard to Short Notice Questions the Committee has gone into it at very great length and has made improvement. Therefore, there could be no grievance on that ground.

So, there can never be misleading answers. There can be wrong answers that are not corrected and therefore there is no *mala fide* on the part of the Government.

A lot was said about the relations between the Chair and the Members. Of course, cordial relations do exist and should exist. But the hon. Members, particularly those who have made this remark here, are the very persons who are the offenders—I should say very humbly—against the Chair. I have seen—and with very great pain in my heart—that the Chair's rulings or orders are, if not disobeyed, flouted. I should think that we all—every Member of the House—owe it to the decency and dignity of the House and to the pledge that we have taken, to respect the wishes of the Chair. I was listening yesterday to the peroration made here yesterday by one of the Members opposite for more than half an hour that we should not do this or that and we should make this or that, and it is the very gentleman who has offended the dignity of the House on many a day, almost every day. I think Members should be conscious that they owe it to the House and

to themselves that they should behave with dignity and decorum.

In this respect, I may also touch upon the other point about bringing in the policeman, although it is not relevant here. There is no rule on that matter. An hon. Member waxed eloquent that it was undemocratic to bring in the policeman and all that. But, well, why should such a situation at all occur of bringing in the policeman? If hon. Members behave as they ought to, as they have taken the pledge of this House, as Members who know the Rules and who are cultured, then there will be no need for the Chair to admonish them at all, let alone naming a Member or asking him to leave the House. So that contingency of using force or employing anybody to use force does not arise at all if Members abide by Rules and if Members observe ordinary decency. Unfortunately we have had one or two instances in this House and elsewhere of scenes which needed the Chair to have called the Marshal. But the Chair, I must say, whosoever was the occupant of the Chair, has shown great indulgence to the Members. It is only on account of the indulgence of the Chair that the dignity of this House has been kept up so long. Therefore, when we take advantage of democracy and of the privileged position of the Members here and say anything and everything, whatever the subject be, by bringing in names, using abusive language and disobeying the Chair, then the only remedy open to the Chair is to use force and to throw that Member out.

SHRI P. N. SAPRU: Absolutely.

SHRI M. GOVINDA REDDY: With regard to the election of the Deputy Chairman, several suggestions were offered. One was that the Deputy Chairman should be from the Opposition. It is good in principle. I have no doubt about it. But it should be subject to the condition that the Opposition knows its duty. Now, Madam, I must humbly say here that the role of the Opposition as played

in our country is far too different from the role the Opposition is playing in Western countries. In the Western countries although their main object is to get an upper hand on the Government, to dismiss the Government, they do it in a very decent manner. First of all, they do not make use of the floor of the House to abuse the Government. They may defeat a motion of the Government. They may attack the Government. I do not ask them to give any quarter to the Government's failings. Let them condemn the Government, let them criticise it but let them not use abusive language for the Government.

شروع عبدالغنی : وہاں تو کرسیاں

چلے گی میں جوتے چلتے ہیں لیکن یہاں
کبھی ایسا نہیں ہوتا -

†[श्री अब्दुल गनी : वहां तो कुर्सियां
चलती हैं, जूते चलते हैं लेकिन यहाँ कभी
ऐसा नहीं होता ।]

SHRI M. GOVINDA REDDY: In the Western countries they will never use their privileged position to bring the Government into contempt. As I said, constitutionally they might defeat the measures of the Government but they will not bring the Government into contempt. They will try to win over the electorate in their favour and returning in a majority will defeat the Government. That is a very sound principle. That should be observed here too. If our Opposition comes up to that level, certainly we, the ruling Party, will be very glad to give the Deputy Chairmanship to the Opposition. But supposing we do it under the present circumstances, looking at their behaviour in the Joint Session and looking at the behaviour of one or two of their Members here, if that is the characteristic behaviour of the Opposition, what will be the position? If we give the key post like the Deputy Chairman's post into the hands of the Opposition, they may obstruct the proceedings of the House

altogether. Therefore, Madam Deputy Chairman, until such time as the Opposition does not attain to a level of decent, gentlemanly behaviour with the Government, we cannot concede that advantage to the Opposition. I do not mean to say that all Opposition Members are like that. In fact very few Opposition Members are like that. I should say that most of the Opposition Members are behaving very well and I must compliment them on that.

