

12.38 hrs.

RE : PAPERS LAID ON THE TABLE

MR. SPEAKER : Before we proceed to the next item, I want to make an observation.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, आप मुझे एक मिनट दें। मैंने एक त्रिविलेज मोशन की सूचना आप को भेजी है। सुरक्षा मन्त्री ने और श्री मिर्घा ने हाउस को गलत जानकारी दी है।

MR. SPEAKER : I am dealing with it, I am considering whether it comes under 115.

I have received a request from Shri Jyotirmoy Basu that he should be allowed to ask for information when papers are laid on the Table. I told him yesterday that the book could not be quoted here. I also invited his attention to certain directions which might be against the spirit of the rules which could not be implemented.

When papers are laid on the Table, we in this House have been following this practice since years—I am told by the Secretary, since the Lok Sabha came into being, and even during the days of the Central Legislative Assembly—that they are just laid on the Table.

SHRI S. M. BANERJEE (Kanpur) : We are allowed to ask questions. I can quote from the parliamentary record.

MR. SPEAKER : They are just laid on the Table, and the practice that has been followed is that they can ask questions about the delay in presenting those papers before the House. In certain cases the constitutional validity can be questioned. For instance, a point of order was raised by Shri Shiv Chandra Jha during the last Lok Sabha. I have examined the rules. The relevant rule does not mention that questions can be asked. The direction was against the rule, and so I have now changed it. You can ask a question about delay or about constitutional validity, but not make it a Question Hour to seek information on each and every paper, because we have more than 20 items and that will take much more time. If any hon. Member wants to seek information, he can address a letter.

In other countries there is no such practice of laying papers on the Table. They are just notified, sent to the Secretariat and copies are sent to the Members. I do not know how this practice came into being.

SHRI S. M. BANERJEE : I have been here since 1957. I do not dispute the rules, but certain conventions have been evolved here. I can quote certain instance where Members have objected, seriously objected, individually and collectively, that such and such and such a paper should not be allowed.

Secondly, about delay, you are perfectly correct, and the Minister has to reply. About eliciting information, if it is important, that could be asked.

I am not questioning your ruling, I abide by your ruling, but I want to point out that there are certain concessions which were given to us arising out of conventions like Calling Attention Notices in the name of so many people. That has now been curtailed to suit the convenience of the House, and only five are allowed. Similarly, only 30 Questions are allowed, and that also has to be balloted. The right to ask any number of Questions has been curtailed. So, instead of getting more privileges in the House to make it more lively, since 1957 it has been my sad experience that we are losing our rights. I would only urge upon you to view it with impartiality and a sense of justice and see that these concessions arising out of conventions which have been followed in this House are not withdrawn *suo motu* with out consulting Members of Parliament.

SHRI H. N. MUKERJEE (Calcutta-North-East) : May I say with all respect that I quite appreciate your difficulty when yesterday Mr. Bosu raised this question. I appreciate your desire to expedite the proceedings of the House, but what I do not appreciate, I am sorry to have to say, is the extreme promptitude with which you have issued this amendment to the Direction which has been there for a long enough time.

I would explain, if you do not mind my doing so. We did have this particular Direction in the Hand book. Normally questions could be asked in regard to delay. Sometimes certain other matters also have been permitted to be asked. You have brought about this new amendment over-

[Shri S. M. Banerjee]

night without reference to anybody in the House. I was expecting that you would call the Leaders of Parties to your Chamber.

MR. SPEAKER : This is not a change in the rule. This is only a change in the Direction it is a guideline.

SHRI H. N. MUKERJEE : In the Handbook for Members you give certain Directions which you are pleased to change overnight. Since the matter has been brought up in this House and it is found to be inconvenient, you decided in your wisdom overnight to have an amendment. With all due respect my submission is that if the matter is mentioned in the House, you have to take into consideration the views of the leaders of different Parties. By this kind of a sudden amendment you bring us down to only a question regarding delay. You cannot tell us that constitutional matters ..

MR. SPEAKER : They are different, they are permissible under point of order.

SHRI H. N. MUKERJEE : It is very peculiar ; we get a one line note in the dak this morning which certainly changes the entire picture.

MR. SPEAKER : I have seen all these years that this was only about delay. So far as constitutional validity is concerned, that was on a point of order, not on questions. That can still be done in that manner at any time.

