

RAJYA SABHA

Thursday, the 26th August, 2004/4 Bhadrapada, 1926 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

MOTION UNDER RULE 267 TO SUSPEND QUESTION HOUR

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS
(SHRI SURESH PACHOURI): Hon. Chairman, Sir, with your kind permission, I beg to move the following Motion:

"That in pursuance of Rule 267 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, this House do suspend Rule 38 of the said rule in its application in order to take up consideration and return of the Appropriation (No. 3) Bill, 2004 as passed by the Lok Sabha."

The question was proposed.

SHRI FALIS. NARIMAN (Nominated): Mr. Chairman, Sir, I oppose the Motion for suspension of Question Hour because it sets a very wrong and dangerous precedent, namely, that major political parties can by agreement effectively prevent this House from functioning. The suspension of the important business of Question Hour is only because one section of the House does not desire that the business of the House should go on at all unless satisfactory answers are given to three points that have been raised. But it appears to be willing that the Budget be passed, but only if it is without discussion. This infringes, Sir, upon the rights of the individual Members under Rule 182. There are nearly 70 Members who are either Independent or nominated or belonging to small parties, and their rights as Members are being denied merely because leaders of some major political parties on both sides of the House are agreeable to a totally undemocratic procedure. Sir, we have a large number of questions on the Budget which we are entitled to discuss under Rule 182 and there are a large number of clarifications to be sought from the Finance Minister. Ever since this Session started in May this

year, there has been no meaningful discussion on any matter, not even on the President's Address. All this, Sir, I submit, has gravely imperilled the future of our system of Parliamentary democracy. I wish to register my protest to this mode of proceeding and I, therefore, oppose this Motion.

SHRI BIMAL JALAN (Nominated): Mr. Chairman, Sir, humbly and with a great deal of sadness, I have risen to say that in any case this particular Motion should not be passed by a voice vote. If there is any agreement among the major parties—I know it is going to be passed— but, some of us, who feel strongly against the kind of procedure, which has been adopted, should be allowed to register our dissent. Therefore, my suggestion, Mr. Chairman, as you are in the Chair, is that we should take a vote on the Motion even if there are only one or two of us who dissent. At least, the public has a right to know. I have the highest regard, Sir, for both the sides. Some of them are present and some of them are not present. I also abide by the agreement among the major parties. After all, it is a party-based Parliamentary democracy. But the voice of some of us who belong to none of the parties should also be heard on important matters like this. On matters, which in my view, are not in the public interest, which are not in line with the Constitution and which are not in line with the Parliamentary traditions, at least, our dissent, even if it is by one Member, should be recorded that it is not a unanimous decision of this Council of States. So, my request to you, Mr. Chairman, is that you take not a voice vote but put this particular Motion to a ballot, even if there is only one dissent. At least, the public would know that it is not unanimous. Thank you very much.

SHRI SHARAD ANANTRAO JOSHI (Maharashtra): Sir, there are two Motions, one is regarding the suspension of the Question Hour and the other is passing the Budget without discussion.

MR. CHAIRMAN: That is not here at the moment.

SHRI SHARAD ANANTRAO JOSHI: I oppose the idea of suspending Question Hour because there are some very important questions in the list today. I think, the passing of the Budget can be done after Question Hour. Thank you.

DR. P.C. ALEXANDER (Maharashtra): Sir, this gives me an opportunity to present before you the genuine grievance of those who are labelled as Independents. It is two years I have been in this House.

When I came here in July 2002, for nearly thirteen to fourteen days the House had been witnessing a very serious state of pandemonium. At that time, the present ruling party was in the Opposition benches and it was impossible for the House to carry on normal business. Now, the tables have been turned and those who were in the Government are now in the Opposition. They enter into agreements without consulting us who are Independents. At least, consultation with one or two of us would have helped to present our views to them. On the whole, Sir, I wish to use this opportunity also to make a submission to you. We have abolished untouchability and we are doing everything to bring up those who were suffering from discrimination, but I find in the system in which our House is operating, at any rate, from my experience, limited though it may be—that those of us who are Independents experience a sense of isolation as we do not get an opportunity to express our views. I came fully prepared to speak on President's Address. I wanted to make my contribution on the Budget. Very highly distinguished Members who are Independent, Shri Fali S. Nariman, Shri Bimal Jalan, Shri Shankar Roy Chowdhury and others have a background and experience, and I also claim I have a long background in the administration and some degree of experience. How am I to be of use or help to this great nation, if I do not get an opportunity to speak? The opportunities for speaking under the present rules are only for those who belong to political parties. Does it mean that there is no place for Independent Members in this House? Sir, I wish to add to the protest made by Shri Fali Nariman about the suspension of Question Hour; the issue of denial of opportunities to speak to those who are Independent Members. With these words, I wish to register my protest about the existing system, by which the voice of the Independent Member gets ignored and is, made to be subdued, if not eliminated altogether from being heard by others.

