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Proceedings

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Lecture by : Shri Kuldip Nayar
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(a1/0900/rcp)

SHRIMATI MARGARET ALVA, HONORARY ADVISOR, BPST: Due to unavoidable circumstances, the hon. Speaker cannot come here this morning; he has sent his apologies. So we are proceeding without his introductory remarks.

Hon. Members of Parliament; Shri Kuldip Nayar, former Member of Parliament; Secretary-General, Lok Sabha, Shri P.D.T. Achary; and friends:

I consider it a privilege to welcome you all today to this Lecture on 'How to make Parliament Accountable' being organised by the Bureau of Parliamentary Studies and Training for the Members of Parliament.

I am grateful to hon. Speaker, Lok Sabha, for his inspiration, guidance and, most of all, his encouragement in all new activities that we have tried to launch through BPST. Though he is not here this morning, yet I do wish to express our gratitude to him.

Shri Kuldip Nayar needs no introduction. A journalist of international repute, a celebrated author, a successful diplomat, an eminent parliamentarian, Professor Emeritus and the recipient of numerous awards for his writings and innovative style, Shri Nayar today stands among the outstanding personalities of our country. I am sure that with his vast experience and expertise on Parliamentary functioning, he will help the Parliamentarians to better understand the finer aspects of Parliamentary democracy. Needless to say, today's subject has immense contemporary relevance.

I am sorry; incidentally I forgot to mention that we have in our midst some of the participants who were here for eight weeks for the International Course on Parliamentary Practices. They have come from 25 countries. I think, 48 of them have been with us. They are leaving today but some of them, who had the time, are here with us. I welcome them all.

In a Parliamentary system, the political Executive heading the administration has the mandate of the people but it is through Parliament that its accountability to the people is ensured. As you are aware, the Parliamentary

system in our country has developed many intricate practices and procedures such as the Parliamentary Questions, Half-an-Hour Discussions, Calling Attention, Matters Under Rule 377, Adjournment Motions, Zero Hour which is our own creation if I am say so of the Indian Parliament, No-Confidence Motion, Motion of Confidence and so on which enable Members to ensure accountability of the Government to Parliament and to the people which reflects the will of the people.

The recent legislation in the form of the Right to Information Act, 2005 has indeed proved to be one of the most potent weapons in the hands of the people to make the government accountable for their acts of omission and commission.

In so far as the accountability of Parliament to the people is concerned, media acts as a useful link between the two. By disseminating important Parliamentary information, it holds the Members and the Parliament accountable to their constituents for their activities, and at the same time convey the sentiments of the people to Parliament. Therefore, I believe that a free and fearless Press is one of the most important aspects of our democracy.

In this regard, a commendable initiative taken by the hon. Speaker in launching a 24-hour Lok Sabha TV Channel has indeed helped in bringing Parliament closer to the doorsteps of the people. The live telecast of the proceedings, I am sure, will go a long way in ensuring accountability and transparency, ultimately to usher in good governance.

This Lecture, I am sure, would address various issues relating to the role and functioning of Parliament and its relationship with its sovereign constituents - the people.

I thank you and I welcome you once again.

I now handover the floor to the speaker, Shri Kuldip Nayar.

SHRI KULDIP NAYAR: My friend, Shrimati Margaret Alva; Shri Achary; Members of Parliament; the familiar faces that I see here; and all those of you who have come from 25 countries, I am told, especially from my home country Pakistan where I was born:

Let me first enunciate something. I was a Member of Parliament for six years, so I hold Parliament a temple of democracy. In whatever I write, whatever I do, I do keep one thing in mind and that is, this is the highest body of people's representatives.