An hon. Member opposite suggested that the Deputy Chairman should be elected from the Opposition. How can that be? It is a contradiction in terms. If the Deputy Chairman is to be elected by a majority of votes, certainly the Deputy Chairman will belong to the ruling Party which commands a majority.

SHRI DAHYABHAI V. PATEL: Free vote need not necessarily be the majority.

SHRI M. GOVINDA REDDY: I can understand if it is a convention. It is good in principle if a convention is developed on the basis of happy, cordial relationship between the Treasury Benches and the Opposition. It is good in principle I do not deny. But I was pointing out the contradiction in the hon. Member's argument that the Deputy Chairman should be elected by majority vote and at the same time he should belong to the Opposition Party.

PANDIT S. S. N. TANKHA (Uttar Pradesh): There is no contradiction. He wants the ruling Party to vote for the Opposition Members.

SHRI M. GOVINDA REDDY: There is no question of election from the Opposition unless a convention is established.

SHRI A. D. MANI: It is election by general agreement.

SHRI DAHYABHAI V. PATEL: By a free vote and not by a whip.

AN HON. MEMBER: Which whip?

†[] Hindi transliteration.

SHRI DAHYABHAI V. PATEL: Congress whip.

SHRI M. GOVINDA REDDY: With regard to other matters several other Members have already spoken and, therefore, I am not taking the time of the House. Several Members on this side and that side have cleared certain points. I have also answered the criticism with regard to codification of the law. Distinguished lawyers have spoken that it is not necessary to codify the law. Supposing the law is codified and an amendment to a Bill is accepted. Now if there is noticed misbehaviour in the joint session or in the session here and if such a thing comes under codified privilege, then it becomes very difficult of implementation. Therefore, it has always to be left to convention.

There was a suggestion that there be a Committee of Assurances. Now the Parliamentary Affairs Ministry has been from time to time laying statements here as to the assurances that they have been able to implement. I have got three reports here. I am not reading all of them. In 1961-62 in the Lok Sabha and Rajya Sabha respectively whereas 987 and 251 assurances were recorded 593 and 176 were implemented. In 1962-63 whereas 854 and 479 were given, 567 and 307 were implemented, and in 1963-64 whereas 781 assurances were given in the Lok Sabha, 563 in the Lok Sabha and 283 in the Rajya Sabha were implemented. Therefore, I do not think a Committee of Assurances will serve any purpose when the Ministry of Parliamentary Affairs is already discharging that function.

Only one point more I would like to touch upon, and that is about Adjournment Motions.

SHRI NIRANJAN SINGH: What about the talk going on there? The Minister is having consultations.

SHRI M. GOVINDA REDDY: I was speaking about Adjournment Motions.

There is a difference, as I pointed out in my speech when I moved the motion, between an Adjournment Motion here and in the Lok Sabha. An Adjournment Motion involves a failure on the part of the Government. It is not only that the matter should be urgent and of public importance and of recent occurrence but there must be involved a failure on the part of the Government. It is only in such matters that an Adjournment Motion can be tabled. If a failure on the part of the Government is involved and if an Adjournment Motion is moved and passed, it means a no-confidence motion in the Government. That cannot be done in this House. So the Committee, after great discussion, has provided in draft rule 180 for "Calling Attention to Matters of Urgent Public Importance". What we have to do is to bring to the notice of the Government that a matter of urgent public importance has occurred which deserves the attention of the Government. In this House this cannot be done by moving an Adjournment Motion when the Government is not responsible to this House. Of course, in the Lok Sabha they can ask the Government to resign if they pass an Adjournment Motion. Here we have the advantage of draft rule 180 which is a new rule where we have provided for "Calling Attention to Matters of Urgent Public Importance" apart from the other rules where we have provided for No-Day-Yet-Named Motions and Motions for Papers.

Madam, I do not like to take the time of the House any more at this stage. As to amendments, when we go through the rules I will come to them.

