

enable them to have enough water to supply to Delhi.

श्री यशपाल सिंह (कैराना) : साउथ एवेन्यु में पाने के पानी की जो सख्त कमी है उस को दूर करने के लिये सरकार क्या कर रही है ?

अध्यक्ष महोदय : सारी दिल्ली का इंतजाम हो जायेगा ।

Shri Kapur Singh (Ludhiana): May I know whether this admitted concomitance in water supply cuts and the hot weather is only due to circumstances beyond the control of Government, or is there some subtle policy of improving the minds of the people through imposed maceration

Dr. Sushila Nayar: I have not quite followed the question. Would the hon. Member repeat it?

Shri Kapur Singh: I shall explain myself. My question is this. You have told the House that there are circumstances....

Mr. Speaker: The question should be addressed to me.

Shri Kapur Singh: My question is this. She has told the House that there are circumstances over which Government have no control, and owing to this, this shortage of water is experienced during every hot weather. I want to know whether in addition to this there may not be some subtle policy of Government grounded in their well-known moral fervour, to improve the minds of the people through imposed *tapas* and *tyag*, that is, maceration.

Mr. Speaker: That is the hon. Member's experience? Or is he wanting to get information?

Shri Kapur Singh: I want to know whether this also is partly responsible for this phenomenon.

Mr. Speaker: That is the fear lurking in his mind. Can the hon. Minister answer it?

Shri Kapur Singh: I would like to be satisfied on this point.

Dr. Sushila Nayar: I have explained the reason for this shortage, and I have explained the steps that are being taken. I might add that there are about 5,000 public hydrants in the city of Delhi, and about 10 million gallons or more than 10 million gallons are being wasted everyday. So, urgent steps have been taken to repair these public hydrants so that there is no leakage, and in areas where repeatedly the leakage continues to take place, it is proposed to remove those public hydrants after giving due notices to the people.

Shri Kapur Singh: She has evaded my question.

Mr. Speaker: Probably, she cannot answer.

श्री यशपाल सिंह : क्या मैं जान सकता हूँ कि सरकार के इत्तम में यह बात है कि जब तक यमुना के ऊपर निर्भर किया जायेगा तब तक पाने के पानी की कमी रहेगी । इस लिये ट्यूबवेल तैयार करने में सरकार क्यों देर कर रही है और क्या सरकार की योजना ट्यूबवेल के लिये है ?

डा० सुशीला नायर : शालादरा के इलाके में कुछ ट्यूब वेल लगाने दिये गये हैं और कुछ और लगाने का इत्तदा है । बाकी शहर में करीब ६०० हैंड पम्प लगे हुये हैं । मगर उनका पानी इतना अच्छा नहीं माना जाता । इसलिये आवश्यकता पड़ने पर उस पानी को उबाल कर पाने की विद्वयत की जा रही है । माननीय सदस्य ने और क्या पूछा था, वह मेरा समय में नहीं आया ।

अध्यक्ष महोदय : उस को जाने दीजिये ।

12 18 hrs.

RE. SUSPENSION OF MEMBER

श्री बृजराज सिंह (धरली) : हमारे जन संघ के दो सदस्यों को भाषा विल पर

[श्री बजरज सिंह]

सस्पेंड किया गया था। इस लिये पहले तो मैं सदन से यह अनुरोध करूंगा कि चूक भ्रम भाषा विधेयक समाप्त हो चुका है इस लिये उन लोगों को फिर से सदन में आने की आज्ञा दी जाये।

अध्यक्ष महोदय : यह बात तो आप ने मुझे लिखी नहीं थी।

श्री बजरज सिंह : दूसरा निवेदन यह है कि भ्रम कमेटिज के एलेक्शन हो रहे हैं तो उस में उन को बोट देने का अधिकार है या नहीं।

Shri Bade (Khargone): There are two Members who have been suspended from taking part in the proceedings of Parliament. I would like to know whether they have also been suspended from taking any part in the committees, or from taking any part in the elections or in the voting. My submission is that they have got every right to vote in the elections to committees which will exist for one year, and it is the privilege of the Members also to vote. In *May's Parliamentary Practice*, it is laid down that every Parliament should frame rules to denote what the meaning of the term 'Proceedings in Parliament' is... In the order sheet it is not mentioned that he is debarred from taking part in the proceedings of Parliament. He is suspended from the service of the House.

