

Clause 2 was added to the Bill

MR. SPEAKER: Shri Dinesh
Goswami - Absent.

Shri Dinesh Goswami - Absent.

Shri Muhiram Saikia - Absent.

Prof. Parag Chaliha - Absent.

Shri Saifuddin Ahmed - Absent.

The question is:

"That Clauses 3 to 5 stand part of the
Bill."

The Motion was adopted

Clauses 3 to 5 were added to the Bill

MR. SPEAKER: Now clause 6.

Shri Dinesh Goswami - Absent

Shri Bhadreswar Tanti - Absent

Shri Muhiram Saikia - Absent

Prof. Parag Chaliha - Absent.

Shri Saifuddin Ahmed - Absent.

There are no amendments to Clauses 7
to 45.

The question is:

"That Clauses 6 to 45 stand part of the
Bill."

The Motion was adopted

Clauses 6 to 45 were added to the Bill

MR. SPEAKER: The question is:

"That Schedule stand part of the Bill."

The motion was adopted

Schedule was added to the Bill

MR. SPEAKER: The question is:

"That Clause 1, Enacting Formula and
the Long Title stand part of the Bill."

The motion was adopted

*Clause 1, Enacting Formula and the Longs
Title were added to the Bill*

SHRI L.P. SAHI: I bet to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

17.48 hrs.

OBSERVATION BY THE SPEAKER :
APPOINTMENT OF CHAIRMAN, RE.
PUBLIC ACCOUNTS COMMITTEE

[English]

MR. SPEAKER: Hon'ble Members, I
wish to make some observations. I am sorry
for their inordinate length.

The question of appointment of the
Chairman, Public Accounts Committee, was
raised by some hon'ble Members on the 9th
May, 1989, after announcement was made
in the Lok Sabha Bulletin Part-II dated 8th
May, 1989, that Shri P. Kolandaivelu had
been appointed as Chairman of the Public
Accounts Committee 1989-90. The matter
was followed up by Shri Dandavate in a
written communication on the same day (9th
May) wherein he drew my attention to the
convention of appointing a member of the
opposition as the Chairman of the PAC on
the basis of the strength of opposition parties
or groups in the House. According to him, the
obvious choice should have been Shri Jaipal
Reddy of the Janata Dal.

As Members are aware, under rule 258 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Chairman of a Committee is to be appointed by the Speaker from amongst the members of the Committee provided that if the Deputy Speaker is a member of the Committee he shall be appointed Chairman of the Committee. The power vested in the Speaker in this regard is unfettered and cannot be challenged. He can appoint anyone from among the members of the Committee irrespective of party affiliations.

Public Accounts Committee is the oldest committee of our central legislature and it is not as if it has always been chaired by a leader from the opposition. Before independence, the Finance Member used to preside over the Committee on Public Accounts of the Central Legislative Assembly and its secretarial functions were discharged by the Department of Finance. With the coming into force of the Constitution in the year 1950, the Finance Member/Minister ceased to act as the Chairman of the Committee and the secretarial functions were also taken over by the Parliament (now the Lok Sabha) Secretariat. During the entire period 1950 to 1967, the Chairman of the Public Accounts Committee was appointed from among the members of the ruling party.

In the elections held in 1967, the ruling Congress Party lost majority in several States and was returned to Lok Sabha with a very much reduced majority. It was expected that a responsible legislature party with requisite strength for being recognised as official opposition would soon emerge and that whosoever was appointed by the Speaker to be the Chairman would not use the Committee's platform for party ends or for serving the interests either of the ruling party or of the opposition. In this background and with such hopes, it was decided that so far as possible the Chairman of the Public Accounts Committee may be appointed from among the members belonging to the opposition. Thus, since 1967 the practice developed of the Speaker nominating a member from the Opposition to be Chairman of the Public

Accounts Committee. There has, however, been no consistent practice to appoint a member of the first, second or third largest groups in the opposition in a strict rotational order. There have been instances when smaller parties like the DMK and BJP, were given preference and the parties which had larger strength in the House were given opportunity in the third or fourth year of the term of the Lok Sabha. Speaker's right to nominate anyone from among the members of the Committee was never questioned or interfered with until 1988.

Last year, I had first selected Shri C Madhav Reddy as the person who, according to my best judgement, appeared to be the most suited for taking over the responsibility of the office of the PAC Chairman. As the House is aware, a controversy was created and pressure built up for appointing another member—a particular person and none-else-as Chairman. I had then also made the position very clear to the Opposition members that it was the undisputed discretion of the Speaker to appoint any member of the Committee who in his judgement was the most suitable for presiding over the Committee and conducting its deliberations in a smooth and non-partisan manner. Leaders in the opposition like Prof. Madhu Dandavate, S/Shri C. Madhav Reddy, Dinesh Goswami and Basudeb Acharia, accepted this position when in their letter of 23rd August, 1988, they observed:

"We fully concede your right as our Hon'ble Speaker to nominate the Chairman of the Committee..... There could be no question of even remotely questioning your authority to take your own decision after considering all the relevant circumstances."