(b1/0910/lh)

Ultimately, we are all responsible to the people. So, whatever I say, it may be a criticism or may not be but this is within this orbit that Parliament to me, is a mother or whatever you want to call it but it is something which I hold very high. I recall that when I was in active journalism many years ago that I was a correspondent and sitting in the Press Gallery. That was the time when the Constituent Assembly was debating the Constitution which we have now. That was the last day. Dr. Rajendra Prasad, whom we call 'Rajen Babu', was in the Chair. In his concluding remarks, he said: "We, the Members, have finished now the Constitution writing. Now, this is the best of the Constitution. The best of minds will interpret it, meaning the judges, and the best minds will advocate advocacy, that is, lawyers. I am sorry that the people who are going to legislate are not required to be even a graduate." Pandit Jawaharlal Nehru, the then Prime Minister, who was sitting there, got up and said: "I agree with Rajen Babu but these ignorant people, uneducated people have not gone to a college and earned degrees. These are the people who were with us when we were fighting for our Independence. They sacrificed their lives without name or fame, and they were the ones who won us Independence. Those educated, otherwise eminent, were already on the other side, the British. Now we have Independence. Can I say that all these people who helped us to win freedom should not be eligible to vote and those people who sided with the British should be allowed to vote?" Then, the

House did appreciate Pandit Jawahar Lal Nehru's point of view and said that qualifications would be discussed or put in an Act later". Why I gave you this example, Ladies and Gentlemen, is that in Parliament, representatives come every five years, they go to the polls but they are ultimately responsible to those uneducated and ignorant people without any resources, without any name, faceless maybe and they are the ones who are the backbone of our democracy, of our Parliament. So, when we are talking of how to make Parliament accountable we have to see in our mind all the time that whatever we do, sovereignty is with those people. How do we see that sovereignty continues to be with them? Yes, some of us will be elected, we come here, etc. So, I sometimes wonder when I go around the country and I do very often. When you go across down the south, people feel a little cut-off, and the North-East people also feel as if Delhi is very distant and Parliament is very distant. There was once a proposal to hold Parliament Session once in a year also in the South and then Hyderabad was selected as the venue. For some reason, it did not go through because the Secretariat had too many things to carry. Now, in the age of computers, we have laptop and other things. I think, one should think of it now. I am not saying that it should be a roaming kind of a thing but one place more and somewhere down South, and I thought of Hyderabad because Hyderabad seems to be in the mid of the country.

SHRIMATI MARGARET ALVA: Bangalore is just as good as Hyderabad.

SHRI KULDIP NAYAR: Bangalore is also quite good. Bangalore probably has too many things already. Anyway, the purpose of my saying is 'proximity'.

As a human right activist I had made an attempt in the last election and I said: "Let us think of people's candidate, not the party candidates because parties have their own discipline, have their own members. Why not to think of people's candidate." Wardha is a place where Gandhi ji spent most of his life. We organised some human right activists. I went to Wardha, where Babu ji's Ashram is there and apart from that, that is a city also and selected a doctor who was acceptable to people and he was practising there, not having much practice but a

very popular person. I and some of us went there also to propagate for him. There was a big meeting, I recall. Now, when the result came, he lost his deposit. I was very shocked because he was the people's candidate in Wardha, where Gandhi ji's name was there and people had done homework at the grassroots. So, I was very much surprised as to how it happened. I went back later. I talked to some advocates, some lawyers and some doctors, and they said very plainly said: "We depend on you people when the money matter comes. If you were to stand for some Temple Trust or Church Trust or Mosque Trust, we would vote for you because we know that you are all honest people. But when it comes to voting, then we have to think of our caste, our *biradari*, our religion and so many other things come." Also there is some element of money. Later one person from Wardha was unanimously elected to the trust of a local temple and they made the point.

In our country, caste has now penetrated in all spheres. I am not talking only of Parliament, Government but even journalist. I know that some people have been appointed because they belong to a particular religion. But somehow or the other, caste seems to have stopped the religion to some extent but it is still there. They are not saying that.

In our country, we hear lots of things. We had, of course, the demolition of Babri Masjid, which is falling on 6th of December, and it is coming, and we had Gujarat riots and some other riots but essentially this country is secular. Its soul is still very secular. I had gone to the interior villages in Bihar once I was working on how much this work on *Bhudan* had been done. The villagers said: "Stop."

(c/0920/kkd)

Some old man came. He said: "ये बशीर चाचा हैं, आपको सब कुछ बतायेंगे" He explained to me about the land.

