

The House reassembled at two of the clock,

MR. DEPUTY CHAIRMAN *in the Chair.*

**REGARDING TAKING UP SHORT DURATION DISCUSSION AND CALLING
ATTENTION MOTION AS PER RAJYA SABHA RULES**

MR. DEPUTY CHAIRMAN: The Right to Information (Amendment) Bill, 2019.
...(Interruptions)...

SHRI DEREK O'BRIEN (West Bengal): Sir, I have a point of order. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Under which Rule?

SHRI DEREK O'BRIEN: It's under Rule 29. And, Sir, I would also be referring to page 814 of the Rajya Sabha at Work. Let me read Rule 29. It says, "A list of business for the day shall be prepared by the Secretary-General, and a copy thereof shall be made available for the use of every Member". And, then, there are further clauses 2,3, and 4. I would like to request you most humbly to also refer to pages 814-815 of the Rajya Sabha at Work. Till 1963, there was a rule of same day notice for a discussion. And, there were one or two alternatives. But in 1963, the learned Members of the Draft Rules Committee suggested to the then Chairman to incorporate something called, Short Duration Discussion, which was later on listed under Rule 176.

Sir, this has been a precedent without any break, through the seventies, eighties, nineties — whether there was the NDA Government or the UPA Government or any other Government — that at least one Short Duration Discussion is taken up every week. Sometimes, if you look at the rules at work, what has happened is that it has not happened every week, three have happened in a month, in other words, it did not happen in one week. So, this has been the convention.

But, the situation now is this. Today is the 27th day of the Session. Normally, the Short Duration Discussion, as we all know, is taken up either on Wednesday or Thursday,- and, on Monday, Tuesday/Wednesday, Thursday are used for Legislative Business. Now, what has happened is that only two Short Duration Discussions have been taken up in this Session. Only two! And, this week, Monday, Tuesday, Wednesday and Thursday, all these days, was legislation, legislation, and legislation.
...(Interruptions)... So, Sir, my limited point is, we respect the Lok Sabha election

verdict; we respect the Government; but, you must respect our role as an Opposition, Sir. ...*(Interruptions)*... Just one minute. Day before yesterday, discussion on the working of the MSME Ministry, not the Short Duration Discussion, was listed in the List of Business. But, now, it has vanished and this has come. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Thank you. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, we seek your protection. ...*(Interruptions)*... We seek your protection. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Thank you. ...*(Interruptions)*...

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, I strongly support Mr. Derek. There has been, and there has to be, one Short Duration Discussion and two Calling Attention motions every week. By now, we should have been debating today on a Short Duration Discussion, the fifth time in this Session. But, so far, we have discussed only two Short Duration Discussions. So, we are short of three Short Duration Discussions in this Session till today, I am not talking about the extended period of Session. If I take that also into count, then, this number would go to six. So, the Short Duration Discussions are not being taken up. We have identified the Ministries to be discussed. And, as Mr. Derek O'Brien has said, 'A' Ministry was listed for discussion, but that has been withdrawn and replaced by the Legislative Business. Yes, we, the Members of Parliament, know our responsibilities. We have been legislating. We have been passing the Bills. But, at the same time, the Ministries are to be discussed, and also whatever is provided in the Rules and Rule Book, there has to be Short Duration Discussions, which has also to take place. And, today, I think, we are totally unanimous that, yes, we have so far passed too many Bills, I think, 14-15-16. Of course, we will pass any Bill, as and when any Bill comes across, which we all come to the conclusion that that Bill has to be passed. Yes, as and when any Bill comes up, we all come to a conclusion that that Bill has to be passed. But, at the same time, these two things have also to be taken into consideration.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please sit down. I have allowed him.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PRALHAD JOSHI): Sir, this is the first Session after the General Election. There was enough Financial Business

also. Three Sessions, first Session which is held immediately after the elections, the Budget Session and the Monsoon Session have been merged together. Number two, in spite of all that, we have taken up two Short Duration Discussions and three Calling Attentions after doing all the Financial Business. I will assure the House, through you, Sir, that next week, whatever backlog is there, we are ready to compensate. ...*(Interruptions)*...

SHRI T.K. RANGARAJAN: What is this? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, please. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, ...*(Interruptions)*...

SHRI PRALHAD JOSHI: Let me make the record straight. ...*(Interruptions)*... We have already taken two. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please take your seats. ...*(Interruptions)*...

कोई और बात रिकॉर्ड पर नहीं जाएगी। ...*(व्यवधान)*... प्लीज़, प्लीज़, आप बैठिए। ...*(व्यवधान)*... माननीय मंत्री जी। ...*(व्यवधान)*...