सभापति : माननीय सदस्यों, आपने जो कुछ कहा है, उसके बारे में इतना ही कह सकता हूँ कि चेयर की तरफ से आपको कोई शिकायत नहीं होगी। जब भी आपने किसी विषय पर बोलने के लिए अपना हाथ उठाया है या मुझे सूचना दी है, मैंने आपको अवसर दिया है। अब प्रश्न आता है कि डिबेट में पार्टीज के साथ आपकी एडजस्टमेंट किसा प्रकार से हो, यह मेरा विषय नहीं है। इसे आप भी समझते होंगे, लेकिन जब-जब भी आपने मांग की है, मैंने आपको एकोमोडेट करने की कोशिश की है। आज जो क्वेश्चन ऑवर हैं, उसे सस्पेंड करने का प्रस्ताव आया है। इस प्रस्ताव पर आपने जो कुछ बताया है, वह रिकार्ड पर आ गया है। मैं ऐसे समझता हूँ

और आशा भी करता हूँ कि भविष्य में सब पार्टीज इस बात का ध्यान रखेंगी।

श्री नीलोत्पल बसु (पश्चिमी बंगाल) : सभापति जी, एक बात कहें। सभापति जी, हमें भी दो मिनट की इजाजत दे दीजिए।

श्री सभापति : मैं पार्टीज को एलाऊ नहीं कर रहा हूँ। आज इंडिपेन्डेंट्स का राज है।

श्री नीलोत्पल बसु : सभापति जी, मैं रूल कोट नहीं कर रहा हूँ। आप बोलने नहीं दे रहे हैं तो...(व्यवधान)...

श्री सभापति : नहीं, बोल लीजिए, मुझे कोई एतराज नहीं है...(व्यवधान)...

श्री नीलोत्पल बसु : सभापति जी, सिर्फ दो मिनट, क्योंकि जो सवाल उठाया गया है, वह काफी गंभीर है और मेरे ख्याल से इस पर पोलिटिकल पार्टीज की प्रतिक्रिया जाहिर करना निहायत जरूरी है। मेरे ख्याल से सारी पार्टीज को, सभी को एक ढंग से आंकना ठीक नहीं होगा। इसलिए Sir, just give me two minutes to actually express my view on behalf of my party on this very serious matter which has been articulated by very important, serious and, of course, much more wiser Members than I am. I should not infringe on his right. Sir, the point that Mr. Nariman raised was very effectively supplemented by Mr. Bimal Jalan and Mr. Alexander. Now, Sir, I also, with a very, very heavy heart, accept this position that today is one of the saddest day of Parliamentary democracy in this country. But, at the same time, unless we go into the facts and blame the Government for the situation that has taken place, it will be very unfortunate. Sir, you are aware that particularly our party and the Left, as a whole, is the biggest casualty of this situation because we have distinct views to express.

MR. CHAIRMAN: The impact of this casualty is still here.

SHRI NILOTPAL BASU: We support this Government. But, at the same time, we distinguish ourselves from certain measures announced in the Budget. It is a political arrangement that we are carrying on to really honour the mandate that the people have delivered and reverse the kind of approach with which the past Government was moving. In this kind of a situation where there is no debate, we cannot articulate our distinct position on the issues concerned. But, I ask you, or, I ask the hon. Members, as to what is the alternative available before the Government? Everybody knows what has happened in the last fifteen days, or, for that

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matter, in the last twenty or twenty-five days, of the sittings after the new Government assumed office.

MR. CHAIRMAN: You limit yourself to the issue.

SHRI NILOTPAL BASU: No, Sir. You also have to hear us. We and all of us, believe in Parliamentary system....

SHRI V. NARAYANASAMY: (Pondicherry): Sir, the people of this nation should know this. What he is saying is absolutely correct.

