

श्री प्रेम चन्द गुप्ता (झारखण्ड): सर, माननीय सदस्य ने एक महत्वपूर्ण इश्यू उठाया है। इसको देख लिया जाए, क्योंकि लोग मेम्बर बना दिए जाते हैं और हाउस में आते नहीं हैं। यह तो हाउस की अवमानना है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN : What are you saying? आपने क्या बोला, मैंने नहीं सुना। ...*(व्यवधान)*...

श्री प्रेम चन्द गुप्ता: यह हाउस की अवमानना है, हाउस का अपमान है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Let us not make any comment before we know what the reason is. Let us not make any such comments. We do not know there may be genuine reasons.

SHRI PREM CHAND GUPTA: Then they should inform the House.

MR. DEPUTY CHAIRMAN: I will look into it.

SHRI PREM CHAND GUPTA: Sir, getting nominated and not attending the House is not desirable. This is unfair ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Guptaji, I will look into it and come back to the House.

RULINGS BY THE CHAIR—*Contd.*

Non-listing of Short Duration Discussion on unprecedented spurt and violence in Gaza and West Bank Area of Palestine in today's agenda papers

DR. V. MAITREYAN: Sir, I want to make a submission.

MR. DEPUTY CHAIRMAN: I want to give my ruling.

DR. V. MAITREYAN: Sir, just one sentence before that. In the morning, when we were discussing, I expressed my anguish. But in that anguish, if some of the Members have felt hurt, I sincerely feel sorry for that.

MR. DEPUTY CHAIRMAN: That is good.

SHRI GHULAM NABI AZAD: Mr. Deputy Chairman, Sir, I am very happy that my friend has said sorry. But I think there was nothing personal against him. Yes, my objection was that we have been discussing Sri Lanka, and we are equally concerned about the Tamil people in Sri Lanka. And, I think, nobody has done so much as our Government has, and we expect the same thing from the other Government as well.

At the same time, it is not for the first time that we wanted to discuss about wars going on in different parts of the world or, for that matter, human rights violations in different parts of the world. We want to discuss about human rights violations going on there, and we want total peace in West Asia. I have already mentioned the reasons why we want peace in West Asia. Keeping that in mind, now, the Ruling Party knows much better than the Opposition about the latest development. What we were given to understand, since yesterday till today afternoon, was that the Government did not want to discuss any issue against or in favour of a friendly country or a country with whom we have diplomatic relations. That is accepted. But now, I think, everything has been made clear after the hon. Prime Minister of India has signed the BRICS Declaration, which speaks so much about Israel and Palestine. Now, after having been signed it by no less than the Prime Minister of India, there should not be any reservation to the Ruling Party to discuss the subject. So, the plea, which the Ruling Party has been taking since morning, has been demolished after the Prime Minister of India became a signatory to the BRICS Declaration.

SHRI M. VENKALAH NAIDU: Sir, I would like to respectfully submit that as far as the Government is concerned, the Government has made its stand clear. The Minister had written a letter to the hon. Chairman, and the Chairman has given his view. Then, the Leader of the House has written to the Chairman saying that the Government is willing to discuss this issue but at an appropriate time, as decided. ...*(Interruptions)*... आप लोग सुनने के लिए तैयार नहीं हैं। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Please listen. ...*(Interruptions)*... No, please, don't make a comment. ...*(Interruptions)*...

श्री नरेश अग्रवाल : नायडु जी, आप नाराज न हों।

श्री एम. वेंकैया नायडु : मैं नाराज नहीं हुआ, मैं दुखी हो रहा हूँ। ...*(व्यवधान)*... मैं जो कहना चाहता हूँ, सरकार की ओर से ...*(व्यवधान)*... We heard the Deputy Leader and the Leader of the Opposition, and I am willing to hear others as well. And that has been the practice in the House when the Deputy Leader or the Leader of the Opposition or any other senior Member speaks. My request is this. I have also been in this House for the last 16 years. My point is that if I am saying something, then, they should listen to me. If they are speaking, then, this side also has to give a patient hearing. Otherwise, we will not be able to discharge our responsibilities. That is No.1. Secondly, as I told you, the Minister of External Affairs had a view, and she has written to the hon. Chairman. The Chairman has given some final decision, and the Government is abiding by the decision of the Chairman. The

Leader of the House also has written a letter to the Chairman expressing that the Government is willing to discuss it. My only plea is, let us decide it in the Business Advisory Committee and, in the meanwhile, the House should not be deprived of an opportunity of discussing the Railway Budget which is very important. At the end of it, I leave it to your wisdom. I am not questioning it. From my side, from the Government side, we are ready to discuss that issue and we are ready to discuss the Railway Budget as well. So, please allow the discussion on the Railway Budget. Let us decide the timing for the discussion on that issue and then move ahead. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, Yechuryji, no more discussions. There have been enough discussions.