SHRI H. N. MUKERJEE : Mr. Banerjee has been here since 1957 and I have been here 1952. I have found that not only matters regarding constitution, but other matters, extra-constitutional matters have been allowed to be discussed. In your wisdom you can cut it short if you like. But when the matter is brought before the House and there is a controversy you change it overnight without referring to the representatives of different parties. It is not respect to the House which I expect from the Chair.

MR. SPEAKER : I am bound to consult if I change the rule. I have always consulted, There are some guidelines. If it is not in keeping with the spirit of the rule, you can say so. But I have seen the rule. We accepted this. If somebody objected

to delay, he was normally allowed, In many cases there was delay and I allowed Members. This has been followed.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, क्या आपको भरोसा है कि हैंड-बुक में जो गाइड-लाइन्स हैं, इसको छोड़कर बाकी सब ठीक हैं ? अब किसी दिन अगर कोई और बात उठेगी तो आप इसी तरह से बुलेटिन इश्यू कर के उसको भी डिलीट कर देंगे। अगर विचार करना है तो रूलज कमेटी सारे मामले पर विचार कर सकती है, इसमें जल्दबाजी की कोई बात नहीं है।

SHRI SHYAMNANDAN MISHRA (Begusarai) : My humble submission is that this particular direction which you have been pleased to delete should not have caused so much discomfort because at the same time it lays down that the points have to be submitted to the Speaker in advance. The Speaker can be pleased to admit these points or he may not be pleased to admit them.

Another aspect of the matter is that you have tried to pin us down, as the hon. Member Prof. Mukerjee pointed out, only to constitutional points or to delay... (Interruptions) We would humbly differ from you. There are other aspects or objections which can be raised with regard to such papers.

MR. SPEAKER : I am sorry. You can ask for a discussion of the statement ; you can take some other time. But when it is being laid on the Table of the House you cannot make it question hour... (Interruptions) There is another procedure for raising discussions. But there should be no discussion of the matter when certain documents are sought to be laid on the Table of the House... (Interruptions).

SHRI JYOTIRMOY BOSU (Diamond Harbour) : May I make a submission ? I have every hope and confidence that you will try to safeguard the rights of the Members and enhance the prestige of the House. Let us see what the preface reads ;

there should be no difficulty in interpreting that. The Preface says :

"The Hand-book is intended to serve as a guide on various parliamentary matters to the Members returned at the general election...The information contained in this publication is not exhaustive. It cannot be quoted as an authority if it is in conflict with the provisions of the Constitution..."

Secondly, "If it is in conflict with the rules of procedure and conduct of business in Lok Sabha" Thirdly, "if it is in conflict with the directions issued by the Speaker under the Rules of Procedure." It is very clear that I was fully entitled to seek information under that hand-book, para 38(2), page 76. I did not require your permission to seek that information....
(Interruptions)

MR. SPEAKER : I have seen the rules.

SHRI JYOTIRMOY BOSU : Sir, I am on my legs. Now, what has happened ? I had given three notices the day before yesterday. A person from your Secretariat came to me and said, "Sir, you cannot ask such questions." I wrote a letter saying, "Do not make such mistakes in future. You are trying to come into my territory ; you are acting outside your jurisdiction." Again, yesterday, I gave three notices, and in the notice, at the foot-note, I have got in printed—an extract of what you have said, —namely, that I am fully within my rights to ask that.

Sir, you in your wisdom, had said that you would not allow me to raise such matters. I had very humbly submitted that you have been depriving me of my rights here. As it is, outside today, problems surround us. We have to go and face the people. (Interruption) Mr. Bhandare, please keep quiet for a minute. We have to go and face the people in regard to the hundreds of thousands of problems which are being created to misrule and mismanage things. If we cannot get information to go and tell the people whom I represent here, our staying here becomes completely pointless. It applies to you, to me, and to my friend Shri Mishra.

We would expect the Chair to be a little partial if possible towards the Members,

and not to protect the Government who have the entire machinery at their disposal.

MR. SPEAKER : No, no. There is no question of protecting the Government.