My submission is that these two Members will be deprived of their right to vote. Therefore according to *May's Parliamentary Practice*, page 472:

"Suspension from the service of the House does not, however, exempt a Member from serving on any committee for the consideration of a Private Bill to which he has been appointed before suspension."

I know that is a different case. But there is no parallel to this in *May's*

Parliamentary Practice. I have hunted down the whole book and I find there is no such case. Therefore, this Parliament has got a right to frame its own procedure. Mr. Brij Raj Singh is also standing for this committee, So, in the interests of the Members, I appeal to the House to consider this problem.

Shri Tyagi (Dehra Dun): These standing committees—the Estimates Committee, the Public Accounts Committee or other such committees—are elected for the whole year. They are elected by the system of single transferable vote. This system was agreed to because the objective was to get all the minorities represented.

Mr. Speaker: Should that influence us in our decision on this point?

Shri Tyagi: My submission is that these committees are elected by the system of proportional representation, so that all groups, in proportion to their strength, have a right to be represented on those committees. On account of suspension of certain Members from the proceedings of the House, the pattern or the shape of the committees should not be disturbed, because the committees are for the whole year. I would, therefore, suggest that it will be but fair that in the matter of election, they may be permitted to vote, because they have been suspended from participating on the floor of the House alone and not in committees. Even those who are detained are getting released for the purpose of elections.

Mr. Speaker: That is a different thing altogether.

Shri Tyagi: I think this is a genuine demand and they may be permitted to vote.

Shri Kapur Singh (Ludhiana): I support what Mr. Tyagi has said, that these people should be allowed to participate in the voting for the committees, because the effect of the voting will cover the whole year.

Shri A. K. Gopalan (Kasergod): I also think that they may be allowed to vote.

Shri S. M. Banerjee: (Kanpur): I support....

Mr. Speaker: It is one thing that there ought to be sympathy and support that they may be allowed to vote. But I want assistance in deciding the actual issue as to what "suspension from the service of the House" means. That is the assistance that I would seek from the hon. Members in order to enable me to decide the issue.

Shri S. M. Banerjee: May I appeal to you, Sir, that Mr. Tyagi has raised this issue that the number of opposition Members is too small. On account of the suspension, these two Members are not taking part in the deliberations of the House. This particular election will take place outside the House and it is going to affect them for the whole year. I am not a lawyer and I do not know the legal position, but I would only request you to permit them to vote.

Shri Daji (Indore): I submit that the House has suspended them from the service of the House and not from the rights of membership. Service inside the House and service in view of membership are two different things. We may suspend a Member from the service of the House for the entire period, for 4 years, but yet he continues to be a Member. The moment he is elected, nobody has the right to deprive him of the rights of membership. You have to distinguish between the right of membership and service inside the House. We can suspend a Member from service inside the House, but we cannot suspend his rights of membership.

Mr. Speaker: He is adding the words "inside the House".

Shri Daji: "Service of the House" is quite different from "service as a member". If the idea was "service as a member", the term would have

been "service as a member" and not "service of the House". When am I in the service of the House? Only when I am in the House. When I am outside, in the lobby, I am not in the service of the House.

Shri U. M. Trivedi (Mandsaur): May I make one submission? I feel that sufficient punishment has been inflicted upon them. So, if the House agrees, it is high time....

Mr. Speaker: That is a different thing. That shall have to be decided separately.

Shri U. M. Trivedi: My point is, even then this question can be considered by this House. If there is a feeling....

Mr. Speaker: Only the other day we had one motion before the House.

Shri U. M. Trivedi: The question to be decided is a very simple one, whether the right to vote is lost by virtue of the fact that they have been suspended from taking part in the proceedings of the House. If the proceedings of the House have been denied to them, it means that they cannot come inside this House. That is the only thing.

Mr. Speaker: Does the hon. Law Minister like to say anything?

