

[Shri Hajarnavis]

done. But we have our own source of information which will be made available for the purpose of bringing to book the culprits . . . (Interruption).

Shri Hem Barua: It is not a simple matter of law and order. Therefore, to say that the State Government is doing it is shelving the responsibility. This is a frontier State.

Shri Tyagi (Dehra Dun): As it has caused a lot of anxiety not only to this House but the country at large and there have been cases after cases of this nature in that area and also in Kashmir, may I know if the Government has taken some steps to reinforce their Intelligence Department in that area?

Shri Hajarnavis: If there is a further need, we shall certainly do it. I am grateful to the hon. Member for expressing his anxiety . . .

Mr. Speaker: The question is whether the Central Government has actually reinforced it or not.

Shri Hajarnavis: I would not be able to give . . . (Interruptions).

Mr. Speaker: Order, order. It is not a discussion on that.

Shri Hajarnavis: . . . exactly the figure. But I believe, we have got a fairly adequate service there.

Shri Tyagi: May I inform my hon. friend that intelligence is never carried on through paid servants and Government servants alone. We have to have many other sources.

Mr. Speaker: He can pass on that experience to the hon. Minister. But in this manner we cannot proceed.

Shri Ranga (Chittoor): May I make this suggestion that in view of the dissatisfaction prevailing among the various sections in this House as well as outside in regard to the failure and

inadequacy of arrangements made regarding intelligence and so on, the Minister concerned may take an early opportunity of inviting the leaders of different Parties and Groups in this House and take them into confidence and assure them about the various steps that are being taken in order to tighten up our own defence in regard to this matter?

Mr. Speaker: The Minister of Parliamentary Affairs.

Shri Hem Barua: The Central Government has taken no steps and they have left it to the State Government

Shri Ranga: It is for the Minister of Parliamentary Affairs too.

Mr. Speaker: The suggestion has been made and the Minister would take note of that.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): What was the suggestion, Sir?

Mr. Speaker: That was for the Home Minister. He has taken note of it.

Shri Hajarnavis: Yes, Sir.

12-12 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 9th March, 1964, will consist of—

- (1) Further discussion of General Budget for 1964-65.
- (2) Submission of Demands on Accounts (General) for 1964-65 to the vote of the House.
- (3) Discussion and voting of:
Supplementary Demands for

Grants (Railways) for 1963-

Supplementary Demands for
Grants (General) for 1963-64.

- (4) Discussion and voting on Demands for Grants relating to the Ministries of:

Education

Petroleum & Chemicals

Information & Broadcasting.

I may also inform the House that the discussion and voting on the Demands for Grants of various Ministries will be taken up in the following order:—

Education

Petroleum & Chemicals

Information & Broadcasting

International Trade

Labour & Employment

Defence

Transport

Law

Posts and Telegraphs

Food and Agriculture

Irrigation and Power

Supply & Technical Development
Depts.

Industry

Health

Works, Housing & Rehabilitation

Community Development & Co-
operation

Steel, Mines & Heavy Engineer-
ing

Home Affairs

External Affairs

Finance (including Planning).

A statement showing the likely dates on which the Demands are expected to come up for discussion on the basis of time allotted for each Ministry is being separately furnished to Lok Sabha Secretariat for circulation to Members.

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Speaker, Sir, if I heard the Minister right, he has listed among

the other Ministries for next week, the Ministry of Petroleum and Chemicals. As far as the dak received by me shows—I do not know whether there is a mistake—the Report of the Ministry of Petroleum and Chemicals has not been received up till now. You, Sir, had directed the Ministers to furnish their Reports at least, if I remember right, a week before the concerned Demands for Grants come up before the House. I suppose the Demands for Grants of the Ministry of Petroleum and Chemicals—it is the second Ministry in the list—will come up on Thursday next. Today is Friday. I do not know when your directive will be complied with by the Ministry. The hon. Minister of Parliamentary Affairs may kindly take note of it and ask his colleague to furnish the report immediately by this evening at the latest.

My second point is this. I would like, by your leave, to reiterate the demand that I made yesterday on the well-accepted parliamentary tradition and principle of no Demand being passed without adequate discussion. I am referring to the need for a discussion with regard to the Demands relating to Parliament, that is, to Rajya Sabha and Lok Sabha. You, Sir, pointed out a practical difficulty as to who would reply to the debate. I submit that a discussion could be held without any reply, but if that is impossible, I reiterate the demand that I made yesterday that a committee of the House be constituted immediately to scrutinise, for the first time and in the Fifteenth Year of our Republic, the Demands, and then the committee could meet you and discuss with you further this matter.

