

14.24 hrs.

MOTION RE. JOINT COMMITTEE TO ENQUIRE INTO IRREGULARITIES IN SECURITIES AND BANKING TRANSACTIONS.

[English]

MR. DEPUTY SPEAKER: Now, we take up Motion Joint Committee to enquire into irregularities in securities and banking transactions.

SHRI RAM NAIK(Bombay North) : Sir, I am on a point of order. I want to oppose moving of the Resolution by Shri Ram Niwas Mirdha, who is the Chirman of our Joint Parliamentary Committee.

Before telling you the reasons for which I want to oppose this Motion and press for my point of order, I must clarify so that there should be no misunderstanding, that Shri Mirdha is conducting the JPC proceedings in a very wonderful and cordial way. Under his leadership the Committee has reached now heights as to how a JPC should function, particularly when the enquiry on securities scam was going on. We had seen how the earlier Committee were functions.

I mean no disrespect to Shri Mirdha in opposing this Motion.

I would bring to your notice Rule 254(3) which is about what is to be done whenever a vacancy arises. Rule 254(3) reads-

"Casual Vacancies in a Committee shall be filled by appointment or election by the House on a motion made, or nomination by the Speaker, as the case may be, and any member appointed, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated, would have normally held office."

Two vacancies have arisen. They are to be filled now. There is no specific indication as to how the vacancies are to be filled.

But Kaul And Ahakdher gives the guidance's as to how the vacancies in Joint Committees are filled.

SHRI PAWAN KUMAR BANSAL(Chandigarh): How was the Committee formed? Please tell us that.

SHRI RAM NAIK: The Committee was formed on the 6th August. Those proceedings are also with me. The Committee was formed by a Resolution passed in the House.

SHRI SRIBALLAV PANIGRAHI(Deogarh): Is there any regular notice to oppose the Motion? Can it be opposed through a point of order? How can he do it?

SHRI RAM NAIK: I am on a point of order. Let me complete.

SHRI SRIBALLAV PANIGRAHI: I am addressing the Deputy-Speaker.

MR. DEPUTY-SPEAKER: The question is whether the point that Shri Ram Naik is raising is in accordance with the law or not. Let us hear him.

SHRI RAM NAIK: This Committee was nominated by this House on the 6th August, 1992 by a Resolution moved by the Minister of Parliamentary Affairs. At that time Shri Ghulam Nabi Azad was the Minister of Parliamentary Affairs haveeee got the proceedings with meee. I think that there is no dispute that the Resolution was moved, it was subsequently adopted and the Committee was appointed. *Kaul and Shakddheer* at pages 661 says,

Filling of casual vacancies in Committees:

The procedure followed in filling a casual vacancy is generally the same as for original appointment thereto."

So, what was the original procedure followed in appointing this Committee? A resolution was moved by the Minister of

Parliamentary Affairs and that was adopted by this House. So, if any vacancy has to be filled, that has to be filled by a resolution or a motion to be filled by a resolution or a motion to be moved by the Minister of Parliamentary Affairs.

I will explain why I am doing this. Because, the Vacancies have been from the Congress party.

Shrimati Basava Rajeswari and Shri P.M. Sayeed have also done wonderful work. They have resigned because they have become Ministers. About that there is no dispute.

When these two vacancies are there, there should unanimity in the House. That unanimity can be arrived at if the Minister of Parliamentary Affairs has consultations with all the Opposition parties. Otherwise, on the strength of numbers we can get one seat from this. Because if it goes for voting we can get one seat out of them. That we do not want to do because it would not be proper. As the same a time, it is absolutely necessary that the Minister of Parliamentary Affairs follows the rules, follows the consensus which had been arrived at and that consensus saw its light in the Resolution which was moved and accepted unanimously at that time. That procedure has not been followed now. It should have been followed. So, on that point I want to oppose this Motion and it would have been most proper if that was followed.