The Minister of Law (Shri A. K. Sen): If you so desire, Sir. As you have rightly pointed out, and I say so with all respect, if we are asked to give our personal opinion, perhaps guided by our sympathetic considerations, we would not like to deprive him, having regard to the lapse of time which has intervened, of his other functions as a member, but so long as your punishment remains, there is no escape from the conclusion that he is deprived from exercising any function as a member, including voting or exercising other rights, because the punishment is "suspended from the service of the House" instead of "suspended from being pre-

[Shri A. K. Sen]

sent in the House". Service as a member of the House carries all the functions of a Member *qua* Member, and I am extremely sorry that I have to differ from the interpretations submitted by other Members. Therefore, so long as that punishment remains unqualified, he cannot be permitted to exercise any vote.

Shri Dasappa (Bangalore): May I have a word?

Mr. Speaker: Yes, in two minutes.

Shri Dasappa: I think one minute will suffice. In all such matters, it is a question of interpretation. Since the position is not so absolutely clear, I think in such matters it is always better to interpret the terms liberally. When there is a suggestion here that they could participate in voting, I do not think there should be any restriction or limitation put on them.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, may I invite your attention to rules 373 and 374 of the Rules of Procedure. Rule 374, sub-rule (2), uses the phrase, employs the term "service of the House". I have been at pains to find out whether this phrase "service of the House" has been anywhere defined in the rules. I find there is a vacuum with regard to that, a lacuna with regard to that. Then, when I turn my attention to rule 2, it defines the House—"House" means the House of the People. Further on, in the same rule, committee is defined separately from the House, "Parliamentary Committee" has been given a separate definition, different from that of the House. Therefore, to my mind, it appears that "service of the House" need not necessarily, need not *ipso facto*, means that service with regard to voting for committee, and all that are also included in the "service of the House". Because, firstly, "service of the House" is nowhere defined to say that ser-

vice of the House includes service with regard to other matters also, besides voting in the committees. A member suspended, I am told, is precluded from entering the Chamber, the lobbies—I do not know about the Central Hall; perhaps not the Central Hall, I believe.....

Mr. Speaker: And the galleries also.

Shri Hari Vishnu Kamath: Now, the voting takes place in a place which is neither in the House, nor in the lobbies, nor in the galleries; it takes place in some other place. Therefore, this reinforces my opinion that the member concerned should not be debarred from voting for the committee.

Mr. Speaker: Shri Anthony.

Shri Frank Anthony (Nominated—Anglo-Indians): I have no doubt....

Shri Sonavane rose—

Mr. Speaker: Every hon. Member should not try to take part in it. It is a legal question.

Shri Sonavane (Pandharpur): Every hon. Member has a right to request.....

Mr. Speaker: Order, order. Now he will resume his seat.

Shri Frank Anthony: I have much sympathy with regard to this request. But my only difficulty is this. If you look at rule 374(3), it says:—

"A member suspended under this rule shall forthwith withdraw from the precincts of the House."

"Precincts of the House has been defined in rule 2 as—

"means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify;"

So, if "precincts of the House" is such a comprehensive term, I wonder whether it would be permissible for them to come anywhere into, what is defined, as the "precincts" where they are not supposed to come. That is the only difficulty. They cannot come within the precincts of the House. I remember, Shri Ananthasayanam Ayyangar once said that "the precincts of the House" covers the House right upto the iron gates. That is the difficulty.

Shri Tyagi: As a member of the Committee he can come and attend the Committee.

Shri Sonavane: I would submit that it is a very important point that has been raised and I would add that when a Member is suspended from the service of the House it means that he is suspended from taking part in the proceedings of the House. Now, voting is a part of the proceedings of the House. Voting could have taken place in the Chamber itself, but for the sake of convenience it is taking place in one of the Committee Rooms. Therefore all the sting of this punishment would be removed if some right is also conferred on them to take part in the service of the House. Therefore I say that they should not be allowed to take part in voting also.

Shri Bade: I want to make only one submission. In *May's Parliamentary Practice* a difference is made between the "precincts of the House" and "suspension from the proceedings of the House". There it is said that "debarred from the precincts of the House" means that he cannot come within the four walls of the House. But if it is "suspended from taking part in the proceedings of the House", it does not mean that he is suspended from coming within the precincts of the House. They have made that difference.