SHRI JYOTIRMOY BOSU : I am not drawing any conclusion. I am only making a submission. What has happened ? In the afternoon, I talked to some of our friends who have been authors of books on rules in this House ; authors of books in this House. One of them said, "You were quite within your rights to do so. You write to the Speaker seeking his permission to raise this point." So I wrote this letter. I pointed out, without casting any reflection on you, that "May I point out, my dear Speaker, Sir, that you have exceeded your jurisdiction unwillingly perhaps, unconsciously perhaps, perhaps guided by considerations which are of very great importance to you." I wrote a letter. On the face of it, instead of getting a reply to my letter, instead of giving me a hearing, you had the wisdom to issue this bulletin summarily. If I were you—may I make my submission—I would have referred it to the Rules Committee to give a decision, and not taken a summary decision.

Again, by issuing this, you have made an admission,—you have admitted—that I was within my rights to submit such notices which make things uncomfortable for the Government. Therefore, you in a hurry, overnight, working overtime in the Secretariat, got this out. It is a bad day for democracy and this Parliament. Thank you.

MR. SPEAKER : So far as this permission is concerned, it was not given to him. I conveyed it to the Secretariat. I conveyed it personally to him. (Interruption)

SHRI JYOTIRMOY BOSU : This letter ? I had nothing.

MR. SPEAKER : No, no. It was not allowed. I did not convey this. I conveyed it to the Secretariat that I did not allow this. We have not been following this practice. So far as any change of the rules is concerned, we normally do it ; but the Speaker allowing certain guidelines—that has never been the practice. Because I have to see whether this is within the scope of the rules or not. I saw the rule myself,

[Mr. Speaker]

There was nothing in it. It was just a procedure of laying it. The rest was guided by the residuary powers.

I am very sorry that this has arisen ; and there was no way out. There cannot be a hard and fast rule about it.

AN HON. MEMBER : Send it to the Rules Committee.

MR. SPEAKER : But still, I do not want to shut out anything. I hope you will agree that much time is taken by these things. (*Interruption*) So far as the rules are concerned, they will normally operate. But if I think my directions are wrongly issued I am entitled to change them. Of course, they are before you. We can discuss it in the Rules Committee.

SHRI S. M. BANERJEE : The directions of the Speaker is law as far as we are concerned.

MR. SPEAKER : That unfortunately is a very confusing aspect. But I hope you do agree, and I think if there is any question that ought to be allowed, I would not mind the statement being discussed in this House or any special time being allotted for questions on it.

But do not take advantage of just this moment when the papers are laid. Already the zero hour has gone much beyond its time limitations.

SHRI JYOTIRMOY BOSU ; Let the matter be held in abeyance till the Rules Committee considered it.

MR. SPEAKER : I do not agree to it. I will put the rule for the interpretation of the Rules Committee. If they think that the interpretation we give to it is not in keeping with the rule, I will accept it very gladly. But so far as the Direction and the guidelines are concerned, I am not going to put them before it. But I can put the question of the interpretation of the rule before the Rules Committee. Of course, according to the practice and convention, the Speaker is fully entitled to interpret, but myself and my predecessors have always been seeking guidance on some controversial matters.

12.56 hrs.

PAPERS LAID ON THE TABLE

Papers and Notifications Re. Indian Posts and Telegraphs

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (GRIH MANTRALAYA MEN RAJYA MANTRI) (SHRI K. C. PANT) : On behalf of Shri Bahuguna, I beg to lay on the Table—

- (1) A copy of the Profit and Loss Account and Balance Sheet (On accrual basis) of the Telecommunication Branch of the Indian Posts and Telegraphs Department for the year 1968-69 (Hindi and English versions). [*Placed in Library. See No. LT-175/71*].
- (2) A copy each of the following notifications (Hindi and English versions) under sub-section (5) of section 7 of the Indian Telegraph Act, 1885 .

(i) The Indian Telegraph (Second Amendment) Rules, 1971, published in Notification No. G.S.R. 283 in Gazette of India dated the 27th February, 1971.

(ii) The Indian Telegraph (Fourth Amendment) Rules, 1971, published in Notification No. G.S.R. 462 in Gazette of India dated the 27th March, 1971. [*Placed in Library. See No. LT-176/71*].

SHRI SEZHIYAN (Kumbakoram) : Sir, Copies of the Profit and Loss Account and Balance Sheet relating to the year 1968-69 are being laid now. Two years have passed. I want to know the reasons for the delay.

SHRI K. C. PANT : This is actually Mr. Bahuguna's paper. He has gone to the other House.

MR. SPEAKER : He will explain the delay to the House.

SHRI K. C. PANT : If you direct him to do so, he will explain the delay.