THE DEPUTY CHAIRMAN: The question is:

"That the Rules for regulating the procedure and conduct of business in the Rajya Sabha under clause (1) of article 118 of the Constitution as recommended by the Committee appointed by the Rajya

Sabha by its resolution of September 7, 1962, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the rule by rule consideration.

Rule 2—Definitions

THE DEPUTY CHAIRMAN: There are four amendments. Mr. Bhargava.

SHRI M. P. BHARGAVA: I am not moving amendment No. 3. I move the rest. I move:

1. "That at page 1, after line 9, the following be inserted, namely:

'Bulletin' means the Bulletin of the Council of States (Rajya Sabha) containing (a) a brief record of the proceedings of the Council at each of its sittings; (b) information on any matter relating to or connected with the business of the Council or other matter which in the opinion of the Chairman may be included therein; and (c) information regarding Committees of the Council or Joint Committees of the two Houses;."

2. "That at page 1, after line 22, the following be inserted, namely:

'Lobby' means the covered corridor immediately adjoining the Chamber and coterminus with it;."

4. "That at page 2, after line 5, the following be inserted, namely:

'Table' means the Table of the Council of States (Rajya Sabha)."

The questions were proposed.

SHRI M. GOVINDA REDDY: These matters were considered by the Committee because these have been provided for in the rules of the Lok Sabha. I leave it to the House without giving my own opinion. I would have accepted them if the Committee had not considered them. Since the Committee had considered them and have

not accepted them I think I should better leave it to the House.

THE DEPUTY CHAIRMAN: The question is:

1. "That at page 1, after line 9, the following be inserted, namely:

'Bulletin' means the Bulletin of the Council of States (Rajya Sabha) containing (a) a brief record of the proceedings of the Council at each of its sittings; (b) information on any matter relating to or connected with the business of the Council or other matter which in the opinion of the Chairman may be included therein; and (c) information regarding Committees of the Council or Joint Committees of the two Houses;."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

2. "That at page 1, after line 22, the following be inserted, namely:

'Lobby' means the covered corridor immediately adjoining the Chamber and coterminus with it;."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

4. "That at page 2, after line 5, the following be inserted, namely:

'Table' means the Table of the Council of States (Rajya Sabha)."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Rule 2, as amended, stand part of the Rules."

The motion was adopted.

Rule 2, as amended, was added to the Rules.

Rules 3 to 13 were added to the Rules.

Rule 14—Allotment of time for discussion of President's Special Address

LEADER OF THE HOUSE (SHRI M. C. CHAGLA): I move:

5. "That at page 4, line 10, after the word 'Chairman' the words 'in consultation with the Leader of the Council' be inserted."

The question was proposed.

SHRI M. GOVINDA REDDY: I accept it.

THE DEPUTY CHAIRMAN: The question is:

5. "That at page 4, line 10, after the word 'Chairman' the words 'in consultation with the Leader of the Council' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Rule 14, as amended, stand part of the Rules."

The motion was adopted.

Rule 14, as amended, was added to the Rules.

Rules 15 to 19 were added to the Rules.

Rule 20—President's Address under article 86(1) of the Constitution

SHRI M. C. CHAGLA: I move:

6. "That at page 5, line 5, after the word 'Chairman' the words 'in consultation with the Leader of the Council' be inserted."

The question was proposed.

SHRI M. GOVINDA REDDY: I accept it.

THE DEPUTY CHAIRMAN: The question is:

6. "That at page 5, line 5, after the word 'Chairman' the words 'in consultation with the Leader of the Council' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Rule 20, as amended, stand part of the Rules."

The motion was adopted.

Rule 20, as amended, was added to the Rules.

Rules 21 and 22 were added to the Rules.

New Chapter VA

SHRI J. S. PILLAI: I move:

7. "That at page 5, after line 19, the following be inserted, namely:

'New Chapter VA

22A. When the Houses of Parliament are assembled together under clause (1) of article 86 or clause (1) of article 87 or when the Members of the Rajya Sabha alone have assembled under clause (1) of article 86 of the Constitution, no Member shall obstruct or interrupt either before or after or during the Address with any speech or point of order or in any other manner, and such obstruction of interruption shall be regarded as a gross breach of order of the Council and shall be dealt with by the Chairman as such at the next sitting of the Council'."

