

(1) A copy of the Criminal Courts and Court-martial or Coast Guard Court, as the case may, (Adjustment of Jurisdiction) Amendment Rules, 1987 (Hindi and English versions) published in Notification No. S.O. 2581 in Gazette of India dated the 26th September, 1987 issued under sub-section (1) of section 475 of the Code of Criminal Procedure, 1973. (Placed in Library. See No. LT-5056/87)

(2) A statement (Hindi and English versions) regarding rejection of the Award given by the Board of Arbitration under the Joint Consultative Machinery and Compulsory Arbitration for the Central Government Employees. (Placed in Library. See No. LT-5057/87)

(3) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951 :—

- (i) The Indian Administrative Service (Appointment by Promotion) Second Amendment Regulations, 1987 published in Notification No. G.S.R. 803 (E) in Gazette of India dated the 18th September, 1987.
- (ii) The Indian Administrative Service (Appointment by Promotion) First Amendment Regulations, 1987 published in Notification No. G.S.R. 804(%) in Gazette of India dated the 18th September, 1987.
- (iii) The Indian Forest Service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1987 published in Notification No. G.S.R. 826 in Gazette of India dated the 7th November, 1987.
- (iv) The Indian Forest Service (Pay) Sixth Amendment Rules 1987 published in Notifications No. G.S.R. 827 in Gazette of India dated the 7th November, 1987.
- (v) The Indian Administrative Service (Regulation of Seniority) Rules, 1987 published in Notification No. G.S.R. 896 (E), in Gazette of India dated the 6th Novem-

ber, 1987. (Placed in Library See No. LT-5050/87)

12.08 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

[English]

Fourth-third Report

SHRI M. THAMBI DURAI (Dharmapuri) : I beg to present the Forty-third Report (Hindi and English Versions) of the Committee on Private Members' Bills and Resolutions.

(Interruptions)

[English]

MR. SPEAKER : Now, I have appealed to you. Please follow the rules and I am with you.

(Interruptions)

* SHRI SAIFUDDIN CHOWDHARY (Katwa) : You speak more in the Zero Hour, Sir !

MR. SPEAKER : You make me speak. I do not want to take you time, Mr. Saifuddinji.

(Interruptions)

MR. SPEAKER : Until and unless I have studied the thing, how can I allow !

(Interruptions)

MR. SPEAKER : Not allowed. I have not allowed anybody.

(Interruptions)*

MR. SPEAKER : I can't allow. Until and unless I study the case and declare

*Not recorded.

[Mr. Speaker]

something, I am not going to proceed. It is your House. If you want to run the House...

(Interruptions)*

MR. SPEAKER : This is my decision. I am going to run this House. As long as I run this House, I will do it according to the rules. I will not do anything wrong.

(Interruptions)

MR. SPEAKER : Not allowed. I have not allowed any hon. Member.

(Interruptions)*

MR. SPEAKER : Not at this stage.

(Interruptions)

MR. SPEAKER : Not allowed

(Interruptions)*

MR. SPEAKER : I think you have given me the charge to run this House according to the rules laid down by you.

(Interruptions)

MR. SPEAKER : What I shall be doing will be according to the rules.

(Interruptions)

MR. SPEAKER : I have not decided anything about Mr. Bhagat or the other matter because I have to look into this matter. Give me the time to look into this. That is what I want. I cannot give any verdict without studying the matter. First I have to look into it, whether there is a *prima facie* case. If I need your help, I will call you.

(Interruptions)

MR. SPEAKER : I have never done it and I am not going to do it now.

(Interruptions)

MR. SPEAKER : If you want to run the House, it is your business.

[Translation]

This is your House. If you want to run it, otherwise, I am going to adjourn it.

(Interruptions)

If need arises, I shall call you.

[English]

I have to study it for myself also.

[Translation]

How can I say when I have not seen ?

[English]

I have got your notice with me and I have to look into it.

[Translation]

I told you day before yesterday regarding Shukla case that first let me see and when I was satisfied, I allowed it. If I get myself satisfied, I shall do it, otherwise I shall let you know.

[English]

I have never done it and I am not going to do it now.

[Translation]

If your want to force me, I would not yield because I am not cast in that mould. I can adjourn the House if you so desire.

[English]

I am following the rules. I am going to do it now.

[Translation]

Shri Amal Datta, if you want to take up your Calling Attention, it is all right, otherwise I am going to adjourn the House. If you allow, then I am prepared to proceed.

(Interruptions)

MR. SPEAKER : Now it is upto you, I have already told you.

[English]

MR. SPEAKER : I have always done it under the rules. I have cautioned you so many times that unit and unless...

(Interruptions)

MR. SPEAKER : I am doing what is right. I have always done it and I am going to do the same thing.

PROF. MADHU DANDAVATE : Will you tell us the rule under which you are preventing me to make the submission on the question of privilege ?

MR. SPEAKER : No. There is no question of submission until I decide it under the rules.

(Interruptions)

[Translation]

MR. SPEAKER : Shri Amal Datta, do you want to take it up or shall I adjourn the House ? If you want to take up your Calling Attention, take it up.

(Interruptions)

[English]

MR. SPEAKER : I Will decide it.

[Translation]

I shall look into it,

(Interruptions)

[English]

MR. SPEAKER : Mr. Professor, you are a very learned man. Why are you trying to do like this unnecessarily ? This is a simple case. Let me first try to give my consent. I have to give my consent and then you can raise it.

(Interruptions)

MR. SPEAKER : It is the rule 222, and that rule I will follow. It is my privilege. If you have made me the speaker, I have to give my consent. Otherwise, you first remove me.

(Interruptions)

[Translation]

MR. SPEAKER : I shall see.

