

MR. SPEAKER : We said we would consider at the next Meeting.

The question is :

"That this House do agree with the Fourth Report of the Business Advisory Committee presented to the House on the 27th July 1977."

The motion was adopted.

SHRI P. K. DEO (Kalahandi) : Sir, about the legislative part, I would like to draw your attention to Rule 343. Rule 343 says :

"No member shall anticipate the discussion of any subject of which notice has been given provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time."

MR. SPEAKER: You are referring to Lokpal Bill ? I have examined your letter.

SHRI P. K. DEO : Let me finish my submission. I also draw your attention to rule 66 which says :

"A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent"

Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Rule 67 deals with identical Bills.

13 hrs.

I am glad that the Home Minister is going to introduce a Bill under the name Lokpal Bill but these rules which I quoted, act as an estoppel, before he introduces his Bill. My Bill is a baby of the present Prime Minister when he acted as the Chairman of the Administrative Reforms Commission. It is a carbon copy of that Bill, and that Bill is being partly discussed. It is coming for discussion tomorrow and it will also be disposed of tomorrow, as only 2 hours have been allocated for it. Taking into consideration

all these factors, I submit that we should not break the various rules which have been enshrined in this book. I submit that heavens will not fall if the Home Minister introduces the Bill on Monday, after my Bill is disposed of.

MR. SPEAKER : I have examined the scope of both the Bills. The two Bills are not identical. The point of order is over ruled. No further submissions are allowed.

SHRI P. K. DEO : My Bill may be improved upon by the Home Minister.

13.02 hrs.

LOKPAL BILL*

THE MINISTER OF HOME AFFAIRS SHRI CHARAN SINGH : I beg to move for leave to introduce a Bill to provide for the appointment of a Lokpal to inquire into allegations of misconduct against public men and for matters connected therewith.

SHRI ANNASAHEB GOTKHINDE (Sangli) : I want to say something.

MR. SPEAKER: You have written to me but your objections are unsustainable. you can move an amendment to the Bill.

SHRI ANNASAHEB GOTKHINDE: I have followed it. Let me put my views before the House.

MR. SPEAKER : Are you opposing the motion ?

SHRI JYOTIRMOY BOSU (Diamond Harbour) : The rules are clear. If there is legislative incompetence, he can raise it.

SHRI ANNASAHEB GOTKHINDE : Why should the hon. Member interrupt me ?

The Speaker has allowed me. It is quite clear (Interruptions)

MR. SPEAKER : Let us see the rules. The proviso to rule 72 says :

"provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

Mr Gotkhinde, you say that the Leader of the Opposition is not consulted.

SHRI ANNASAHEB GOTKHINDE:
It is a very serious matter.

MR. SPEAKER : You can move an amendment.

SHRI ANNASAHEB GOTKHINDE:
Not that. Let me place my views. I am opposing the motion for leave to introduce the Lokpal Bill, 1977, under rule 72 of the Rules of Procedure and Conduct of Business in Lok Sabha, on the following grounds:
(Interruptions)

Clause 4 of the Bill provides for the appointment of Lokpal. In the Notes on Clauses of the Bill, it is stated that the method of appointment of a Lokpal is in substance the same as provided in sub-clause (i) of clause 3 of the Lokpal and Lokayuktas Bill, 1971, with the variation that instead of consultation with the Leader of the Opposition in Lok Sabha, consultation with the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha has been provided.

Clause 3 of the Lokpal and Lokayuktas Bill, 1971 which related to the appointment of Lokpal provided that :

“The Lokpal shall be appointed after consultation with the Chief Justice of India and the Leader of the Opposition in the House of the People, or if there be no such Leader, a person elected in this behalf by the Members of the Opposition in that House in such manner as the Speaker may direct.”

That was a very salutary provision with a view to treat the Opposition with due importance.

On 26-7-77, when the matter of not seating the Leader of the Opposition in the front row during the ceremony for swearing in of the President was raised in the Lok Sabha, the Prime Minister has said :

“Personally and as head of the Government also, I have said always that we want to give full importance to the Opposition.”

That was a gracious assurance. (interruptions)
It seems, however, that the Government is, so soon, going back on that assurance by deleting the provision for consultation with the Leader of the Opposition in the matter of appointment of the Lokpal. (interruptions)

MR. SPEAKER : Please sit down. The objection is over-ruled.

The question is :

“That leave be granted to introduce a Bill to provide for the appointment of a Lokpal to inquire into allegations of misconduct against public men and for matters connected therewith.”

The motion was adopted.

SHRI CHARAN SINGH : I introduce the Bill.