Shri Amal Datta in his letter dated 27th August 1988, observed as follows:

"I am fully aware of the right of the Speaker to appoint the Chairman of the Committee and that all Committee of the House have to function under the direction of the Speaker in accordance

with the rules of the House.”

Following the resignation of Shri Madhav Reddy and in deference to these sentiments and assurances of the Opposition members and in the fond hope that once appointed any Hon'ble Member would function in a non-partisan manner and in keeping with the lofty traditions of Parliamentary Committees, I had agreed to renominate Shri Amal Datta as the Chairman of the Committee for the year 1988-89.

In view of the provisions of the Rules and Directions, the first and foremost duty of the Speaker *vis-a-vis* the P.A.C. is to ensure that the Committee functions in a harmonious and non-partisan manner and that its high traditions and prestige are maintained. While the Council of Ministers is responsible and answerable to the Lok Sabha, its Committees, cannot be competing centres of power with the Government. In fact, it has to be clearly understood and appreciated that in a parliamentary system, Parliament and Government are not in an adversary position. Government is part of Parliament, comes out of it and remains responsible to the whole. The two are inseparable partners or co-parceners in the business of Government. While it is a legitimate function of the opposition in Lok Sabha to criticise the Government of the day, it is not the function of any Parliamentary Committee to become a committee of inquisition against the Government. The Council of Ministers is responsible to the Lok Sabha as a whole. While the Government is 'responsible' to this House, it is the officials of the Ministers who are 'accountable' to the Committees for all acts of omission and commission. The Committees oversee administration and not the Government. The Ministers as such are not 'responsible' to any Parliamentary Committee. Indeed, no Minister is a member of any Financial Committees and cannot be called to tender evidence before them.

It may be a very salutary practice to appoint the Chairman of PAC from the Opposition. We cannot, however, ignore the fact that there is no recognised Opposition or

Opposition party in Lok Sabha. The minimum number required to be eligible for recognition as a party in the legislature is one-tenth of the total membership of the House. Since none of the parties/groups in the Opposition have in their respective folds even fifty members, none of them is recognised as a party and since there is no recognised party in the Opposition, there is no official opposition either. The largest group in the House at present can claim a membership of only 28. In the House as at present constituted the ruling party has a three-fourth majority and the one-fourth of the membership that is on the Opposition side is fragmented and segmented into small groups of 1 to 28. In such a situation where a recognised Opposition party or official Opposition definitely does not exist, one has to be cautious while thinking of some lofty parliamentary traditions in regard to the rights and privileges of the Opposition.

The function of the parliamentary committees is to oversee the administration and to assist Parliament in securing its accountability to the Legislature. The Ministers function in Government on behalf of Parliament and supervise the administration. In an ideal situation, the committees of Parliament working in a non-partisan manner also seek to assist the Ministers in overseeing the administration and pointing out the deficiencies or irregularities so as to enable the Ministers to take corrective steps. It is a common task with a common objective of ensuring that the administration is carried on efficiently and the bureaucracy is kept within proper limits. It is because of their objectivity and non-partisan manner of functioning that the committees have been able to make their mark in our parliamentary system. Naturally, it becomes my bounden duty to assist them in this task and not to allow anything to be said or done which would undermine their prestige and standing in our parliamentary life.

The Reports of the Financial Committees have always been unanimous and no Minutes of Dissent are permitted. Nothing can be more unfortunate than if the function-

ing of these committees becomes a matter of dispute between the ruling party and the opposition. The committees cannot and must not function as the mouthpiece of the ruling party but it is at least equally important that no effort is ever made to turn them into an instrument of the Opposition. Once a person is elected as a member of a financial committee of Parliament, he has to function, so far as possible, objectively and in a non-partisan manner in the best interests of the parliamentary institutions and protect and uphold and dignity the traditions of Parliament.

Unfortunately, in the recent past, things came to such a pass that the prestigious Public Accounts Committee almost threatened to become dysfunctional. One of the Reports of the Committee could not be finalised because of serious differences between the Chairman on the one hand and a majority of members on the other. In fact, the situation deteriorated to such an extent that charges and counter-charges were levelled on the floor of the House-members accusing the Chairman of misusing his office and the Chairman charging the ruling party of issuing a whip. Nothing like this had ever happened in this House before.