So, this may be more of an urban phenomenon, which we see in the paper or others. But if we go down, we see the people are still living together as neighbours, as citizens etc. But I may bring in the fact that for the last 14 years,

I have been lighting candles on the Wagah border, that is, Indo-Pakistan border. There were only 15 persons when we began, but last year, there were roughly half a million people. Now, what were my purposes of going there lighting candles? One purpose was this. When I came from Sialkot city by walk and crossed into Amritsar -- I would say the border -- I saw the people whom I was leaving behind, who were like me. Both sides, there were the victims of religious frenzies. We killed each other and the number was roughly one million. About 20 million people were uprooted. So, when I crossed the border, in the morning of my life I said to myself: "Now, we will build a new country, it is going to be like ethos of Gandhiji, ethos of our freedom; we will build a secular and a democratic country and nobody would be killed in the name of religion." When I came here into India, I saw the Muslims still being suspected with the thinking "अरे, ये पाकिस्तानी हैं."

So, I think, the first and foremost thing is that we must have good relations with Pakistan. There is a people-to-people contact, which has been started, and this is for all of you to see. But I feel that it is something positive, which has happened. There is no tension now. May be, some differences are still there, but we see more people from both sides meeting together. But it is also a fact that I could not see our country without having any communal riots. We know, Gujarat riots happened. I went there and I wept. I saw the same kinds of things, which we witnessed during the time of partition.

Therefore, when we think of Parliament, we should think of keeping out those persons who are coming on the basis of a particular religion or a particular caste. I do not know whether we can do very much about the caste, but as regards religion, we can pass some Bill in Parliament. I remember, once an attempt was made. It is not really the name, which should matter; it is the content that matters, as to what they do.

You will be surprised to know that in Pakistan, General Musharraf thought that religious parties would get more space than the liberals. Earlier, these people who were appealing in the name of religion could not get more than three to four seats in the National Assembly. It was very surprising that a country, which was carved out on the basis of religion, did not have that kind of frenzy or did not have that kind of dichotomy on religion. So, it really came as a surprise to me. Now, of course, as I said, General Musharraf wanted the space of liberals to be restricted and that is why he brought in MMA people. But I do not know what would happen in this election.

Therefore, when I am thinking of making Parliament accountable, nobody in Parliament should think that he can come in the Parliament just on the basis of religion or caste. It is because ours is a democratic country. When we were writing the Constitution, we swore that we are going to be a democratic and secular society. Even at that time, we knew that the next door was an Islamic country. So what? These are our ethos. If we wanted to have a *Hindu Raashtra*, it would have become so long ago because 80 per cent of the population was Hindu. So, who could have stopped? But we should follow the paths of Gandhiji. I must bring in him. When I came from Pakistan, the first thing I did in Delhi was to go to Birla House because I wanted to see the person, who had not only given me freedom but also the dignity, that we are not inferior to the Whites because we happen to be brown or black persons. I did not go near him. I just saw him pacing up and down. But later, in the afternoon when he addressed a meeting, we were so many refugees there -- all angry as we had lost everything, we had even lost our friends. Those who went there, met the same fate. But Gandhiji said: "It is my country and our country; remember, Hindus and Muslims are just like my two eyes." This is the kind of ethos and background he had.

But when in Parliament I notice this kind of creeping in or a feeling that 'they have come by propagating a particular religion, be it Hindu, Muslim, Christianity or whatever', it pains me. It is the negation of what we had warned at

that time when we were fighting the battle of Independence. Ethos of Independence are secularism, democracy. I hope that Parliament would see to it. When I say Parliament is accountable, it is accountable to them. I recall, when I was for a brief period, India's High Commissioner in London, Mrs. Thatcher was the Prime Minister of UK. At that time, the Soviet Union was tottering. Mrs. Margaret Thatcher came from Moscow and I met her at a party. I asked her: "How is Mr. Gorbachov?" She said that Gorbachov asked her: "My country is slipping from my hands. What do I do to keep it together?" She said that she asked him: "Go to India and see as to how they have kept, for years and centuries different religions, different castes, different standards of living, different language together." She asked me: "Mr. High Commissioner, how do you explain this? What do you attribute it to?"