The question was proposed.

SHRI M. GOVINDA REDDY: I do not accept it.

THE DEPUTY CHAIRMAN: The question is:

7. "That at page 5, after line 19, the following be inserted, namely:

'New Chapter VA

22A. When the Houses of Parliament are assembled together under clause (1) of article 86 or clause (1) of article 87 or when the Members of the Rajya Sabha alone have assembled under clause (1) of article 86 of the Constitution, no Member shall obstruct or interrupt either before or after or during the Address with any speech or point of order or in any other manner, and such obstruction or interruption shall be regarded as a gross breach of order of the Council and shall be dealt with by the Chairman as such at the next sitting of the Council'."

The motion was negatived.

Rule 23 was added to the Rules.

New Rule 23A

SHRI J. S. PILLAI: I move:

8. "That at page 5, after line 30, the following be inserted, namely:

'23A. Obituary References, if any, shall have priority over every other business of the Council'."

The question was proposed.

SHRI J. S. PILLAI: I need not make a speech. Condolence resolutions should have preference over other matters in the House. That is why I move this amendment.

SHRI M. GOVINDA REDDY: It is the practice that we have been following so far that . . .

SHRI J. S. PILLAI: It is a bad practice and you must rectify it.

SHRI M. GOVINDA REDDY: I am not accepting it.

SHRI J. S. PILLAI: Hitherto the practice has been that condolence resolutions are taken up after the question hour. I want them to be taken up at the very beginning of the sitting.

THE DEPUTY CHAIRMAN: It will be put to the House. The question is:

8. "That at page 5, after line 30 the following be inserted, namely:

'23A. Obituary References, if any, shall have priority over every other business of the Council'."

The motion was negatived.

Rule 24—Allotment of time for Private Members' business

THE DEPUTY CHAIRMAN: There are two amendments in the names of Mr. Chagla and Mr. Bhargava.

MR. M. C. CHAGLA: I am not moving the amendment standing in my name.

SHRI M. P. BHARGAVA: I move:

10. "That at pages 5 and 6, for rule 24, the following be substituted, namely:

'24. Unless the Chairman otherwise directs every Friday shall be allotted for the transaction of private members' business:

Provided that the Chairman may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence:

Provided further that the Chairman may, in consultation with the Leader of the Council, allot any day other than a Friday for the transaction of private members' business'."

The question was proposed.

SHRI M. P. BHARGAVA: It is a very simple amendment. At the beginning of what is provided for in rule 24 by the Committee I want to insert the words, "Unless the Chairman otherwise directs" and it goes on as in the draft rule, and the third proviso I want to delete. That is all.

SHRI M. GOVINDA REDDY: I accept the amendment.

THE DEPUTY CHAIRMAN: The question is:

10. "That at pages 5 and 6, for rule 24, the following be substituted, namely:

'24. Unless the Chairman otherwise directs every Friday shall be allotted for the transaction of private members' business:

Provided that the Chairman may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class shall have precedence:

Provided further that the Chairman may, in consultation with the Leader of the Council, allot any day other than a Friday for the transaction of private members' business'."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That rule 24, as amended, stand part of the Rules."

The motion was adopted.

Rule 24, as amended, was added to the Rules.

Rules 25 to 46 were added to the Rules.

Rule 47—Conditions of admissibility of questions

THE DEPUTY CHAIRMAN: There are three amendments in the name of Mr. Mani.

SHRI A. D. MANI (Madhya Pradesh): Madam, can I deal with the first amendment and then, later on, move my other amendments? I move:

11. "That at page 11, sub-rule (2), in clause (i) the words 'and precisely be deleted.'"

The question was proposed.

THE DEPUTY CHAIRMAN: You have already spoken on your amendments.

SHRI A. D. MANI: I have moved the amendment and I want to reiterate what the amendment is. I want the deletion of the phrase "and precisely" from the clause "It shall be clearly and precisely expressed;".

MR. GOVINDA REDDY: I am not accepting it.