In this context, I found it to be my foremost duty to ensure that the new Public Accounts Committee functions and remains effective. I had considered all aspects of the matter, including the past practices and conventions hitherto obtaining in India and elsewhere, when I chose Shri Kolandaivelu to be the Chairman of the Committee. I was surprised and pained to find that despite the oral and written assurances and commitments made by leading Opposition members last year to the effect that they did not question the right and authority of the Speaker to take his own decision and appoint any member as the Chairman of the P.A.C., once again a controversy was being created and efforts were being made by the same Opposition to question the Speaker's judgement, to render the Rules redundant and to dictate to the Speaker and compel him to appoint a particular Hon'ble Member and

none else as the Chairman. If this is not questioning the right of the Speaker to take his own decision, what else is it? and, if the one-fourth minority seeks to do it today, what of the three-fourth majority tomorrow?

I understand that a Press release was issued on behalf of the Opposition parties on 11th May 1989 wherein it was stated that at a meeting of the leaders of the Opposition parties of both the Houses of Parliament held that day, it was decided that in case the Speaker of Lok Sabha did not respect the time-honoured convention of appointing the Chairman of the Public Accounts Committee from the opposition parties on the basis of their respective strength, the Opposition members would resign from all Financial Committees as a first step of protest. This saddened me. Apart from the impropriety of rushing to Press, in plain terms it amounted to pressure tactics on the Speaker which cannot but be deplored. It has also come to my notice that letters written to me by the Opposition members have been published in the papers even while the matter is under my consideration. Correspondence even between two individuals cannot be published without the consent of the sender and the addressee. Correspondence between the Speaker and the Members is particularly privileged and protected. In the new anti-culture that has developed, there are cases in which even before the Speaker gets the letters from Members, these reach the Press and get published. I must deprecate this tendency with all the emphasis at my command. It is most unfortunate that these who tend to bring down the prestige of parliamentary institutions are the loudest in shouting hoarse about the falling standards in Parliament.

I have no doubt that Shri Kolandaivelu will be able to provide the right leadership to the Committee and keep up the traditions of harmonious and non-partisan functioning of the P.A.C. setting aside all considerations of party or ideology. I am reassured to receive his letter of 11th May 1989 wherein he has stated:

"I will strive my best to uphold the highest traditions of the House and the Committee in as much as I shall ensure the functioning of the Committee in a non-partisan way. I also hope to allay the fears of the other opposition parties by the manner in which the Committee in a non-partisan way. I also hope to allay the fears of the other opposition parties by the manner in which the committee will function as envisaged by the Parliament in constituting this oldest financial committee."

(Interruptions)

MR. SPEAKER: I find no reason to change my decision in the matter and reject the demand to appoint a particular member as the Chairman of the Public Accounts Committee for 1989-90.

(Interruptions)

SHRIV. SOBHANADREESWARA RAO (Vijayawada): Sir, how can Mr. Kolandaivelu be an Opposition Member?.....*(Interruptions)*

MR. SPEAKER: I have already given the reasons.

(Interruptions)

18.00 hrs.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): Before you close this Session, I would like to make some observations.

This was a very important Budget Session. We had quite a lot to do in this House. A number of issues arose and the Members of the Opposition wanted to discuss them, they were fully discussed. As a result, the Demands for Grants of a number of Minis-

tries could not be taken up. But a number of important issues were discussed. I must thank all the Members. There were tensions occasionally; there were differences of opinion occasionally, sometimes sharp. But I must thank the Members from both the sides of this House for the cooperation they have extended. And above all, I must thank you, Mr. Speaker. You had to take a lot of strain on yourself, more so in this Session. You took the strain with patience, with dignity and, I would say, with a sense of respect and regard for the House and the Members.

I must thank my colleagues, the Parliamentary Affairs Ministers, who had to take a lot of strain, the Lok Sabha Secretariat, the Secretary-General, the newspapers friends, watch and ward staff, and all others.

This Session to my mind has been quite an important Session, a momentous Session. It has its tensions and all that, but that is a part of democracy, a part which is sometimes unavoidable.

I know, there can be differences of opinion. I hope, with all this, we shall part here as friends. In a democracy, we may belong to different Parties, but we remain as friends trying to understand each other's point of view. I have respect for the Opposition Leaders. They have been, I would say, generally cooperative. I thank them. I must thank all the Members from this side also. I thank my colleagues, the Ministers. And, once again, I thank you all.

MR. SPEAKER: Hon. Members, as the Thirteenth Session of Eighth Lok Sabha comes to a close today, I take this opportunity to thank all of you for the kind cooperation extended to me and my colleagues - the Deputy Speaker and Members of the Panel of Chairman in conducting the proceedings of the House smoothly. This has been a long and busy session.

(Interruptions)

MR. SPEAKER: The House now stands
adjourned *sine die*.

MR. SPEAKER: I thank you all for the
kind cooperation extended to me.

18.02 hrs.

(Interruptions)

The Lok Sabha then adjourned sine die