I submit that at an early date legislation also should be introduced by the hon. Minister concerned, under article 98(2) of the Constitution to that end.

Mr. Speaker: I am sorry I cannot agree there. As the hon. Member has

[Mr. Speaker]

said, it has not been the practice during the last fifteen or sixteen years. There were reasons behind it as to why the Demands relating to Lok Sabha and Rajya Sabha have not been discussed on the floor of the House.

First, in regard to the Rajya Sabha, that is a sovereign House itself, and we cannot discuss and criticise what they spend and how they spend; we cannot do it. Then, certainly, probably they would begin to discuss our Demands also. That is not proper and that is not our purpose. That is about the Demands relating to Rajya Sabha.

Then, about the Demands relating to Lok Sabha, I expressed to the hon. Member the difficulty, and the embarrassing position in which the Speaker would be put if those Demands are discussed. If his Department is criticised here, who is to answer? The hon. Member said that criticism might be made but nobody might reply. Is it possible? Then, what results will be achieved in that respect?

The accounts of the Lok Sabha and Rajya Sabha are annually audited by the Comptroller and Auditor-General and the reports are there. The Demands are all put down in the budget papers. Any Member can see them, and he can just come and discuss with me if he finds any fault with it or any difficulty with it; we can sit down and discuss it, and I can explain my position wherever he feels that he has some doubts about any expenditure whether it was justified or not; I am prepared to do that. But if it is taken up here in the House, then the Speaker cannot escape criticism and comment shall have to be offered. If the Members have not that faith, of course, that is a different matter. But as I said the other day, there are only two occasions when comments can be offered, either complimentary or critical, so far as the Speaker is

concerned, complimentary ones only when he is elected and critical ones only when he is to be removed. There is no intermediate stage between the two.

Therefore, I would request the hon. Member that he can come and just look into the accounts and examine them; in fact, any Member who wants to examine them can come and see, and if he is not satisfied with any particular item, he can discuss with me, and bring it to my notice, and I shall try to explain to him. And if I am convinced that there is something that should be set right, certainly I shall be prepared to do it. But it would not be a good practice to have them discussed here; then, the independence of the Speaker or of his Department would be absolutely gone, if that is subjected to criticism in this manner.

Shri Hari Vishnu Kamath: On a point of clarification. I am sorry I have to say this; I would not question your observation, but certainly, I would like to have a further clarification of the remark that you have made in the course of your observations that the other House is sovereign. In our set-up, I believe we are governed by the Constitution,—the Constitution alone is sovereign and not either this House or the other House, and if any Demand is submitted to the vote of the House, certainly, the House is within its rights to examine that Demand in whatever way is feasible and practicable. No Demand, in accordance with Parliamentary conventions and traditions all over the world, can be and should be passed without a scrutiny of the Demand as best as possible.

Therefore, at the meeting we had with the hon. Minister of Parliamentary Affairs, the other day, I asked him whether it was possible to have a discussion in the House with regard to the Rajya Sabha and Lok Sabha Demands for Grants. He said what you have just now said. But he was

agreeable on that occasion to having a Committee of the House to go into these Demands before they are submitted to the vote of the House.

An Hon. Member: Where is the need?

Shri Hari Vishnu Kamath: This is not a personal matter. I am sorry to say there is some misunderstanding. It is the whole House that is interested.

Mr. Speaker: I did not mean that way. Shri Kamath or any Member. That was what I said.

Shri Hari Vishnu Kamath: Therefore, what objection can there be in principle or in practice to it?

Mr. Speaker: To it being discussed here?

Shri Hari Vishnu Kamath: Discussion by a Committee of the House, not here. Not one individual but all groups here, all parties here, should go into these Demands. Then the Committee will meet you and discuss the matter, in case there are any doubts. It is not a question of just one Member meeting you. This would be more authoritative.

Mr. Speaker: When I say any Member can come, any groups of Members can also come. Any Members who desire to come have certainly the complete option, and I will welcome them. They can come and look into the accounts. I will be glad.

Shri Hari Vishnu Kamath: If you think so, I will give notice of a formal motion. I will move that a Committee of the House be constituted.

Mr. Speaker: That I will see when the motion comes.

Shri D. C. Sharma (Gurdaspur): I think what you have said about the Demands of the Lok Sabha and the Rajya Sabha being discussed on the floor of the House is unexceptionable.

But there are certain types of minds which can argue, even though they are convinced—or even though they are not convinced.

I think from what you have said it is obvious that no useful purpose will be served if those Demands are discussed on the floor of the House. Moreover, you have kept the door open for members, and for groups of Members, to see you and to have their doubts clarified whenever they like. But I take strong exception to the principle which has been enunciated by an hon. Member, the principle that any Demand can be discussed by a Committee of Members. Now, fortunately or unfortunately, we are in the majority . . .