THE DEPUTY CHAIRMAN: The question is:

11. "That at page 11, sub-rule (2), in clause (i) the words 'and precisely' be deleted."

The motion was negatived.

SHRI A. D. MANI: I move:

12. "That at page 11, sub-rule (2), clause (vi) be deleted."

The question was proposed.

SHRI M. GOVINDA REDDY: I am not accepting the amendment.

THE DEPUTY CHAIRMAN: The question is:

12. "That at page 11, sub-rule (2), clause (ix) be deleted."

The motion was negatived.

SHRI A. D. MANI: I move:

13. "That at page 11, sub-rule (2), clause (ix) be deleted."

The question was proposed.

SHRI M. GOVINDA REDDY: I am not accepting this amendment.

THE DEPUTY CHAIRMAN: The question is:

13. "That at page 11, sub-rule (2), clause (ix) be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That Rule 47 stand part of the Rules."

The motion was adopted.

Rule 47 was added to the Rules.

Rules 48 to 57 were added to the Rules.

Rule 58—Short notice questions

THE DEPUTY CHAIRMAN: There are four amendments, No. 14 in the name of Mr. Chagla, No. 15 in the name of Mr. Mani, No. 16 in the name of Mr. Dahyabhai Patel and No. 17 in the name of Mr. Chordia.

SHRI M. C. CHAGLA: May I suggest that Mr. Mani's amendment be taken up first because if that amendment is carried, then the other amendments will not arise?

SHRI A. D. MANI: I move:

15. "That at page 15, sub-rule (3) be deleted."

The question was proposed.

SHRI M. GOVINDA REDDY: I am not accepting it.

THE DEPUTY CHAIRMAN: The question is:

15. "That at page 15, sub-rule (3) be deleted."

The motion was negatived.

SHRI M. C. CHAGLA: May I move my amendment No. 14? I move:

14. "That at page 15, lines 7-8, the words 'or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary' be deleted."

The question was proposed.

SHRI M. GOVINDA REDDY: I am accepting it.

SHRI BHUPESH GUPTA: What is that actually? I want to know.

SHRI M. C. CHAGLA: If you kindly turn to page 15 of the book, sub-rule (3) says this:

"If the Minister is not in a position to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the Council, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 39 or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary."

5 P.M.

What I am submitting to the House is that the words "or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary" be deleted. In the case of a short notice question, I am sure every responsible Minister, if he has got the necessary information, will come and give it to the House. If he has not, then the ordinary time should be given and not any time less than the ten days' notice time required.

SHRI BHUPESH GUPTA: Madam, I oppose this amendment and I have to say something on it. It is for the Chairman to decide about the time. The Minister should go to the Chairman and convince the Chairman as to whether it should be an earlier date or not. We are not taking the right to ourselves. We are leaving it in the hands of the Chairman. Our experience is that Ministers are some times very tardy in such matters and even if they are in a position to answer, they do not do so, for a variety of reasons. Therefore, I think the present arrangement is quite good and if the Minister has a very strong case then he can go to the chamber of the Chairman and meet the Chairman and convince him and then it is for the Chair to tell us why no earlier date could be fixed and then,

[Shri Bhupesh Gupta.]

of course, what has been suggested here may be adopted. I, therefore, oppose this amendment.

THE DEPUTY CHAIRMAN: Before I put amendment No. 14 to the vote of the House, I shall dispose of amendment No. 16 standing in the name of Mr. Dahyabhai Patel.

SHRI DAHYABHAI V. PATEL: Madam, I move:

16. "That at page 15, for sub-rule (3), the following be substituted, namely:

'(3) If the Minister is not in a position to answer the question at short notice and the Chairman is of the opinion that the question is of sufficient public importance to be orally answered in the Council, he may direct that the question be orally answered immediately after the Question Hour on the day on which it would be due for answer under rule 39:

Provided that not more than one such question shall be answered on any one day.'"

The question was proposed.

SHRI M. GOVINDA REDDY: Madam, I am not accepting the amendment.