SHRI NILOTPAL BASU: ...know the essence of democracy is discussion and debate. We are second to none and totally share the concerns of Shri Nariman, Shri Bimal Jalan and Shri Alexander, and that is where, I think, there has to be a distinction between the Treasury Benches of today and the Treasury Benches of yesterday. Every time, we have had some kind of turmoil in the House in the past *i.e.*, before the General Elections. We were specifically asking in this House for discussion on various issues, but the earlier Government was running away from that. We were asking for discussion under specific provisions of the rule book which the earlier Government was not prepared to concede and, subsequently, on all occasions, when there has been some kind of a negotiated settlement on the impasse, it was based on the rule book itself. Therefore, it is very, very unfortunate. The basic function of our Parliamentary forum, in our Constitutional scheme of things, is to hold the Government to account. And, if a situation is created that Rs. 4,77,000 crores of public money will be spent by the Government without any single scrutiny, it is the saddest day in democracy. But, at the same time, to allow the House to degenerate itself into a , which we have been seeing for the last three months, is also unfortunate. Thank you.

श्री अमर सिंह (उत्तर प्रदेश) : सभापति महोदय, मुझे सिर्फ इतना ही कहना है कि मैं आदरणीय नारीमन जी, डा. विमल जालान और डा.पी. सी. अलेक्जेंडर जी से पूरी तरह से सहमत हूँ।

कार्मिक, लोक शिकायत और पेंशन मंत्रालयमें राज्यमंत्री तथा ससंदीय कार्य मंत्रालय में राज्य मंत्री (श्री सुरेश पचौरी) : आदरणीय सभापति महोदय, मैं आज बहुत दुःखी मन से इस सदन में अपनी बात कहने के लिए खड़ा हुआ हूँ। मान्यवर, समय और परिस्थितियां बहुत कुछ अनुभव कराया करती हैं और आज मैं खुले दिल से यह बात स्पष्ट करना चाहता हूँ कि

*Expunged as ordered by the Chair.

में जब पहली मर्तबा 1984 में इस सदन में युवावस्था में आया था, उस समय परिस्थितियां अलग थी। मुझे सत्ता पक्ष में भी बैठने का अवसर मिला और विपक्ष में भी बैठने का अवसर मिला, हर समय परिस्थितियों अलग-अलग रहीं। जब मैंने यह बात कही कि आज मैं खुले मन से कुछ कहना चाहता हूँ, तो जब मैं यहां बैठा, तब कुछ और सोचा करता था, जब मैं वहां बैठा, तब कुछ और सोचा करता था लेकिन जब मैं संसदीय कार्य मंत्री बना, तब कुछ और सोच रहा हूँ और मुझे यह कहने में कोई संकोच नहीं है।

मान्यवर, लोकतांत्रिक व्यवस्था में यदि किसी विपक्ष की बात को माना जाता है तो मैं उसे समर्पण भाव मानकर नहीं चलता हूँ, बल्कि यह मानकर चलता हूँ कि कई बार परिस्थितियों के हिसाब से यह करना भी जरूरी हो जाता है और संसदीय काय्य मंत्री के रूप में मुझे यह कहने में कोई संकोच नहीं है कि बैठे-बैठे इतने दिन से यह सोच रहा था कि मैंने अलग-अलग समय पर जो अपना रोल अदा किया, शायद कहीं मुझसे भी गलतियां हुईं, अब मैं उसका प्रायश्चित कैसे करूँ। यह मेरे लिए विचारणीय प्रश्न है, जब समय आएगा, तब मैं उसे करने की कोशिश करूँगा। लेकिन मान्यवर, आज का जो मुद्दा आया है, उस में तीन बातें उभरकर सामने आई हैं। पहली बात यह कि question hour को suspend किया जाए या नहीं किया जाए? दूसरी बात यह आई है कि सदन में ऐसा बिजनेस, जो कि महत्वपूर्ण बिजनेस होता है...

श्री सभापति : इस की चर्चा मत कीजिए और केवल question hour तक सीमित रखिए।

श्री सुरेश पचौरी : मान्यवर, मैं केवल उसी बात को कहकर अपनी बात समाप्त करना चाहता हूँ। तीसरी बात, Independent members के participation की आई। मान्यवर, मैं विनम्रतापूर्वक कहना चाहता हूँ कि यह सदन नियम और परंपरा से चला करता है और नियम 38 Time for question में बहुत guarded language use की गयी है। "Unless the Chairman otherwise directs, the first hour of every sitting shall be available for asking and answering the question". इस में भी माननीय सभापति महोदय पर निर्भर करता है और Rule 267, Suspension of Rules, very clearly says: "Any Member, may, with the consent of the Chairman, move that any rule may be suspended in its application to motion..." में भी माननीय सभापति महोदय की यदि आज्ञा न हो तो Suspension of question hour का नोटिस/मोशन मूव नहीं किया जा सकता। अब माननीय चैयरमैन साहब की अनुमति किन परिस्थितियों में हुई, किन-किन से बातचीत करने से हुई और क्या कारण रहा-मैं यहां उन बातों में नहीं जाना चाहता हूँ, लेकिन अगर माननीय सभापति महोदय की अनुमति से कोई मोशन मूव किया जाता है तो मैं माननीय सदस्यों से विनम्रतापूर्वक आग्रह करना चाहूँगा कि उस पर हम