SHRI GHULAM NABI AZAD: It is a current event, and the current thing needs to be discussed right now.

MR. DEPUTY CHAIRMAN: Now, hon. Leader of the Opposition, no further discussions. ...*(Interruptions)*...

SHRI SITARAM YECHURY: I have risen here only in response to the hon. Minister's statement just now. As he said, all of us are aware of the ruling that the hon. Chairman has given.

MR. DEPUTY CHAIRMAN: I have to give another ruling and, then, we have to take up the discussion. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Yes, Sir. The Leader of the House has written to the Chairman, and that matter has been referred to. My point here is this and there is also a point of order on it. Before you give your ruling, what does Rule 177 say? If you want, I will quote the whole rule. But I am quoting the relevant portion. At an early date, if the Chairman is satisfied, the notice may be admitted. I will quote it, "...he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter may be taken up for discussion and allow such time for discussion,.." The word used is "in consultation", not "in agreement", not in agreement with the Leader of the Council. The word "in consultation" is very deliberately used. The hon. Leader of the House may disagree with the timing. But the ruling has to come in consultation. My only submission, Sir, to you is, once it was decided and it appeared in the List of Business and the Revised List of Business, then, now invoking that, in consultation with the Leader of the House, we can decide on a time, subsequently some other time, that is highly irregular and violative of that procedure.

MR. DEPUTY CHAIRMAN: Okay, now please...

SHRI SITARAM YECHURY: Therefore, I am beseeching you as the Chair, do not violate the procedure of this august House and please allow the discussion to take place and after that, we will definitely subject the Rail Budget to a sufficient grilling and we will give enough food for thought for the Government to answer. We will definitely do that and cooperate with the Government, but allow this discussion first.

MR. DEPUTY CHAIRMAN: What Yechuryji has raised is again another important point. The answer to what Nareshji raised is in Rule 177. I will read what he read just now, "...he may admit the notice." So, admission is for the Chairman. Chairman has to admit. The next part is, "...and in consultation with the Leader of the Council fix the date..." Yechuryji brought a new point. But before my reply to Yechuryji, I would like to reply to Nareshji. The date has to be consulted. The List of Business is prepared for each date. You don't prepare the List of Business today for another three days. Each day, the List of Business is prepared. I am only interpreting according to my understanding. You can defer, it is a different matter. I am not an advocate but however, I have to say what my understanding is. That is my duty. Each date is important because the List of Business is decided for each day.

SHRI SITARAM YECHURY: Agreed, Sir.

MR. DEPUTY CHAIRMAN: What was decided for yesterday's business, there was consent from the Government. Nobody has disputed it. From whatever the channel we were to get the consent from the Government, we had got it. That was why it was listed. The request of External Affairs Minister was also not conceded to. But that consent was for yesterday. For today, as far as the Chair is concerned, the Chair or the Secretariat should get a consent from the Leader of the Council. Now I come to your point.

श्री नरेश अग्रवाल : उपसभापति महोदय, आप पहले ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: No, no; let me complete. I am not allowing you. After I complete you can speak if you want. For listing that business in the List of Business for today according to rule 177, there should be consultation with the Leader of the House.

In that consultation, we did not get the consent. That is the point. What you wanted to know is whether consultation means consent or not. You know, the Supreme Court

itself has given an interpretation on consultation and consent, which I don't want to quote now. I am not an advocate. But, for the practical purpose, my point is, if you say 'consultation' is not 'consent', then if the Minister is not available or if it is not convenient for the Minister, if the Chair tells, 'I consult and without consent I include in the list, then what will happen? If the Rule 177 is to be operative 'consultation' should necessarily mean 'consent'. ...*(Interruptions)*...

श्री नरेश अग्रवाल : आप पूरी बात कह लीजिए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: The rule is to facilitate the smooth functioning of the House. ...*(Interruptions)*...