Mr. Speaker: Some hon. Members have been reading words that do not exist at all in the rules. They are not

suspended from the proceedings of the House or anything of that kind but they are suspended from the service of the House. These are the words. We should interpret them. There is no precedent—I have tried to find it—even in *May's Parliamentary Practice* nor in our proceedings anything like that has happened so far. Therefore there is no precedent. Some hon. Member took this plea that he can be excluded from the House proper, the Galleries and the Lobbies and that to other places he can come. Shri Frank Anthony has said "from other places if the Speaker so directs". But there has been no direction so far as other precincts are concerned. But we have normally allowed them to come to the Central Hall and other places.

Now, this plea has been taken that because the voting is taking place outside this House, the Galleries and the Lobbies, they are entitled to come. The question exactly to be considered or seen is whether this voting for election to the Committee is a service of the House or not. This is the strict question that is before us. [As Shri Sonavane has said, originally we used to have our elections to the Committees inside the House and it was only as a matter of convenience that we thought that time might not be spent here and that the election might take place in some of those Committee Rooms.] Therefore the permission to sit in the Central Hall or to go about in other places does not necessarily mean that because he is allowed to go there, he can do anything he likes in those places. It is to be considered. Because I was not so clear in my mind on account of absence of any precedent, I had liked to hear hon. Members. Now, is election to committees a service of the House or not?

Some Hon Members: Yes.

Mr. Speaker: It is in pursuance of a Resolution that is passed by the House itself here.

Shri Bade: Could he not attend the Committees? (*Interruption*).

Mr. Speaker: Mr. Bade has quoted an instance from the May's *Parliamentary Practice* of the private Bill there. They are different rules so far as those are concerned and then, as he has himself said, he was a Member prior to the suspension. So, there is a distinction there.

Dr. L. M. Singhvi rose—

Mr. Speaker: Should I not conclude now?

Shri Tyagi: He has been suspended from the services of the House for a fixed period. Now, if he is deprived of a right of vote to a permanent Committee, it means to that extent he has been suspended for the whole year for that function at least. (*Interruptions*).

Shri Sonavane: It is a natural corollary.

Dr. L. M. Singhvi (Jodhpur): In spite of the fact that I have sympathy for the hon. Members who have been suspended, it seems that there is some force in the interpretation that has been given by Mr. Sen and Mr. Anthony. In order to avoid this difficulty, I would like to request you to consider the possibility of permitting them to vote because the House may in its wisdom accord such a permission. (*Interruption*) The House can always review it. Notwithstanding the suspension, the House is permitted to review it. (*Interruption*).

Mr. Speaker: We have a question, a definite issue, a concrete problem before us that we are trying to solve and the hon. Members are bringing in extraneous things that have no bearing at all on that matter. Whether we should do it, whether we should have sympathy with them, that is a different thing altogether. I also sympathise with them. But the question is—now elec-

tion is going on at this moment—whether they be allowed to vote or not, whether it is a service of the House or not. Committees have been constituted by this House for particular purposes and working in Committees is also serving the House. Therefore, so far as I can make out—and I am of this opinion positively—working in Committees or voting therefor is also included in the service of the House and, therefore, for the present, unless we change our rules, they are not entitled to vote at this moment.

Shri Ranga (Chittoor): May I make one suggestion? We accept your ruling. Now, in the light of that, all that the House can do is to try to amend the rules, earlier decisions, by saying that the service of the House is restricted to, in this case, the proceedings of the House. Can we not amend earlier decisions of punishment? Then, we can proceed to the next step and allow them to take part in the voting.

Mr. Speaker: That would be a different question.

Shri Ranga: Can we not bring it now?

Mr. Speaker: Papers to be laid on the Table.

Shri Bade rose—

Shri Tridib Kumar Chaudhuri (Berhampur): I want to know whether it is within our right to move that suspension be terminated.

Mr. Speaker: I have got a notice for that. I will put it on the order paper and certainly it could be taken up tomorrow. Papers to be laid on the Table.

12.37 hrs.

PAPERS LAID ON THE TABLE

The Minister of Finance (Shri Morarji Desai): Sir, I beg to lay on