SHRI HARI VISHNU KAMATH (Hoshangabad) : Sir, I would like to seek a clarification. As regards the list of business for tomorrow, in the order paper you may have to change the order of business. My hon. friend, Shri Deo, raised a point earlier, rather prematurely; he could have raised it later on, but he raised the point I would like to ask, Sir, in your wisdom and judgment, you will kindly bear this in mind that his Bill has been partly discussed. This Bill has been long over due, and we welcome it with all our heart, because it promises to become a land-mark in the history of parliamentary democratic legislation in our country. In the list of business for tomorrow his Bill is also there on the Order Paper. I would be glad, and so would be my hon. friend, Shri Deo, and really the whole House, if discussion on that Bill is adjourned and the next Bill in order shown in the list of business for tomorrow is taken up.

MR. SPEAKER : You persuade him to do it.

SHRI HARI VISHNU KAMATH :
You may have to do it yourself, Sir.

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE) : Sir, there has been one ruling on this point for your guidance. In the Fifth Lok Sabha there was a Constitution Amendment Bill and many Bills on the same subject given notice of by Private Members. At that time the Speaker had given the ruling that, as far as Private Members' Bills are concerned, even though such Bills are already there, they cannot obstruct the Bill which is brought by the Treasury Benches. Of course, it is left to the Member either to withdraw his Bill or not. But there is no difficulty, as far as procedure is concerned. Private Members' Bills cannot obstruct

[PROF. MADHU DANDAVATE]
any Bill that has come from the Government side.

MR. SPEAKER : I have already mentioned that.

SHRI HARI VISHNU KAMATH :
This Bill becomes infructuous.

MR. SPEAKER : Is he good enough to withdraw his Bill?

SHRI P. K. DEO : (Kalahandi)
I have my bitter experience in the matter. I have been here for the last 20 years. The previous Government introduced an identical Lokpal and Lokayukta Bill in the Fourth Lok Sabha and the Fifth Lok Sabha, which never saw the light of day.

MR. SPEAKER : But this will see the light of day.

SHRI P. K. DEO : In the Fifth Lok Sabha also it was introduced.

MR. SPEAKER : The only question is whether you are thinking of withdrawing it.

SHRI P. K. DEO : No, Sir.

PROF. P. G. MAVALANKAR :
(Gandhinagar) : If he does not withdraw it, what happens? According to our procedure, it will automatically lapse.

MR. SPEAKER : If he does not withdraw it, we will decide what to do with the Bill.

PROF. MADHU DANDAVATE :
In the Fifth Lok Sabha the Speaker had given a clear ruling that a Private Members' Bill will be rejected when a similar Bill is brought forward by the Treasury Benches.

MR. SPEAKER : I will see what to do tomorrow. We will now adjourn for lunch till 2.15 p.m.

13.10 hrs.

The Lok Sabha adjourned for lunch till fifteen minutes past Fourteen of the Clock.

The Lok Sabha reassembled after lunch at seventeen minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]
MOTIONS RE: UNEMPLOYMENT PROBLEM—Contd.

THE PRIME MINISTER
(SHRI MORARJI DESAI) : Mr. Deputy Speaker, Sir, Government has declared its aim of removing unemployment within ten years. This Motion discusses

the attention of the Government and of all others on that statement as I understand it, but some of the hon. Members do not seem to think that this is possible or that this will be done. I have no quarrel with that kind of pessimism or scepticism. The question is by no means an easy one; I have no doubt about it. I cannot say that this question was not tackled in the past by previous Governments. They tried, but its consideration remained more on paper than in the actual field. Therefore, we do not want to get caught into mere propaganda. We will try to frame such plans as can be implemented. We can then convince the people that they are being implemented.

But when it is said that we must have a target date for giving right of work to all people, it cannot be until we have solved this problem. We cannot fix a date. I will not be able to give work to all the people all at once. It was also suggested that we give subsistence allowance to those who are not fully employed or who are partly employed. Is it realised that the amount required will be not less than 4000 crores a year? More than that, this will simply create a tendency not to work in those people who receive doles. This I saw in other countries where doles are in vogue. Therefore, the problem is not merely of subsistence but of giving them work. Work should, I think, be ultimately satisfactory work and not any work just enough to earn something everyday. This is how we have got to tackle it. But to begin with it may not be possible to give work to everybody. Even that could have been possible. As a matter of fact, I had proposed 15 years ago when I was the Finance Minister and the Third Plan was being considered, that in every State 25 to 30 or 50 lakhs, according to the size, should be set apart and every panchayat and every municipality should offer work to anybody who wants work. He does the work and takes the wage of course that would be a wage which would not be a large wage; it may be a small wage, smaller than what obtained in the market at that time, probably something similar to what we do in scarcity areas. But hardly any attention was paid to it by the Centre or the States. It remained merely a proposition. We do not want to commit any mistake. And, therefore, we have said that this problem can be solved only if we see that the villages are strengthened and that there is no unemployment in the villages. There is unemployment in the cities too. I am not saying that there is no unemployment in the cities. But in the cities, unemployment is more of the educated than of the uneducated. In the rural areas, there are more partly employed than totally unemployed. There are some totally unemployed also. But