The rule is to facilitate the functioning of the House. Kindly remember this. The rule is not to obstruct the functioning of the House. Without giving the meaning 'consent' for 'consultation', Rule 177 can't be operative, because when there is no consent from the Minister, even if the Chair puts the subject in the List of Business, the discussion may not take place. The purpose of the rule is to facilitate the functioning of the House. If Rule 177 is to be operative, you have to take the meaning of 'consultation' to be 'consent'. Otherwise, you can't function this House. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, I entirely agree with you that if you have to function the House, the practicality demands that this consultation would also mean the agreement of the presence of the concerned Minister so that the discussion can take place. You are correct in that sort of information for running this House. My submission is concerning the precedence of such cases that have happened. A List of Business is listed, and a Short Duration Discussion is listed for a particular day. You are right again that the decision is for one particular day. If on that day, unfortunately, some sitting Member expires. The House is adjourned for the day. The normal practice and the precedent has been that—Sir, I am referring again—the business listed for this day is taken up in the subsequent days. We have rulings in this. ...*(Interruptions)*... Various interpreters of the Constitution of India and the rules of this House, who have served here as Secretary-Generals, have all written and interpreted that that is the practice. Now, we are asking: If the Government had agreed, like you said, to have this discussion yesterday, that means there was an agreement and consent. But the obstruction for not having the discussion came from the Government itself yesterday. They are the ones who disrupted the House yesterday.

SHRI M. VENKAIAH NAIDU: Sir, who disrupted the House? Mr. Deputy Chairman, Sir, who has disrupted?

MR. DEPUTY CHAIRMAN: The Government has not disrupted.
...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Mr. Deputy Chairman, Sir, he should not have commented like this. It is unfair to have comments coming from senior Members like him. The entire world watched who disrupted the House. ...(Interruptions)...

श्री सत्यव्रत चतुर्वेदी : उपसभापति महोदय, सरकार की तरफ से ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: The Government did not disrupt the House.

SHRI SITARAM YECHURY: No, Sir, don't say like that. Let him say that. But, you don't say that. The point is, he may say that. But, the House was not allowed to discuss it by quoting a different rule; a different rule which is not relevant to this discussion under which the hon. Minister of External Affairs has given a letter to the hon. Chairman. She has given letter under Rule 169.

MR. DEPUTY CHAIRMAN: No; that is not relevant here.

SHRI SITARAM YECHURY: That has not been allowed. Now, the whole of yesterday was wasted because a different rule was quoted, out of context, and this discussion was filibustered. I would not use the word 'disrupted.' This discussion was filibustered. Now, we are not responsible for that. The question was that the hon. Chairman has given his ruling. In that ruling, the hon. Minister's letter was disallowed. Now, after that, the question of 'consultation' comes which you have interpreted, for practicality, as consent. The Supreme Court's – I am not a lawyer, but all the eminent lawyers here can say – interpretation is in terms of practicality whether discussion to take place or not. But, in terms of precedence of this House and past practice, it is always that if some thing is listed but cannot be taken up for some reason is carried forward. So, therefore, we are saying to have this discussion.

SHRI SATISH CHANDRA MISRA (Uttar Pradesh): Sir, to rest this controversy, I think, the Chair...

SHRI M. VENKAIAH NAIDU: Sir, I have a personal experience in this House. I had given a notice to discuss about drought situation and also about giving remunerative prices to farmers. Sir, for one year – three sessions – I can vouch safe it also, in this very House, the issue was listed for Short Duration Discussion/Call attention but could not be discussed and it was not allowed next day. If you want, I can give you the dates also. ...(Interruptions)...

SHRI SITARAM YECHURY: Had you objected, I would have supported you. Why did you not object? ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: Sir I have one point to make.

The ruling given by the Chair today is that 'consult' means 'consent'...

MR. DEPUTY CHAIRMAN: No, no. It is for practicality.

SHRI SATISH CHANDRA MISRA: It has to be reconsidered by you, because it is against the very interpretation given by the Constitution Bench of the hon. Supreme Court in Transfer Case and Appointment Case. It can never be 'consent.' If it is 'consent', then, in fact, it will become impossible and impracticable.

MR. DEPUTY CHAIRMAN: Here, it is for practicality.

SHRI SATISH CHANDRA MISRA: Sir, 'consent' means, they have to talk and to be consulted. It is not that it has to be 'consent.' This will be against the judgment of the hon. Supreme Court. Therefore, without going into the controversy, this ruling should be reconsidered, because if 'consultation' interpreted as 'consent', it will be absolutely against all judgments given by the hon. Supreme Court. Even recently, they were consulted in the appointment of a Judge. It said, 'No. I don't agree.' It was sent back and the hon. Supreme Court has returned it back, because the process is over as required under the Constitution with regard to 'consultation.' That is why consultation has to be done. It is not the 'consent' of the Government. So, it should be reconsidered.