सवालिया निशान न लगाएं। हां, आज एक फैसला कर लें और मैं उससे सहमत होऊंगा, सारे लोग एक मन से फैसला कर लें कि प्रश्नकाल स्थगित नहीं किया जाएगा।

श्री सभापति : ठीक है।

श्री सुरेश पचोरी : हम उसमें आपके साथ खड़े रहेंगे। मैं आपके साथ सुर-में-सुर मिलाकर अपनी बात कहूंगा। मान्यवर, इसीलिए मैंने यह बात कही कि समय और परिस्थिति लोकतांत्रिक व्यवस्था में सब कुछ सिखा देती हैं। महोदय, आप भी बताते रहते हैं कि लोकतांत्रिक व्यवस्था में अगर हमें कुछ बातें बतायी जाती हैं तो उनको स्वीकार करने में हमें फख्र महसूस करना चाहिए, गौरव अनुभव करना चाहिए। यदि आज की परिस्थिति हमें यह सोचने के लिए बाध्य कर रही है कि महत्वपूर्ण विषय पर सदन में चर्चा किए बगैर कोई प्रस्ताव पास न हो तो हम उस से सहमत हैं। उस पर सदन में चर्चा होनी चाहिए, प्रश्नकाल स्थगित न हो। इसलिए मैंने अपने प्रारंभिक वाक्य में यह अनुरोध किया था कि मैं दुखी मन से खड़ा हुआ हूँ, कुछ परिस्थितियोंवश खड़ा हुआ हूँ, संसदीय-कार्य राज्य मंत्री के रूप में खड़ा हुआ हूँ। महोदय, मैं आप के माध्यम से आदरणीय के सामने यह बात प्रस्तुत करना चाहता हूँ।

श्री सभापति : ठीक है। माननीय सदस्यों, समय और परिस्थिति के अनुसार मैंने यह प्रस्ताव रखने की अनुमति दी थी और मैं समझता हूँ कि ...

श्री दीपांकर मुखर्जी (पश्चिमी बंगाल) : सर, मेरा क्या होगा ?

श्री सभापति : आपको भी अनुमति दूंगा।

श्री दीपांकर मुखर्जी : सर, दस साल में पहली बार मेरा फर्स्ट क्वेश्चन दूसरी बार आया है।

श्री सभापति : और शायद इसीलिए क्वेश्चन आवर सस्पेंड हो रहा है। जब भी आपका क्वेश्चन आता है तब हाउस में कोई-न-कोई गडबड़ होती है। पचोरी जी, मोशन मूव कीजिए। SHRI BIMAL JALAN :Sir,

MR. CHAIRMAN: Now the question is being put..... (Interruptions)....

अब बीच में नहीं। (Interruptions)... We should take up this matter in the next session. The question is:

"That in pursuance of Rule 267 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, this House do suspend Rule 38 of the said rule in its application in order to take up

consideration and return of the Appropriation (No. 3) Bill, 2004 as passed by the Lok Sabha."

The motion was adopted.

WRITTEN ANSWERS TO STARRED QUESTIONS

Social Security Schemes under EPFO

*441. SHRI DIPANKAR MUKHERJEE: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government had designated the Employees Provident Fund Organisation (EPFO) as the nodal agency for administering social security schemes in the country; and

(b) whether the EPFO, as a nodal agency, has been authorised to issue National Social Security Numbers to the workers covered under various social security schemes?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI SIS RAM OLA): (a) No, Sir.

(b) Does not arise.

Services for accident victims on highways

*442. SHRI V. HANUMANTHA RAO: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that the NHAI Project office in Rajahmundry has received offers of help from NGOs and others to attend on accident victims and also provide First Aid, etc. on major Highways like NH-5.

(b) if so, the details thereof and whether any action has been initiated in this matter;

(c) whether it is a fact that the NHAI has not reacted to such offers; and

(d) if so, the reasons therefor and the steps proposed to be taken to immediately attend to such offers?