SHRI V. M. CHORDIA (Madhya Pradesh): Madam, I beg to move:

17. "That at pages 14 and 15, for rule 58, the following be substituted namely:

'58. A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chair-

man is of opinion that the question is of an urgent character he may direct that such question shall be answered on a day fixed by the Chairman.'"

The question was proposed.

श्री विमलकुमार मन्नालालजी चौरड़िया :

उपाध्यक्ष महोदय, जो संशोधन दिया है उसका स्पष्ट आशय यह है कि हमारे नियमों की जो पुरानी धारा ४७ है उसके अन्तर्गत भी यही व्यवस्था थी, केवल शब्द यह थे कि :

If the Minister concerned agrees to reply" और अब कर दिया है :

"If the Minister concerned is in a position to reply." मेरी समझ में

यह नहीं आता कि जब हमारे यहां बड़े उपयुक्त चेयरमैन महोदय हैं और जब चेयरमैन इस बात को देखेंगे कि किस प्रश्न को एड्मिट करेंगे, किस प्रश्न को नहीं एड्मिट करेंगे और सारी परिस्थितियों को देखेंगे कि इतने दिनों में मंत्री महोदय जवाब दे सकते हैं अथवा नहीं, यह प्रश्न पूछे जाने के योग्य हैं या नहीं और इन सब आधारों पर एड्मिट करेंगे, तो फिर वह प्रश्न एड्मिट होने योग्य होने के बावजूद भी, यह सारे का सारा भार मंत्री महोदय के ऊपर रख दिया जाय कि वे जवाब देना चाहें तो देंगे नहीं तो इनकार कर देंगे तो यह किसी भी हालत में उचित नहीं कहा जा सकता । और आज तक का इतिहास यह बतलाता है कि हमारे मंत्री महोदय कभी भी हमारा प्रश्न देना अच्छा समझते नहीं क्योंकि जब सप्लीमेंटरी होते हैं तब उनको परेशानियों का सामना करना पड़ता है और जब शार्ट नोटिस क्वेश्चन्स होते हैं तब उससे ज्यादा परेशानिया होती हैं । वैसे हमारे चागला साहब ने अभी बताया कि कोई भी मिनिस्टर जो रिसपान्सिबल होगा उसके पास इन्फारमेशन होगी तो झुंझ देगा, अगर अक्सर देखने में आता है कि अगर नहीं होती है तो यह जवाब दिया जा सकता है: "The information is being collected."

लांग नोटिस क्वेश्चन भी हो तो उनके सर के ऊपर चढ़ कर तो कोई बैठ नहीं जाता कि नहीं तुमको जवाब देना ही होगा। अगर कभी शार्ट नोटिस क्वेश्चन होता है तो उसमें अत्यन्त आवश्यक है कि, जैसे कई पालिसी मैटर्स होते हैं, अखबारों में तुरन्त प्रकाशन के लिये होते हैं, तो उनका इमिजिएटली जवाब चाहिये। तो यदि रूल्स में ऐसा रख छोड़ा जाय कि मंत्री महोदय चाहे तो स्वीकृति दें नहीं तो नहीं स्वीकृत होगा और जब तक मंत्री महोदय हां नहीं भर लें स्वीकृत नहीं होगा तब तो चेयरमैन साहब भी ठीक समझे तो कुछ नहीं होगा। यह कुछ अच्छी बात नहीं है। पुराना जो इतिहास है, उसको देखा जाये तो ४६वें सत्र में जो शार्ट नोटिस क्वेश्चन दिये गये उन में से चेयरमैन साहब ने तो ११ डिसअलाऊ किए मगर मंत्री महोदय ने १२ डिसअलाऊ कर दिये, ४७वें सत्र में चेयरमैन साहब ने ६ को डिसअलाऊ किया तो मंत्री जी ने २८ को डिसअलाऊ कर दिया। तो यह परिस्थिति हमारे प्रजातंत्र की परम्पराओं के अनुकूल नहीं है। इसी तरह से यह जो संशोधन रखा है कि : "if the Chairman is of opinion that the question is of an urgent character he may direct that such question shall be answered on a day fixed by the Chairman." तो हम अगले ऊपर अधिकार नहीं दे रहे हैं, हम अपनी डेट नहीं दे रहे हैं, हम डेट चेयरमैन द्वारा दिलवा रहे हैं। अब यह अधिकार मंत्रियों को देकर आप प्रजातंत्र के विरुद्ध काम कर रहे हैं। इसलिये मैंने यह जो संशोधन रखा है, मैं सदस्यों से प्रार्थना करूंगा कि यह अधिकार चेयरमैन को दिया जाना चाहिये, मंत्री महोदय के हाथ में यह अधिकार नहीं होना चाहिये और इतिहास इस बात का साक्षी है कि मंत्री महोदय टालने का प्रयत्न करते हैं।