Not only rules but propriety demands that there should be mutual consultations and after those mutual consultations two number, whomsoever the Congress Party wants to send, could come in. That propriety has not been maintained and it would be a very a bad precedent, when the House can be unanimous, not discussing with the other parties and to just bring a resolution, that too through the Chairman, puts him in an awkward position. We do not mean any disrespect to him.

But rules and the Practice and Procedure of kaul and Shakhher must be followed.

So, I would urge upon you to take a decision on the basis of the rules; on the basis of what Kaul and Shakhdher has said. The rule is not clear about filling the vacancy. It only said that it is to be done by moving the Resolution. Now, who should do it? The Kaul and Shakhdher says it should be done in the way in which it has been done while appointing the Committee. So, these are my observations. I oppose most humbly again without meaning any disrespect to our Chairman of J.P.C. for moving this Resolution. *(Interruptions)*.

SHRI SYED SHAHABUDDIN. (Kishanganj): We have moved on to item number 10 without completing the Business on item number 2 because the Minister of Parliamentary Affairs has not responded to the various suggestions made on the floor for addition to next fixed agenda.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): I have made a note of all the suggestions that have been made by the Hon. Members. *(Interruptions)*

MR. DEPUTY SPEAKER: Shri Pawan kumar Bansal.

(Interruptions)

MR. DEPUTY SPEAKER: It is a valid point raised by Shri Ram Naik. If there is any hon. Member who wants to participate, he can just participate. This is a point of law. Let me here.

(Interruptions)

SHRI ANIL BASU(Arambagh): All sides of the House should be allowed to participate, not this side or that side. *(Interruptions)*

MR DEPUTY SPEAKER: The question is that Shri Ram Naik has raised an objection. The original mover is the Parliamentary Affairs Minister. Now, Shri Ram Niwas Mirdha is moving this Motion. The Point raised by him is whether Shri Mirdha is

competent to move the Motion or not. If any hon. Member wants to enlighten, he can just participate.

(Interruption)

SHRI PAWAN KUMAR BANSAL: With due respect to Shri Ram Naik, I would like to submit that there is some contradiction in what he has said. The first point that I would like to make in this context is that he did refer to the convention in this regard and was not able to say that in filling the casual vacancies in Parliamentary Committees, the original procedure should be followed. What the basis original procedure in this case was that there were no elections for the constitution of the Committee. The constitution of the Committee was done keeping in view the relative strength of various parties represented in the Lok Sabha. *(Interruptions)*. This is an admitted fact that two Members of the Congress on their elevation to the Council of Ministers vacated their seats and what has been done is that the hon. Chairman of the Committee has sought to move this Motion. There is one distinction which we must remember that when the Committee was originally constituted, there was no Member of the Committee and it was something to begin with initially. We could not, at that stage expect anybody other than the Minister of Parliamentary Affairs to move that Motion. A vacancy has now arisen; We have the Chairman of the Committee, it should be left to the Chairman of the Committee to move a Motion to that effect because once the Committee starts functioning. I personally feel that it is the function of the Chairman rather than that of the Minister concerned in this case the Minister of Parliamentary Affairs or in any other case a Minister dealing with any Ministry. The objection, as such, does not hold ground, and to say, at this stage, that if there were an election on the basis of the strength in the House, a seat could have gone to this party or that party, is not the point. It is just filling those casual vacancies which arose because the seats were vacated by Members from a particular party. What precedent we have to set, what convention we must follow is that seats

must go to the party whose members, for any reason, vacate the seats. Had there been a vacation of seat for any reason whatsoever, by any other hon. Member belonging to any other party, the Resolution or the Motion in that case also would have been moved by the Chairman, for taking a new member from that party to which the member vacating the seat belonged. So, Sir, really no point of order arises in this case and I do not think a should really be raising this point. Thank you, Very much.

MR. DEPUTY SPEAKER: Now the Minister for Parliamentary Affairs.

SHRI ANIL BASU: You should allow me also, Sir.

MR. DEPUTY SPEAKER: One minute. let us hear the Parliamentary Affairs Minister. Your opinion also will be heard.