MR. DEPUTY CHAIRMAN: Misraji, that is what I want to say. ...*(Interruptions)*... Please allow me. I will allow you. Misraji, that is why I said that the hon. Supreme Court has said something about that. I mentioned that. But, my point, as I told you, is to make Rule 177 operative and unless you take it as consent we will be in a dilemma. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: It is required to be amended.

MR. DEPUTY CHAIRMAN: What to do then?

SHRI SATISH CHANDRA MISRA: The word 'consultation' has been mentioned there. So, it has to be taken as consultation.

MR. DEPUTY CHAIRMAN: Then the rule may have been amended.

SHRI SATISH CHANDRA MISRA: It cannot be substituted by word 'consent' under any circumstances.

MR. DEPUTY CHAIRMAN: I agree ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, just a minute ...*(Interruptions)*... Our request is that you should reconsider this ruling. Otherwise...

MR. DEPUTY CHAIRMAN: No, no. I only said that for practical purposes it has to be...

श्री नरेश अग्रवाल: उपसभापति महोदय, हमने कौन सी बात उठाई थी ...*(व्यवधान)*... हमने कौन सा इश्यू उठाया था ...*(व्यवधान)*... और आपकी कौन सी रूलिंग आई? ...*(व्यवधान)*...

SHRI P. RAJEEVE: Sir, let me complete it.

MR. DEPUTY CHAIRMAN: I will allow you. Both of you are speaking at the same time!

श्री नरेश अग्रवाल: सर, मेरा इश्यू यह था कि कल की जो प्रोसिडिंग स्टॉप हुई, वह आपके आदेश से हुई, क्योंकि जो लैटर डिफेंस मिनिस्टर का गया था, आपने कहा कि हम इस पर अपना जजमेंट रिजर्व करते हैं और इसके लिए टाइम चाहते हैं। आपने जजमेंट रिजर्व करके, रूलिंग देने के लिए हाउस आज सुबह 11.00 बजे तक के लिए एडजॉर्न कर दिया। आज सुबह 11.00 बजे हाउस के बैठने के बाद चाहे आप हों, चाहे चेयरमैन हों या फिर चाहे उपसभाध्यक्ष हों, इसी चेयर से जब रूलिंग दी, तो कल जिस कारण से हाउस एडजॉर्न हुआ था, उसको रिजेक्ट किया। इसका मतलब यह है कि वहीं से शुरू हुआ। ...*(व्यवधान)*... जैसा वेंकैया जी कह रहे थे कि हमारा नहीं आया तो नहीं आया या किसी सदस्य की डेथ हो गई, इस सबका मतलब नहीं है। आपने उस पत्र के आधार पर इस सदन को आज सुबह 11 बजे तक के लिए एडजॉर्न किया और 11 बजे के बाद, जब चेयरमैन ने रूलिंग दे दी कि वह पत्र इल्लिगल था और हम उसके आधार पर इसको रोक नहीं सकते हैं, तो जो कल का लिस्टेड बिजनेस है, वह अपने आप अलाइव हो गया ...*(व्यवधान)*... इसको दुबारा लेने के लिए बिजनेस एडवाइजरी कमेटी में ...*(व्यवधान)*... यह वहीं से अलाइव है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Let him complete ...*(Interruptions)*... Let him complete; then I will call you. ...*(Interruptions)*...

श्री नरेश अग्रवाल: जब यह वहीं से अलाइव हो गया ...*(व्यवधान)*... क्या कहीं रूल 177 में बिजनेस एडवाइजरी कमेटी ने दिया? ...*(व्यवधान)*... आप देख लीजिए, रूल 177 में सिर्फ लीडर से कंसल्ट करके व्यवस्थित करना है। कल जब आपने लीडर से कंसल्ट करके उसको बिजनेस एडवाइजरी कमेटी, में एजेंडा में दे दिया तो कंसल्ट हो गया। ...*(व्यवधान)*...

श्री उपसभापति : वह कल के लिए है ...*(व्यवधान)*... आज के लिए नहीं है ...*(व्यवधान)*...

श्री नरेश अग्रवाल: एक मिनट सुन तो लीजिए ...(व्यवधान)... कल का एजेंडा आपने, चेयर ने रोका था, हम लोगों ने नहीं रोका था। यह चेयर की तरफ से रुका हुआ है ...(व्यवधान)... इसको चेयर ने रोका था, इस वजह से वह अलाइव है ...(व्यवधान)... आज चेयर ने उस कारण को रिजेक्ट किया है, इसलिए वह एजेंडा आज काम करेगा। वह एजेंडा हाउस की कंसर्न के बिना बदला नहीं जा सकता है ...(व्यवधान)... आपकी मेन रूलिंग इस पर है ...(व्यवधान)...