SHRI P. N. SAPRU: I should like to support Mr. Chordia's amendment. I think it is a reasonable one and I think the power should vest in the

Chairman and it should not vest in the Minister.

SHRI M. GOVINDA REDDY: Madam, I am not accepting the amendment because the position of the rule with the Government's amendment, omitting these words is much better than what it will be with this amendment No. 17. It will be more advantageous to the House. Here absolute discretion is given to the Chairman and the Chairman may fix a day or not, whereas under the present rule the Chairman should fix the date as per rule 39 with ten days' notice. What Mr. Chagla wants by his amendment is to take off the discretion of the Chair to fix the question for an earlier date than this ten days' notice. So that position will be better than the one with this amendment No. 17.

THE DEPUTY CHAIRMAN: I shall put amendment No. 16 to vote.

The question is:

16. "That at page 15, for sub-rule (3), the following be substituted, namely:

"(3) If the Minister is not in a position to answer the question at short notice and the Chairman is of the opinion that the question is of sufficient public importance to be orally answered in the Council, he may direct that the question be orally answered immediately after the Question Hour on the day on which it would be due for answer under rule 39:

Provided that not more than one such question shall be answered on any one day."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

17. 'That at pages 14 and 15, for rule 58, the following be substituted, namely:

'58. A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that such question shall be answered on a day fixed by the Chairman.' "

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

14. "That at page 15, lines 7-8, the words 'or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary' be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That rule 58, as amended, stand part of the Rules."

The motion was adopted.

Rule 58, as amended, was added to the Rules.

Rules 59 to 196 were added to the Rules.

Rule 197—Sittings of the Committee of Privileges

SHRI M. C. CHAGLA: Madam, I beg to move:

18. "That at page 50, line 31, after the words 'the Chairman' the words 'of the Committee' be inserted."

The question was proposed.

SHRI M. GOVINDA REDDY: Madam, I accept this amendment because it removes a real defect.

THE DEPUTY CHAIRMAN: The question is:

18. "That at page 50, line 31, after the words 'the Chairman' the words 'of the Committee' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That rule 197, as amended, be added to the Rules."

The motion was adopted.

Rule 197, as amended, was added to the Rules.

Rules 198 to 251 were added to the Rules.

New Rule 251A

SHRI J. S. PILLAI: I beg to move:

19. "That at page 63, after line 27, the following be inserted, namely:

'251A. (1) A Member who has resigned the office of a Minister may, with the consent of the Chairman, make a personal statement in explanation of his resignation.

(2) Such statement shall be made after questions and before further business set down in the list of business for the day is entered upon.

(3) There shall be no debate on such statement. But after it has been made the Prime Minister or anybody authorised by him may make a reply. The Member (ex-Minister) shall send a copy of his statement to the President before he makes the statement and shall obtain his permission.' "

The question was proposed.

SHRI J. S. PILLAI: I move this because there are Members of this House who are in the Cabinet. Suppose they resign; after resignation they cannot go to the other

House and make a statement explaining their position. They should make that statement here in this House. Therefore, such a rule as the one I have suggested is necessary.

SHRI M. GOVINDA REDDY: I am not accepting this amendment, because though they may be Members of this House, they resign not the membership in this House, but they resign their membership of the Government. Therefore, as members of the Government it is but proper that they should make the statement there.

THE DEPUTY CHAIRMAN: The question is:

19. "That at page 63, after line 27, the following be inserted namely:—

'251A. (1) A Member who has resigned the office of a Minister may, with the consent of the Chairman, make a personal statement in explanation of his resignation.