THE MINISTER OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRAKASH JAVADEKAR): Sir, conventions are relevant when the House runs smoothly for all the period. We have 22 lapsed Bills brought again in the House. Why?

SHRI T.K. RANGARAJAN: You are responsible.

SHRI PRAKASH JAVADEKAR: No. ...*(Interruptions)*... The other House had passed them. ...*(Interruptions)*... But, here, in Rajya Sabha, they could not be passed. ...*(Interruptions)*... There is context to every decision, and the context is, so many lapsed Bills have appeared again, because the other House had passed them, but this House could not. ...*(Interruptions)*... Therefore, you have to take cognizance of that. ...*(Interruptions)*...

श्री उपसभापति: माननीय मंत्री जी, आप अपनी बात पूरी कीजिए। ...*(व्यवधान)*...

SHRI PRAKASH JAVADEKAR: Therefore, as Pralhad Joshi ji has said, already two Short Duration Discussions and three Calling Attentions have taken place. ...*(Interruptions)*... I can go on quoting. ...*(Interruptions)*... In the UPA regime, in many

Sessions, for many weeks, there was no Calling Attention. ...*(Interruptions)*... I had myself given many times, but there was no Calling Attention. ...*(Interruptions)*... It is a matter of record. Therefore, don't insist or make argument, which is not tenable. We are called the legislators and we are here to legislate. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, please. ...*(Interruptions)*... Let Mr. Anand Sharma speak.

SHRI ANAND SHARMA (Himachal Pradesh): Sir, ...*(Interruptions)*...

SHRI PRALHAD JOSHI: Only one second. I am just requesting you.

MR. DEPUTY CHAIRMAN: Let him speak. Then, I will call you.

SHRI ANAND SHARMA: I have already been called.

MR. DEPUTY CHAIRMAN: Please speak, Anand Sharmaji.

SHRI ANAND SHARMA: Sir, I am strictly referring to the Rules Book. The rules very clearly provide as to how the Bills are to be taken up for consideration, their amendments and reference to a select committee. That is Rule 125. It is for the Bills that originate in the other House, that is, the Lok Sabha, and come here before the Council, that is, the Rajya Sabha. Now, the procedure is known to us. Notices are given and amendments are moved. This is also an amendment, to refer the Bill to a select committee. The hon. Minister and the Government have taken a position that this is the Legislature. It would be a sad day for many of us if we have to be told... Most of us have read the Constitution, understand the difference, which our constitutional framework gives, between the Executive, the Legislature and the Judiciary, and the role of the Legislature. At the same time, if the purpose was only to legislate — and this House being the Council of States where we are elected by the provincial State Legislatures, have a very clear responsibility and duty. We understand that this House is not obliged to blindly endorse any Bill that originates in that House that has not been referred to any Standing Committee. ...*(Interruptions)*... Please don't interrupt me. ...*(Interruptions)*...

AN HON. MEMBER: Sir, point of order. ...*(Interruptions)*...

SHRI ANAND SHARMA: Don't interrupt me. I have not completed. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. ...*(Interruptions)*...

SHRI ANAND SHARMA: I have not completed. ...*(Interruptions)*... I have not completed.

MR. DEPUTY CHAIRMAN: Anandji, please.

SHRI ANAND SHARMA: Sir, allow me to complete. I never ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please complete.

SHRI ANAND SHARMA: So, we are very clear that if the other House has in its wisdom not referred the Bills to a Standing Committee, then this House has to do its duty. Law-making is serious and the House is not only meant for Government Business, as the LoP has said and also Shri Derek O'Brien has said, but the House also has other issues to take up which concern the people. But about law-making, it cannot be done in a hurry because every law impacts the mass of the society and this House must remain alive to its duty. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR RAY (West Bengal): Sir, point of order. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Under which Rule? ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR RAY: Rule 12. ...*(Interruptions)*...

SHRI PRAKASH JAVADEKAR: But we are discussing the point of orders. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR RAY: Point of order can be raised any time. ...*(Interruptions)*... Go through the rule. ...*(Interruptions)*... Sir, Rule 12 says, "The Council shall sit on such days as the Chairman, having regard to the state of business of the Council, may from time to time direct..'" And ...*(Interruptions)*...

SHRI PRAKASH JAVADEKAR: State of Business!

SHRI SUKHENDU SEKHAR RAY: Don't disturb, please. You are a Minister. And Rajya Sabha Secretariat has issued a calendar under the orders of the Chairman that the House will be concluded on 26th of July. So, tomorrow it is going to be concluded. If at all, it will be extended, then there will be an announcement from the Chair in the House, the Council. Thereafter, it will be reported in the Bulletin as per the explanation

given in the Book 'Rajya Sabha at Work'. Now, the Hon. Minister for Parliamentary Affairs said that some Bills will be taken up next week. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. Please.