(d1/0930/rcp)

This was a direct question. So, I said: "Well, I am thinking." She said one thing: "You have very strong family ties." To some extent, it is correct that we have strong family ties compared to the West. But I told her – which according to me is there – I said: "In our country we do not think there is either black or white. We think, there is a grey area. We go on expanding it. That is our pluralism." On this grey area, she said that she would advise that some delegation from the Soviet Union should come here. They did come here at that time; still the Soviet Union could not keep itself together. In this country, what keeps us together is that grey area, that spirit of accommodation and tolerance. This is the glue which is very important and this is the glue which I sometime feel is probably getting dry. I hope not; I am wrong.

So, in Parliament, this should be always before us that we the Members representing the people of the country, one billion plus, have to have this spirit of accommodation. Despite everything, I still think that in our country we have that. Whatever be the religion or caste, we are together as a nation. What the Lok Sabha Speaker has done is that he has thrown the whole thing open to the public.

Sitting in a village where I have TV, I can see what is happening in Parliament. I can take pride or feel ashamed that these are my representatives, because they are the people who rule or they are the people who have opportunity to rule, to serve. What he has done this way is something tremendous because everywhere now you can see. The only thing is that there happen too many disturbances. I have some figures saying roughly 25 per cent or 27 per cent of our time in Parliament is wasted because of pandemonium or somebody trying to bring something which is not relevant there. We spend Rs. 26,000 per minute on Parliament. So, imagine that if we are wasting roughly one-fourth of our time, how much money we have to spend?

Here I bring in a personal note. I was a Rajya Sabha Member. In the Rajya Sabha, this used to happen. What is seen today was happening in Rajya Sabha during my time also. So, I wrote a letter to the Chairman. I said: "When there is no business in the House, I do not want to be paid." Lord beholds, it was referred to some legal authorities and they agreed and said: "Yes". So, I got my salary deducted or daily allowance deducted because there was no work on those particular days. I personally think that Parliament should adopt that 'No Work, No Pay'. There is a Supreme Court verdict also on it in 1990. They said you lay down the principle. After all, there is bulletin every time and no business was transacted. Whenever that is so, either a Member should voluntarily start doing it and ask the Speaker or the Rajya Sabha Chairman, because you have a precedent that there is no legal bar and they have deducted mine. Maybe this will be some kind of bar. I am not saying that this will completely help, but this kind of thing may help us to some extent.

(e1/0935/lh)

It is just like this declaration of assets which has helped us to some extent. I do not know whether they have put it online. Everybody's assets should be available and whoever wants to see can see on the computer. I do not whether it is being done or not but it should be done.



Now, one other thing, which will make, according to me, Parliament accountable is the codification of its privileges. I, as a journalist, feel very strongly because I do not know what is privilege and what is not, and they are stretching it to a point.

We, in the Media, are in the midst of preparing a code of ethics for all, whether TV or written word. We have a meeting on the 3rd of December and we would definitely finalise there, in not in that meeting but in the next meeting. The Media is one of the pillars on which this whole democratic structure stands. I feel, as a journalist who spent now almost 50 years in this profession, that the papers or the channels are increasingly irresponsible, increasingly doing things or highlighting things which are peripheral. Everyday, some cricket stars or some film stars appear in the newspapers. It is as if a tabloid is being produced. I am not against cricket stars or film stars but I do not want to see them everyday in all kinds of poses. This is not journalism really. We are trying to enforce some kind of a discipline. While a Member of Parliament, who burns the midnight oil, prepares his speech, comes to the House – if the House is not disturbed – and makes his speech but not a word appears. But some Sharukh Khan or Kajol or Aishwarya Rai appears all over the pages.

When I was in the House I tried once. I got around some editors and told them that let us give some publicity to these MPs because they are really the persons, according to me, are really saving the country. They are the saviours, who are really saving the country. After all, whatever they do or they do not do affect the country. They promised to me. But again some Member coming to the Well and he gets more publicity. It is coming like this. It is a classical kind of a definition that if you are living with your wife, it is no news but if you are separated or if you start beating her, that is news. That is what used to be in my times and I hope it is continuing that even now.

I think, for Parliament to become accountable, it is very important that the branches of other segments of democracy, whether it is media or judiciary, should also be responsible. Judiciary is trying to occupy more and more space. It is true. Executive is probably vacating the space unthinkingly. That is another subject altogether. But these are the representatives of the people. So, they stand the highest. All others are helping them or they are also partners. I would not say that Judiciary has the right to examine everything, which is done in Parliament. I think, when the Speaker was right when he said: "No to no." There is a limit to that kind of a thing. I personally think so.