Mr. Speaker: He will be brief.

Shri D. C. Sharma: What prevents me, if this is conceded, from saying that the Demands of the External Affairs Ministry or the Demands of the Ministry of Petroleum and Chemicals or the Demands of the Labour Ministry or the Demands of any other Ministry, should not be discussed on the floor of the House, but should be discussed by a Committee of the Members? I think this is a principle which runs contrary to democratic principles, to parliamentary practices and to the canons of decent parliamentary scrutiny.

Therefore, I think this is a principle which cannot be accepted. So I submit very respectfully that King Charles' head is always there. There are some persons who want King Charles' head always on a plate. But I think without having King Charles' head, we see King Charles every day, and we know what King Charles is..

Mr. Speaker: Order, order. I will allow only two or three minutes to any hon. Member.

Shri D. C. Sharma: Therefore, I think what you have said is the correct thing.

Shri P. K. Deo (Kalahandi): I respectfully bow to your ruling. At the

[Shri P. K. Deo]

same time, I would like to point out that any observation from you saying that this House is not competent to discuss these Demands means curtailing the sovereignty of this House.

I would like to bring to your notice that all these Demands are under two heads—charged items and voted items. So far as discussion on both types of items are concerned, this House has got the supreme authority. The House cannot divide on the charged items but on the voted items the House has got the supreme authority even to divide.

So when the House has got the authority to divide on Lok Sabha Demand No. 108, I think any observation from you saying that this House should not discuss it may constitute a curtailment of the sovereignty of the House.

Mr. Speaker: That is not so. The House is sovereign. Nobody denies it. But when I am to be discussed, it is also provided that I should not be discussed in this manner in this House. Straightaway there ought to be a motion for removal . . . (Interruptions) If grants are to be discussed and comments shall have to be made, I am responsible for every expenditure here. Are not the Ministries criticised when the demands are discussed? The hon. Members should realise the consequence of their action.

Shri Hari Vishnu Kamath: It can be done in a committee of the House.

Shri Surendranath Dwivedy (Kerdrapara): We quite realise the embarrassing position in which you are placed if a discussion is held in the House. But you just now also observed that the accounts of this department are audited and the Auditor-General's report is there and the Auditor-General's report should be looked into by the Public Accounts Committee.

Mr. Speaker: I can do so; I have no objection. The Public Accounts Committee shall go into it.

Shri Tyagi (Dehra Dun): I submit that I do not feel hurt by the so-called ruling of the Chair. It was not a ruling; it was only a remark from the Chair. We have abided by a convention that these demands be not discussed in the House. The convention of so many years' standing cannot be done away with in a moment like this. The Speaker has only supported that convention. My suggestion is that instead of any Committee of the House discussing these demands, in the first place—many things come to me but I can say that this is the one organisation which is working so efficiently.

Mr. Speaker: No compliments.

Shri Tyagi: That apart, my submission is that the Estimates Committee generally looks into all the estimates; it is elected by single transferable vote and all parties are represented there and their comments are made available to the House. They should look into these things.

Shri A. P. Jain (Tumkur): Sir, we have been following a certain convention and the convention is that these particular demands are not discussed by the House. I have attentively heard Mr. Kamath but he has not said a word to show that the old procedure has either been misused or needs alteration. Your observations do not at all mean any infringement of the sovereignty of the House. The sovereignty of the House is there but it is up to the House to abrogate any part of that sovereignty or to exercise it in a particular manner. For the last 16-17 years, we have abrogated this sovereignty in the sense that we did not carry on the discussion here.

Mr. Speaker: Can any hon. Member say that it has ever been discussed in the British Parliament?

Shri Hari Vishnu Kamath: We will look it up.

An Hon. Member: No.

Shri A. P. Jain: You have said that if any Member or group of Members have got any doubts or want clarification, they may see you and I do not think that any useful purpose will be served by formally appointing a committee for the purpose of discussing that. There has been a healthy convention and no reasons have been advanced whatsoever why it should be changed.