SHRI P. RAJEEVE: Sir, I have two points. One, my request is to reconsider the thing 'consultation is equal to consent'.

MR. DEPUTY CHAIRMAN: I did not say that. For practical purpose, I have to take like that. That is what I said. ...(Interruptions)...

SHRI P. RAJEEVE: Sir, our rule-makers very cautiously selected the word 'consultation'. If you use 'consent', that means, the power of the Parliament is diluted; the Executive can encroach at any time upon the day-to-day functioning of the Parliament. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: It is always...

SHRI P. RAJEEVE: My request is, you should use them, 'consultation' along with consent. It is entirely different. So, I request you to reconsider your ruling on that.

Sir, my second point is, Shri Nareshji and Shri Sitaram Yechuryji correctly stated the thing about yesterday's business. Sir, several rulings are here.

MR. DEPUTY CHAIRMAN: No, that is clear. ...(Interruptions)...

SHRI P. RAJEEVE: Sir, from 1963 to 1972, there are 10 rulings. In these rulings, it is specifically stated that if the House adjourns without transacting any business on account of death of a sitting Member or any other issues, the List of Business for that day may be put down in the List of Business for the following day. This is the ruling. Sir, eight former rulings are here. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: That is all subject to consultation. ...(Interruptions)... It is not said. ...(Interruptions)...

डा. अनिल कुमार साहनी (बिहार): उपसभापति जी, मुझे एक मिनट दीजिए, मेरा प्वाइंट ऑफ ऑर्डर है ...(व्यवधान)...

SHRI P. RAJEEVE: We cannot find any other ruling ...(Interruptions)...

SHRI ASHWANI KUMAR (Punjab): Mr. Deputy Chairman, Sir, I have a submission to make for the simple reason that your interpretation of Rule 177 equates consultation with concurrence.

MR. DEPUTY CHAIRMAN: In operation.

SHRI ASHWANI KUMAR: Just a minute, Sir. If that interpretation to give practical effect to the functioning of this House is to be accepted, it would actually negate the basic structure of this Constitution, which means that the business of this House will be at the will of the Government of the day. If the Government does not concur or agree, we will not be able to take it up ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is not that.

SHRI ASHWANI KUMAR: Therefore, the Government cannot decide what is to be decided and what is not to be decided.

MR. DEPUTY CHAIRMAN: It is not like that. ...*(Interruptions)*...

SHRI ASHWANI KUMAR: Sir, I have a submission to make. You are the custodian of the rules and the Constitution. And these rules are derived from Article 118 of the Constitution. These are constitutional rules. You are bound by the judgement of the hon. Supreme Court with reference to the interpretation. Your interpretation, Sir, with the utmost deference and respect to the Chair, is contrary to the basic principles of interpretation. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me ...*(Interruptions)*...

SHRI ASHWANI KUMAR: Sir, please do not set this precedent. The people of this country will tell us that the House violated the spirit of the Constitution. We cannot be a party to that charge in the interest of parliamentary democracy.

MR. DEPUTY CHAIRMAN: Okay; what do you want? ...*(Interruptions)*... I will come to you; let me finish this.

SHRI ANAND SHARMA: I am on a very short point, Sir. I won't repeat what has been said by Shri Rajeev just now, and Naresh Agrawalji and Sitaramji. First of all, there should not be any doubt that such situations have arisen before this august House and in the other House many times and this issue was settled through a number of rulings that once it is listed, after admission, the listing is subject to consultation with the Leader of the Opposition and the Leader of the House, means the Government.

MR. DEPUTY CHAIRMAN: No, it is not like that. ...*(Interruptions)*...

SHRI ANAND SHARMA: I am saying the Leader of the House, the Government. It is Rule 177 which has been quoted, 'in consultation with'. Once the 'consultation' was done, 'admission' was done, then it was listed in yesterday's Business. Now my limited point is, are we going to respect the rules? Number two, can this be just taken out arbitrarily? Consent is on the discussion of subject. Consent is not in vacuum. It was on this particular issue to be raised, which was accepted, consent was given. Can the consent be withdrawn? We are getting trapped in technicalities and not respecting the rules. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will allow you. ...*(Interruptions)*... Let me make it clear first. ...*(Interruptions)*... I will allow you. ...*(Interruptions)*... I will call you, I have no problem. ...*(Interruptions)*... First of all, ...*(Interruptions)*...