SHRI SUKHENDU SEKHAR RAY: Therefore, either the hon. Minister should withdraw that portion of his remark or that should be expunged from the record. ...*(Interruptions)*...

PROF. MANOJ KUMAR JHA (Bihar): Sir, I have a point of order under Rule 238(3). Sir, consistently, even today, there has been a remark about the productivity of the other House. Sir, productivity does not mean quantum of Bills being published. It means 'quality analysis', 'threadbare analysis'. That is what this House, our hon. Chairman, had said quoting Pandit Jawaharlal Nehru. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Thank you.

PROF. MANOJ KUMAR JHA: Don't reduce this House's dignity.

श्री उपसभापति: भूपेन्द्र जी, आप बताएं।

श्री भूपेन्द्र यादव (राजस्थान): सर, पहला विषय तो यह है कि यह सच है कि हम उच्च सदन हैं और राज्यों का प्रतिनिधित्व करते हैं। यह भी सच है, माननीय गुलाम नबी आज़ाद जी ने कहा था कि ...*(व्यवधान)*...

SHRI DEREK O'BRIEN: Under what Rule? ...*(Interruptions)*...

श्री भूपेन्द्र यादव: सर, Rule 35 of Business Advisory. सर, माननीय देरेक जी ने रूल 29 उठाया, माननीय आनन्द शर्मा जी ने रूल 125 उठाया, पर रूल 125 तो तब आएगा, जब बिल consideration के लिए आएगा। जब बिल consideration के लिए आएगा, तभी रूल 125 आ सकता है। देरेक जी ने रूल 29 उठाया, लेकिन मैं उनसे यह कहना चाहता हूँ कि Business Advisory Committee के रूल 35 में allotment of time है। यह कहना कि सदन में scrutiny होनी चाहिए, चर्चा होनी चाहिए, जब हम Business Advisory Committee में बैठते हैं, तो किसी बिल को 2 घंटे allot करते हैं, किसी को 4 घंटे allot करते हैं, किसी को 6 घंटे allot करते हैं। ऐसा इसलिए करते हैं कि जिस प्रकार बिल का महत्व होता है, उसी हिसाब से सदन में उस पर चर्चा हो। चूंकि Business Advisory Committee ने किसी भी बिल पर चर्चा के लिए समय अलॉट कर दिया है, तो वह समय जो हमें अलॉट हुआ है, हमें उस पर चर्चा करके आगे बढ़ना चाहिए। जब तक रूल 35 पर चर्चा नहीं होगी, चर्चा प्रारंभ ही नहीं होगी, तब तक आप रूल 125 को बीच में कैसे ला सकते हैं? जब चर्चा का प्रारंभ होगा, उसके बाद ही विषय आगे बढ़ सकता है। अभी जो टाइम BAC ने अलॉट किया है, उस पर चर्चा होनी चाहिए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Minister, you wanted to speak.

SHRI PRALHAD JOSHI: Sir, he has clarified. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. He has already raised it. Let me speak. ...*(Interruptions)*... Let me speak. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, he has not clarified the point raised by my colleague here. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR RAY: Sir, the Rule has been wrongly mentioned. Rule 35 relates to the Bill. What my leader has mentioned is about Short Duration Discussion, not the Bill. ...*(Interruptions)*...

श्री उपसभापति: मैं उस पर बात कर रहा हूँ। I am just replying to that; please. ...*(Interruptions)*... माननीय दरेक ओब्राइन ने जो भी कहा, वह convention रहा है। I agree. माननीय चेयरमैन को मैं अपनी भावना से अवगत कराऊँगा, पर पहले भी अनेक अपवाद हैं, जब बिल discuss हुए हैं, इसलिए उसके तहत मैं बिल ले रहा हूँ। बिल मूव होगा, जो इसमें है। Now, the Right to Information (Amendment) Bill, 2019. Dr. Jitendra Singh to move a motion for consideration of the Right to Information (Amendment) Bill, 2019.

SHRI ANAND SHARMA: Sir, what about the amendments? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am following the procedure. ...*(Interruptions)*...

GOVERNMENT BILL

The Right to Information (Amendment) Bill, 2019

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): Sir, I move: "That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be taken into consideration." ...*(Interruptions)*...

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, the amendment has to be taken up first. We have to discuss... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: We would be discussing that along with the Bill. ...*(Interruptions)*... Motion moved. There are five amendments by Shri Derek O'Brien, Shri Binoy Viswam, Shri Elamaram Kareem, Prof. M.V. Rajeev Gowda and Shri K. K.