(2) Such statement shall be made after questions and before further business set down in the list of business for the day is entered upon

(3) There shall be no debate on such statement. But after it has been made the Prime Minister or anybody authorised by him may make a reply. The Member (ex-Minister) shall send a copy of his statement to the President before he makes the statement and shall obtain his permission."

The motion was negatived

SHRI J. S. PILLAI: I challenge that verdict.

THE DEPUTY CHAIRMAN: I have said that the amendment is lost.

Rules 252 to 267 were added to the Rules.

The Schedule was added to the Rules.

Rule 1 was added to the Rules.

SHRI M. GOVINDA REDDY:
Madam, I beg to move:

"That the Rules, as amended, be adopted as the Rules of Procedure and Conduct of Business of this House under clause (1) of article 118 of the Constitution."

The question was proposed.

SHRI BHUPESH GUPTA: I rise only to signify our appreciation of the efforts that have been made by the Committee in formulating and now the House finalising with certain amendments, the Rules. We only hope that we shall try to live up to the spirit of these Rules and try to improve upon them. My suggestion would be that from time to time we should review and come up before the House with such amendments as are called for in the light of experience. These are matters to which we can apply our minds later but as we are passing this measure as a result of the collective efforts of all of us I think we should have in mind that the measures still requires a lot of improvement. That we can do in course of time but we should always be seized of the need for improving it.

SHRI M. C. CHAGLA: I should like to join in the sentiments expressed by my friend. We are grateful to the Committee for the very arduous work that has been done. May I only say this that it is not so much in the form of the Rules as in the spirit in which they are enforced that traditions of the House depend? This House has got very high traditions and I am sure this House would always live up to these traditions.

[Shri M. C. Chagla.]

There is only one more thing I would like to say. Yesterday, in my absence, my friend, Mr. Gupta, made some disparaging remarks about the Leader of the House. I do not know whether he referred to me personally or to the institution.

SHRI BHUPESH GUPTA: Madam, I should like to say this. When I said twelve years, he should know. He has been here only for a very short time. He can very well understand that he was not very much in my mind.

SHRI M. C. CHAGLA: I want to assure this House that as Leader of the House I would always be accessible to every Member of this House. It will be my duty to look after not only the Members behind me but all the Members of all sides. That is the duty of the Leader of the House and any Member of this House may always come to me with any grievance, with any suggestion and I shall always listen to it with the greatest consideration. I can give this assurance to my friend, Mr. Gupta, that he can always come to me and tell me what his grievances are and not say next time that the Leader is not accessible.

Thank you.

SHRI P. N. SAPRU: I would like to express our appreciation of the very great work done by the Committee and I would like to congratulate Mr. Reddy for the able manner in which he has piloted this measure. I must also thank the Secretariat and our thanks are particularly due to you, Madam Deputy Chairman, for the ability with which you conducted the proceedings of the Committee. We are sure that we are about to enter into a new era with Mr. Chagla as our Leader.

SHRI M. P. BHARGAVA: Madam, I wish to associate myself fully with the remarks of Mr. Sapru and I offer you my congratulations for the manner

in which you guided the deliberations of the Committee.

THE DEPUTY CHAIRMAN: The question is:

"That the Rules, as amended, be adopted as the Rules of Procedure and Conduct of Business of this House under clause (1) of article 118 of the Constitution."

The motion was adopted.

MESSAGE FROM THE LOK SABHA

THE CONSTITUTION (SEVENTEENTH AMENDMENT) BILL, 1964

SECRETARY: Madam, I have to report to the House the following Message received from the Lok Sabha, signed by the Secretary of the Lok Sabha.

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Constitution (Seventeenth Amendment) Bill, 1964, which has been passed by Lok Sabha at its sitting held on the 2nd June, 1964, in accordance with the provisions of article 318 of the Constitution of India."

Madam, I lay a copy of the Bill on the Table.

SHRI BHUPESH GUPTA: Madam, may we know whether this Bill will be taken up tomorrow?

SHRI A. D. MANI: No. You were not present in the meeting today.