श्री सत्यव्रत चतुर्वेदी : सर, सिर्फ इतनी सी बात है कि अगर सुषमा जी वह पत्र नहीं आता, तो क्या कल ही इस पर चर्चा न हो जाती। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: I have to explain it. ...*(Interruptions)*... I have to explain. ...*(Interruptions)*... You please listen. ...*(Interruptions)*... I will allow you. ...*(Interruptions)*... I will allow you also. ...*(Interruptions)*... I will call you. ...*(Interruptions)*... Now you sit down. ...*(Interruptions)*... See, first of all, I would like to submit that I have an open mind. ...*(Interruptions)*... No problem. I am hearing it with an open mind. ...*(Interruptions)*... But I have to make it very clear, especially what you have said. Number one, for admission no consent, no consultation is needed. Shall I read 177? Mr. Anand Sharma said, 'for admission, consultation'. No. If the Chairman is satisfied—I am reading Rule 177, those who have the Rule Book may also see. "—after calling for such information from the Member who has given notice and from the Minister, as he may consider necessary, that the matter is urgent and is of sufficient public importance to be raised in the Council at an earlier date, he may admit the notice. ...*(Interruptions)*... Let me complete.

SHRI ANAND SHARMA: Please read the next line.

MR. DEPUTY CHAIRMAN: I am not a legal luminary. I only read and understand. Therefore, let me complete. I told you that I have an open mind.

SHRI ANAND SHARMA: That means Minister has been consulted.

MR. DEPUTY CHAIRMAN: You can correct me also, no problem. Therefore, let me make my point. आप बैठिए। ...*(व्यवधान)*... He may admit the notice, number

one. For admission, no consent is needed. This is number one. अभी आप बैठिए। ...*(व्यवधान)*... Number two, 'in consultation with the Leader of the Council' fix the date. ...*(Interruptions)*... Now consultation is needed for date only.

SHRI ANAND SHARMA: It was fixed ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: ...*(Interruptions)*... I agree. ...*(Interruptions)*... I told you that I am not an advocate but I have to understand. Let me understand from you also. I am learning from you also. I am listening to everybody and learning from you also. ...*(Interruptions)*... Let us have an open mind ...*(Interruptions)*... It is, 'in consultation with the Leader of the Council that the date is fixed. '...*(Interruptions)*... Chaturvedi, I request you to allow me to complete. ...*(Interruptions)*... Let me complete, and then only I can allow. ...*(Interruptions)*... So, for 'date' consultation is needed. ...*(Interruptions)*... Anand Sharmaji. ...*(Interruptions)*... for admission of a subject no consent is needed, but the rule says, for fixing the date consultation is needed. ...*(Interruptions)*... In that process of consultation, if the Government has not agreed for a date, what can be done? What can the Chair do? ...*(Interruptions)*... No, listen. ...*(Interruptions)*... Please. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... I will tell you. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... Then I will adjourn and go. Let me complete. ...*(Interruptions)*... The normal practice, in this House, is that a date will be fixed if the Government also agree on that date. This is the practice. That's why I said that I did not give a new meaning to 'consultation'. I only want that Rule 177 be operational. In case of a Short Duration Discussion, 'consultation' has to be construed as 'consent', otherwise Rule 177 cannot be operative. That's what I said. ...*(Interruptions)*...

SHRI SITARAM YECHURY: I agree with you, Sir. ...*(Interruptions)*... I agree with you. ...*(Interruptions)*... I agree with you, but I have a point. Show me a rule where once the consent, once given, can be withdrawn.

MR. DEPUTY CHAIRMAN: No, it cannot be. ...*(Interruptions)*... It cannot be withdrawn. ...*(Interruptions)*...

SHRI SITARAM YECHURY: So, how was it withdrawn yesterday? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, they have not ...*(Interruptions)*...

SHRI SITARAM YECHURY: They gave a consent. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, that I did not really allow. ...*(Interruptions)*...

SHRI SITARAM YECHURY: That you did not allow. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, that we did not allow. ...*(Interruptions)*...

SHRI SITARAM YECHURY: You did not allow that, therefore, continue the discussion. ...*(Interruptions)*...

श्री उपसभापति : वी.पी. सिंह जी, आप बोलिए ...*(व्यवधान)*... What is your point? ...*(Interruptions)*...

SHRI V.P. SINGH BADNOR (Rajasthan): Sir, no dictionary, in the world, says that the words 'consult', and 'consent' are the same. The words 'consult' and 'consent' are two different things. Nobody can say that 'consult' means 'consent'. That's number one.