Another thing is 'office of profit'. I do not know why do we have this? A person who is a Member of Legislative Assembly or a Member of Parliament, that is his job, that is all. He or she should not hold any office of profit. The question does not arise. What is happening is that in the Legislatures particularly, where a Chief Minister wanted a majority or wanted to hold the people on his side; and those whom he could not make Ministers he gave them all kinds of things, Chairman of this and Chairman of that, and gave them all the facilities such as car, etc.

(f/0940/kkd)

So, this man was left out; he did not feel it because he was getting almost the same status.

Now, in Punjab, we are going to a ridiculous extent where every Member of the Shiromani Gurudwara Parbandhak Committee (SGPC), which is a religious body, is going to get a vehicle with red beckon light and two gunmen. What is this! Does it mean that you can go on to any ridiculous extent? Tomorrow, somebody would say that the Mahant should also get it, the Maulvis should get it. This should not go on like this. We are a democratic and a secular country. These things should not be allowed.

After all, we should try to make sure that certain things are not done; that means 'not done'. There should not be any compromise on that because they would affect the very essence of our democracy.

Here, I am bringing in a point, where I have felt very sad, and that is my grouse against Parliament. While framing the Constitution, the Constitution makers were very particular in having the two Houses, saying: "Look, here we have the House of people, and the also the House of the States." MPs directly representing the people are the Lok Sabha Members. Dr. B.R. Ambedkar, was the person who really piloted our Constitution. The former President, Mr. Venkataram, who is still living, a Member of the Constituent Assembly asked him: "When we have MPs in the House of People as the Lok Sabha, then what about House of the MPs from the States?" Dr. Ambedkar said: "That is Rajya Sabha." But I am sorry to say in the presence of my friends here as Members of Parliament that now, all the political parties, be it Congress party, BJP or any other, conspired. I am using the word 'conspired.' It was laid down that the Member of Rajya Sabha should be ordinarily a resident in that State. Now, what they have done is that they brought out a Bill where the word 'State' has gone; and they have put 'anybody resident in India' in place of the word 'State'. What sense does it make? Now, the political leaders or the persons, who have got a lot of money can manipulate.

SHRIMATI MARGARET ALVA: Even the NRIs are also coming because they have got a huge amount of money.

SHRI KULDIP NAYAR: Yes. This way, all those would come. On this matter I had argued before the Chief Justice. I said: "All that I have to do is to have money and some political leader. And, I can bring all those 248 people on my own from my Jalandhar town, without any residential qualification as one does not have to belong to the State, for coming to the Rajya Sabha!" In addition to 248 Members, 12 are the nominated Members in the Rajya Sabha.

As Margaret has very rightly said, now even the NRIs are coming, people with lots of money are coming. You can tell a particular leader of a political party: “How much is needed -- Rs. 2 crore, Rs. 3 crore, Rs. 5 crore?” Whatever you may ask for provided you have the money. This is an area, where anything can be done. As I said, I went up to the Supreme Court. But somehow, the Supreme Court was not convinced with my arguments, and I had lost the case. But I intend now of ng back for a larger bench, because I personally think that I am right. But anyway, as long as that judgment is there, I have lost my case.

(g1/0945/rcp)

Lastly, I would come to the Committees. I think the best thing which has happened in Parliament is the Committee system. This really makes Parliament accountable. There, the Members, whether from the Ruling Party or from the other, really do not bother what they represent but they work on the particular legislations which are referred to them. I am of the opinion that the sittings of the Parliamentary Committees should be open to the media. Even now, whatever is discussed there, whoever comes there, every verbatim proceeding, after the Report is presented, has also to be placed on the table of the House. So, there is no secrecy in that way. Whether I, as a Secretary of the Home Ministry, has said something or not; it is placed there. If these Committees were to be transparent and if people were to have the right to see – people will be interested in these kinds of things – I am sure that this would have a lot of interest. In fact, this transparency would help us to govern and to be participant in it very much. I personally think this.