SHRI VIDYACHARAN SHUKLA: Sir, may I say that the points that have been made by Shri Pawan Kumar Bansal, clarify that whole situation properly. We are all for consensus and we have nothing against consensus and consultations with political parties. Hon. Members know that on all matters that come before the House, we do have consultations with the members of the opposition Parties. So, here also there was no objection to making any consultation. But these are casual vacancies. It has been rightly pointed out that a substantive motion was made when the entire committee had to be appointed. But this is a casual vacancy and the Chairman of the Committee is fully authorised to move the motion. This has been the normal practice of this House that the Chairman of the Committee, where the vacancies occur, makes the motion before the House and normally the members of the parties whose members quite, are appointed. If the hon. Member wants that first consultation should be made and consensus should be obtained, we have no objection to that. We will consult them because this is a ritual consultation which we do not mind because it does not really make any difference to us. But this has not been the practice so far. if you direct, Sir, and if the

hon. Member so wants we have no objection to that.

MR. DEPUTY SPEAKER: Mr. Anil Basu, you wanted to add something on legal point.

SHRI ANIL BASU: Sir, so far as the practice and conventions of this House are concerned, normally the Chairman of a committee moves the resolution for filling up the casual vacancies and in this case Shri Ram Niwas Mirdha is fully justified to move the resolution. I fully support Shri Bansal's view and I think that the point of order raised by Shri Ram Naik should be rejected.

MR. DEPUTY SPEAKER: In this case, Shri Ram Naik has raised a point of law that the original mover was the Parliamentary Affairs Minister, therefore, now Shri Mirdhaji has no right to move the resolution. Shri Ram Naik has not given any notice stating that he will be raising an objection. Secondly, does his point of order stand in the way of discharging the legal obligations. I think it does not stand the test of the time. Mirdhaji happens to be the Chairman of the Committee. Even otherwise also, any other hon. Member of this house is entitled to move a Resolution. Therefore, I reject the point of order raised by Shri Ram Naik. In spite of Shri Ram Naik's making a continuous and constant effort in substantiating his case, taking the support of Kaul and Shakhdar and the Rules of Procedure, Mirdhaji is entitled to move the Resolution.

SHRI RAM NIWAS MIRDHA (Barmer): Sir, I beg to move:

"That this house do appoint Servzshri M.O.H. Farook and A. Charles to the Joint Committee to inquire into irregularities in Securities and Banking Transactions in the vacancies caused by the resignation of Shrimati Baswava Rajeswari and Shri P.M. Sayeed."

MR. DEPUTY SPEAKER: The question is:

"That this House do appoint Sarvashri M.O.H. Farook and A. Charles to the Joint

Committee to enquire into irregularities in Securities and Banking Transactions in the vacancies caused by the resignations of Shrimati Basava Rajesuari and Shri P.M. Sayeed.

The Motion was adopted.

14.40 hrs.

*MOTION OF THANKS ON THE
PRESIDENT'S ADDRESS-CONTD*

[English]

MR. DEPUTY SPEAKER: Now we shall take up further discussion on the Motion of Thanks on the President's Address. The total time allotted was twelve hours and we have taken eleven hours and twenty-four minutes. The balance left is thirty-six minutes.

SHRI KIRIP CHALIHA (Guwahati): Mr. Deputy Speaker, Sir, the Address of the President to the Members of both Houses broadly outlines the policies and programmes of the Government in the coming years. It is also a kind of performance report of the Government in the preceding months. As such the discussion on the Motion of Thanks affords us an opportunity to evaluate, to scrutinise, to set our priorities, at times to criticise and indict. In short, the discussions dwell upon the multifarious problems facing this country.

We all know that this country and its people—its past and present—have been beset with numerous problems of complicated and diversified nature. The problems are so acute that at times the problems take the shape of a dilemma, at times they become puzzles and many times they become riddles.

And even the worst critics who criticise the Congress and our Government at the drop of a hat like Chandra Shekharji, Somnathji and even Nitishji—who are not