Number two, we are having the meeting of the BAC in another one hour's time. We can discuss this matter in the BAC meeting. The Government has not said that it does not want to discuss the issue which has been raised here. ...*(Interruptions)*... आप हमको भी तो बोलने दीजिए। ...*(व्यवधान)*... Heaven is not going to fall if we have this discussion after one day or two days. ...*(Interruptions)*... We want to discuss this and we will discuss this.

Number three, the point that I am trying to make is this. It is also important that the business of the House is also governed by the Government Business. If that is not given priority, then, what will ...*(Interruptions)*...

श्री नरेश अग्रवाल: यह कहाँ लिखा है? ...*(व्यवधान)*...

SHRI TAPAN KUMAR SEN (West Bengal): Sir, please listen to me. ...*(Interruptions)*...

श्री नरेश अग्रवाल: यह गवर्नमेंट का हाउस नहीं है। ...*(व्यवधान)*... यह हाउस गवर्नमेंट से गवर्नर्स नहीं है। ...*(व्यवधान)*...

श्री प्रकाश जावडेकर: नहीं-नहीं, यह देश का हाउस है। ...*(व्यवधान)*...

SHRI SUKHENDU SEKHAR ROY: Sir, I have a point of order. ...*(Interruptions)*... I have a point of order. ...*(Interruptions)*...

श्री उपसभापति: आप बोलिए, बोलिए। ...*(व्यवधान)*...

SHRI SUKHENDU SEKHAR ROY: Sir, my point of order is ...*(Interruptions)*...

SHRI VIJAY GOEL: Under which rule? ...*(Interruptions)*... Under which rule? ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Under Rule 177. ...*(Interruptions)*... First, I raised the point of order yesterday. ...*(Interruptions)*... But while giving the ruling... *(Interruptions)*...

श्री उपसभापति : आप बोलिए, बोलिए! ...*(व्यवधान)*...

SHRI SUKHENDU SEKHAR ROY: But, while giving the ruling, you did not mention my name. ...*(Interruptions)*... Therefore, I have a right to speak. I have a right to speak because the point of order was first raised by me. My submission to you is that the way the procedure is being over-simplified is not acceptable. ‘Consultation’ means ‘consultation’. There are a plethora of judgements of the hon. Supreme Court. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That I agree. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: The Supreme Court has said that you should go by the ordinary meaning of a word given by an English dictionary.

MR. DEPUTY CHAIRMAN: No; no. I said, “To make it operational”. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Had the meaning of the word ‘consultation’ been ‘concurrence’, then, the word ‘concurrence’ had not found a place in the English dictionary.

SHRI D. RAJA:* ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no, that is expunged. ...*(Interruptions)*... Sit down. Sit down. ...*(Interruptions)*... That is expunged. ...*(Interruptions)*... Listen, please. ...*(Interruptions)*... That is expunged. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... No, it cannot be allowed. ...*(Interruptions)*... No, no, it cannot be allowed. ...*(Interruptions)*... All of you may please sit down. ...*(Interruptions)*... No discussion. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... It cannot be allowed. ...*(Interruptions)*... Sit down. Sit down. ...*(Interruptions)*...

SHRI ANANDA BHASKAR RAPOLU (Telengana): Sir, I have a new point to make. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I don’t want a new point. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... Sit down. ...*(Interruptions)*... Mr. Siva, please sit down.

*Expunged as ordered by Chair.

...(Interruptions)... Hon. Members, I have to say one thing. ...(Interruptions)... I gave a ruling. ...(Interruptions)... Please. ...(Interruptions)... Sit down.

Don't want to listen anything more. I have heard. ...(Interruptions)... I know how the discussion is going. Now I understood ...(Interruptions)... Sit down. ...(Interruptions)... The trend of the discussion I understood. ...(Interruptions)... Sit down. ...(Interruptions)...

SHRI ANANDA BHASKAR RAPOLU: I want to make a point. I need to be heard. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, I don't want to hear you now. Sit down. ...(Interruptions)... I don't want to hear you now. ...(Interruptions)... Please. ...(Interruptions)... Members, please listen. ...(Interruptions)... I don't want to hear now. Sit down. ...(Interruptions)... I am on my legs. ...(Interruptions)... Sit down. ...(Interruptions)... I am standing here. Sit down. ...(Interruptions)... You should know the rules. ...(Interruptions)... You should know the rules. ...(Interruptions)... I am standing here. You should know the rules. ...(Interruptions)... Sit down. ...(Interruptions)... Please listen. Hon. Members, please listen. ...(Interruptions)... If you want to listen, listen. Otherwise, I can adjourn. ...(Interruptions)... See, I gave a ruling. In that ruling, I did not say consultation equals to or means consent. I also mentioned that I know what Supreme Court has said about the word 'consultation' I said that also. ...(Interruptions)... Please. ...(Interruptions)... No, please. Sit down. ...(Interruptions)...