In the end, I would read something from Aristotle and then end it. Incidentally it was written in 335 BC. He said:

“The greatest of all the means for ensuring the stability of Constitutions – but which is nowadays generally neglected – is the education of citizens in the spirit of the Constitution. Licentiousness only exists in a state as in individual persons. The education of a citizen in

the spirit of the Constitution does not consist in his doing the actions in which a democracy will be enabled to survive. The democrat starts by assuming that justice consists in equality. He proceeds to identify equality with the sovereignty of the will of the masses; he ends with the view that 'liberty and equality' consist in 'doing what one likes'.

This is a mean conception of liberty. To live by the rule of the Constitution ought not to be regarded as slavery, but rather as salvation."

One more word and that is from my favourite leader, Jawaharlal Nehru. This refers to also little bit of globalisation which is going on. The Parliament has to see what he said many years ago. He said:

"If my country has tall buildings, – that is happening now – huge farms, big factories, large scientist libraries, but if in the process it has lost a spiritual heritage, that country is not that I am looking for."

Thank you very much, Ladies and Gentlemen.

SHRIMATI MARGARET ALVA: Thank you very much Kuldeep Nayar *ji*. It has been a thought-provoking lecture.

(h1-n1/1015/rcp)

SHRIMATI MARGARET ALVA: Now, Shri Achary would like to propose a Vote of Thanks.

SECRETARY-GENERAL, LOK SABHA: Distinguished Shri Kuldeep Nayar *ji*; Madam Margaret Alva; hon. Members of Parliament; distinguished Ladies and Gentlemen who have come from different countries and participating in the BPST Programme; fellow officers; Ladies and Gentlemen:

Let me, at the outset, say that we are profoundly grateful to the hon. Speaker for his initiative in starting this Lecture Series. A number of lectures by eminent men have been held here which have immensely benefited the hon. Members and others. I take this opportunity to express my deep gratitude to the hon. Speaker.

The subject of today's lecture was: "How to Make Parliament Accountable?". In fact a very lively and interesting debate has taken place. For a moment, I thought that we were sitting in Parliament. In fact, this subject is very relevant and very topical especially in the backdrop of frequent adjournments and disruptions of Parliamentary proceedings in recent times. We all know that these developments have not only seriously impaired the functioning of our Parliament but also raised doubts in the minds of the people about the utility and image of this august body. Serious concern has been expressed in this regard in various forums. So, it is with these concerns on these developments in our system that today's lecture by Shri Kuldip Nayar has become very important and meaningful.

Being a very versatile person, he has covered a vast area from the Freedom Movement, to partyless democracy, secularism, privileges of legislators and the Press, and caste in politics.

(o1/1020/lh)

I must say that Shri Kuldip Nayar is the living link with the generation which brought us freedom, gave us the Constitution which laid the foundation of our democracy. His perspectives have evolved against this background. He is an idealist. So, he thinks about people's candidate as against party candidates. In fact, party-less democracy is one school of thought which gained currency at a particular point of time in our country but we could not move forward in that direction.

Shri Kuldip Nayar is a staunch secularist. He has written and spoken extensively on it and the country is familiar with his thoughts. He has shared his conviction with us on this subject. He has expressed his agony over the time being wasted in Parliament. His idea of 'no work no pay' is something which has not been subjected to a serious public debate although the hon. Speaker wanted a public debate on this issue.

Again, codification of privileges of the Legislatures has always been a controversial subject but I am afraid he is in a minority on this subject. His thoughts about the utility of the Committee System are widely shared.

About throwing open the Committees to public and to the Press, certainly there are different thoughts. In fact, I must say that the hon. Speaker thinks that the time has come for us to throw it open to the Press but we have not been able to reach a consensus on this.

Sir, you have given a very wonderful lecture this morning, which has enlightened us and we are extremely grateful to you, Sir, for your kind presence and the Lecture.

I take this opportunity to thank all the hon. Members of Parliament who have taken a lot of interest in this 'Lecture Series', and I am sure that these lectures do benefit all of them. I hope, they will continue to encourage us by their kind presence.

I also take this opportunity to thank our source of inspiration, the Honorary Advisor of BPST, Shrimati Margaret Alva. I also take this opportunity to thank the Media which is present here and also all the officers and staff of the Lok Sabha Secretariat who have worked tirelessly to make this happen.

Thank you very much.

(ends)