Shri H. N. Mukerjee (Calcutta-Central): Sir, I am constrained to say that I am somewhat distressed on account of my friend, Shri Kamath, having brought up this matter in this way. I do realise like everybody else that our House is sovereign but we have, according to our experience, good, bad or indifferent, tried to work out certain conventions in regard to how that sovereignty is going to be exercised and the position of the Speaker has come to be at a certain level on account of that experience. You, representing the House, have certain rights for instance, which no other personality in this country has got. You have complete control over the entire precincts of the House, on whoever is moving about. That is because of certain objective reasons. Now, I do not see how we can in this House or anywhere, on a formal pattern, discuss the Demands on account of the expenses or your Secretariat or the Secretariat of the Rajya Sabha Chairman. I do not see how we can do so. We are sovereign, but we are not sovereign in such a rigid fashion that whatever conventions have been developed on account of experience has got to be given the go-by. I do not quite understand, but I do have a feeling that perhaps from time to time certain reports reach our ears—they may be right or they may not be right—which cause certain misgivings and it may be that, no human institution being perfect, the administration over which you preside also may

not be perfect. I feel substantially what Shri Kamath has in mind might be satisfied if without having any formal arrangements in this regard,—nothing like a discussion in the House, nothing like a discussion by a Committee which will be open to everybody, open to the press to report—if we have an informal arrangement which you after consultation with the different parties and groups in this House can decide, we can have an informal understanding by which certain things may be brought to your notice. If we do that, we shall be content. Otherwise, if we are going to interfere in the administration by the Speaker of his own Secretariat, then all kinds of complications would arise. Quite apart from what you have said, I do feel that in terms of our Constitution which is sovereign—not only one House or the other but the Constitution is sovereign—the Constitution gives room for the development of certain conventions following the British pattern, which is actually mentioned in the Constitution. We can do that and thus satisfy ourselves in this regard. (*Interruption*).

Shri Raghunath Singh (Varanasi): I do not know to what report he refers.

Shri Ranga: First of all, I must preface my remarks by saying that I have not so far heard any rumours or otherwise about the way in which the Parliament Secretariats have been behaving. (*Interruption*). I wish this issue had not been raised at all. Now that it has been raised, naturally it becomes a matter of conscience also. Would we be right in saying to ourselves that Shri Kamath's suggestion is entirely out of court? If we say that, there is some substance in it. Then, would I be doing the right thing in agreeing to your suggestion that if we feel like it we can go to you and seek a clarification? We can say yes to either of these two questions. That is why I think on the whole there is much merit in the suggestion made by my hon. friend

[Shri Ranga]

Shri Tyagi that the Estimates Committee may be asked to informally look into it and place before us what you call the Demands for Grants. Whatever suggestions they wish to make, let them make them informally to you, so that we can leave it to your judgment to carry out such of those recommendations which you consider to be in the interests of the House and the prestige of Parliament.

Dr. M. S. Aney (Nagpur): What is the informal way in which the Estimates Committee can do it?

Shri Ranga: It is a Committee of the House. The only thing is they need not make again a formal report to the whole House here. They need only make a report to you and it will be open to any hon. Member to look into it whenever they wish to see. That is all I can recommend to my fellow Members of the House in this matter.

Lastly, I wish to say that it is fortunate for us that while in all other departments there are proposals for an increase of 20 per cent or 30 per cent in expenditure, this is one Department—I wish to congratulate you and congratulate ourselves—where we do not find any such demand being made on the public exchequer.

Mr. Speaker: I may submit here one thing. Three years ago, a committee was appointed by Mr. Ayyangar and I headed that committee. The Chairman of the Public Accounts Committee and the Chairman of the Estimates Committee were two other Members of that committee. We went through all the expenses and all those things and tried to find out whether we could bring about any retrenchment ourselves. We had then recommended some retrenchment and we have carried that out.

Then again, I may inform the House—probably it is aware of it already—that last year, when the Chinese at-

tacked our frontiers, at that time, though we wanted every hand that we had, we spared about 20 men. This Secretariat was the first to offer the services of 20 members of our staff, so that they might be utilised for emergency purposes there and then.

Then, I wrote to every Legislative Assembly, to every department, everywhere, that no recruits from outside might be taken and we should try to spare from our own personnel that we have. So, far as these suggestions that have now been made are concerned, I am thankful to hon. Members that they have done that and drawn my attention also. I will consider what is feasible and proper under all these circumstances.

Shri M. R. Masani (Rajkot): With your permission, I wish to make a submission to the hon. Minister. I hope that now that he has announced the order of the Demands for Grants under the various Ministries, he will be good enough to adhere firmly to it and not allow himself to be pushed off it under pressure from his cabinet colleagues.

Shri Hari Vishnu Kamath: The hon. Minister has not answered the point about the Report of the Ministry of Petroleum and Chemicals,—when it will be presented to the House. We cannot discuss it without the report.

Shri Satya Narayan Sinha: Whatever is humanly possible, we will do.

12.38 hrs.

STATEMENT RE: ARREST OF SHRI MUZAFFAR HUSAIN, M.P.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): The matter regarding the arrest of Shri Muzaffar Husain, a Member of this House, was raised in the House on February 17, 1964. I have now obtained the necessary information