SHRI JANARDAN DWIVEDI (NCT of Delhi): Sir, I want to raise a point of order.

MR. DEPUTY CHAIRMAN: Let me complete, I am on my legs. ...(Interruptions)... Please. ...(Interruptions)... No, no. I am on my legs. ...(Interruptions)... So, you cannot raise it now. ...(Interruptions)... After I sit down, you raise it. ...(Interruptions)... No, no. ...(Interruptions)... What are you doing? ...(Interruptions)... What are you doing? ...(Interruptions)... No, please. ...(Interruptions)... What are you doing? You can't raise the point of order when I am standing? ...(Interruptions)... No, please. ...(Interruptions)... No, please. ...(Interruptions)... Please, please. ...(Interruptions)... Please listen ...(Interruptions)... Okay, if you are in no mood to listen,

SOME HON. MEMBERS: Adjourn it.

MR. DEPUTY CHAIRMAN: But I have to explain it. ...(Interruptions)... I have to make one thing clear. I have not said consultation means 'consent'. ...(Interruptions)...

SHRI TIRUCHI SIVA (Tamil Nadu): That is construed as consent.

MR. DEPUTY CHAIRMAN: Let me speak. If I have not said like that ...*(Interruptions)*... Mr. Siva, you are my friend. Please sit down. ...*(Interruptions)*... No, let me complete. I said, to make Rule 177 operative, unless there is consent for the date, discussion cannot take place. ...*(Interruptions)*... Let me complete. It is for the 'date'. Today also, you know why the discussion did not take place. The discussion did not take place because the government did not agree to the date you gave. I am in this House for the last ten years and I was in the Lok Sabha for nearly 20 years. I have not seen a single instance when a subject was included in the List of Business without ensuring the convenience of the Minister and the Minister saying, "I cannot come and reply. I am not available." ...*(Interruptions)*... Yes, the rule is there. I know. ...*(Interruptions)*... Please listen....*(Interruptions)*... Let me complete. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... So, what I said is ...*(Interruptions)*... to make Rule 177 operative, I am repeating, to make Rule 177 operative, we have to treat it as consent. That is the ruling. If you have any objection to the ruling, I said, I have an open mind; there is already a direction regarding a ruling that you can come to the Chamber and discuss with the Chairman. That is what is to be done. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, we are discussing it in the House. Our views also need to be recorded. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I told you, I have an open mind. If you want, I can read the ruling too. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, this will have a very serious impact. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You can come to the Chamber, discuss it with the Chairman; I have no problem. I have an open mind. That chapter is closed. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Our views must go on record in the House and not in the Chamber. The discussion in the House should be ...*(Interruptions)*... Why do we have the House if you can discuss everything in the Chairman's Chamber? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That chapter is closed. ...*(Interruptions)*... Let us now have the discussion on the Railway Budget. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, we want Short Duration Discussion, ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, I am taking up discussion on the Railway Budget. Are you ready for the discussion? ...*(Interruptions)*...

SOME HON. MEMBERS: No, Sir. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Sir, Short Duration Discussion. ...*(Interruptions)*... We want Short Duration Discussion right now. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Who would be speaking? ...*(Interruptions)*... Shri Prabhat Jha. ...*(Interruptions)*...

THE BUDGET (RAILWAYS), 2014

श्री प्रभात झा (मध्य प्रदेश): उपसभापति महोदय, हम रेल बजट पर रेल मंत्री जी को बहुत-बहुत बधाई दे रहे हैं। ...*(व्यवधान)*... भारत की आजादी के 67 सालों में कांग्रेस ने 60 साल रेल बजट प्रस्तुत किए हैं और उन 60 सालों में कांग्रेस ने रेल की यह हालत की है कि आज रेलवे पूरी तरह से बदहाली में खड़ी है। ...*(व्यवधान)*... उपसभापति जी, 45 दिनों के अंदर सदानन्द गौड़ा जी और मनोज सिन्हा जी ने जो एक ऐतिहासिक बजट प्रस्तुत किया है, उसके लिए मैं उनको बधाई देता हूँ। ...*(व्यवधान)*...

SHRI TAPAN KUMAR SEN: We want Short Duration Discussion right now. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The House is adjourned to meet tomorrow at 11.00 a.m.

*The House then adjourned at fifty-three minutes past
two of the clock till eleven of the clock on
Friday, the 18th July, 2014.*