[English]

I will see. If I am satisfied, I will allow that. No problem on that. Otherwise, not.

(Interruptions)

[Translation]

MR. SPEAKER : There is no use, come what may. If you want, I shall run the House, if you don't I shall adjourn it. I have no objection.

(Interruptions)

[English]

MR. SPEAKER : No. Not allowed.

(Interruptions)**

PROF. MADHU DANDAVATE : Kindly tell me the rule under which you cannot allow me to make a submission.

[Translation]

MR. SPEAKER : I told you just now.

[English]

My consent is necessary. First I have to be satisfied. After I am satisfied, I will allow you and then that motion will go to the Privileges Committee, as I did yesterday, Nobody is going to stop it. Otherwise not.

(Interruptions)

MR. SPEAKER : I will allow you at the proper time. I have to study.

(Interruptions)

MR. SPEAKER : I do not need your help now. I am capable enough.

**Not recorded.

(Mr. Sepaker]

(Interruptions)

SHRI BASUDEB ACHARIA : You allow us to make submission one-by-one.

MR. SPEAKER : No. Not on this subject.

(Interruptions)

MR. SPEAKER : I am convinced of what I have said. I do not need your help now.

(Interruptions)

SHRI K.P. UNNIKRIISHNAN (Badagara) : I am on a point of order.

MR. SPEAKER : Under what rule ?

SHRI K.P. UNNIKRIISHNAN : I invite your attention to 'Direction of Speaker 2(vi) under 'Relative preceden of items' privilege notices, privilege motions have the highest priority ; that comes under (v) soon after questions and when such a grossest contempt of the House has been alleged to have been committed and that too by the Minister of Parliamentary Affairs, the House cannot consider any other business.

(Interruptions)

MR. SPEAKER : Look here. Nothing doing. No pros and cons. now. Up to that point, I will reply to Mr. Unnikrishnan. I agree with you till that.

(Interruptions)

MR. SPEAKER : I am on his point of order.

Uptil that point, I agree that we give highest priority to a privilege motion. No doubt about is.

(Interruptions)

[Translation]

MR. SPEAKER : You do not listen to what I say. I have listened to you. Now

it is for you to listen to me. This is what I am saying.

(Interruptions)

[English]

MR. SPEAKER : First I have to give my consent whether this has been the case. First let me decide whether this has been the case. If this has been the case, then I will allow.

(Interruptions)

[Translation]

MR. SPEAKER : See, Mr. Unni, just one minute. There is no point in getting annoyed now. I shall get time today. I shall decide in the same way I decided yesterday. It cannot be done like this.

[English]

I need time. I take my time... (Interruptions).

[Translation]

MR. SPEAKER : It is upto you if you do not want the House to be run.

(Interruptions)

[English]

MR. SPEAKER : Mr. Amal Datta, I am calling upon you to move your Calling Attention.

SHRI AMAL DATTA (Diamond Harbour) : How can I proceed like this, Sir ? You have to maintain the order. It is not my duty. I am ready.

[Translation]

MR. SPEAKER : You proceed, I am telling you.

...(Interruptions)...

[English]

MR. SPEAKER : All right. Please carry on.

SHRI AMAL DATTA : How can I proceed like this ?

(Interruptions)

PROF. MADHU DANDAVATE : I am on a point of order.

[Translation]

MR. SPEAKER : Yes, Mr. Professor, what is your point of order ?

[English]

PROF. MADHU DANDAVATE ; I am rising on a point of order. As far as privilege is concerned, the notices, and consent are governed by Rules 222, 223, Admissibility by rule 24 and the Mode of Raising of Questions of Privilege by rule 225. There is a proviso.

"Provided that where the Speaker has refused his consent under Rule 222 or is of the opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege.

Provided further that the Speaker, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of the sitting after the disposal of questions."

MR. SPEAKER : I do not disagree.

(Interruptions)

[Translation]

MR. SPEAKER : You have made your submission, now let me reply to it.

(Interruptions)

[English]

PROF. MADHU DANDAVATE : Let me complete the point of order.

MR. SPEAKER : You have completed it.

PROF. MADHU DANDAVATE : If I am able to establish a prima facie case about the urgency of the privilege notice, in that case...

(Interruptions)

MR. SPEAKER : Do not go on. Just stop there. It says: "if he thinks it necessary"...So, I have to satisfy myself.

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur) : You are not rejecting it. You have not refused consent.

MR. SPEAKER : First, I have to give my consideration.

PROF. MADHU DANDAVATE : You have not given the ruling that it is out of order. In that case, you have to see the urgency and give the permission to raise it, at any time...(Interruptions). If you are convinced that it is urgent, you can allow it.

(Interruptions)

MR. SPEAKER : My contention is simple, straight and in a few words that first let me go through it. Let me see the pros and cons of it and if I find that it should be referred, I will refer. Otherwise, I will not.

(Interruptions)

SHRI ARIF MOHAMMAD KHAN (Bahaich) : Sir, I would like to draw your attention to rule 223...

MR. SPEAKER : I have already disposed of it. I am listening to his point of order.

SHRI ARIF MOHAMMAD KHAN : It says. "A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General before the commencement of the sitting on the day the question is proposed to be raised"... What is the underlying spirit of the rule: "on the day the question is proposed to be raised"...

(Interruptions)

MR. SPEAKER : Don't try to tell me : "What is underlying the rules." I know the rules.

(Interruptions)

SHRI ARIF MOHAMMAD KHAN : Let me complete. Alternatively, you take your own time to decide it...

MR. SPEAKER : It is not your interpretation...I will see it.

(Interruptions)

MR. SPEAKER : Nothing doing. Not allowed.

(Interruptions)**

PROF. MADHU DANDAVATE : Sir, you have not given your ruling under proviso to rule 225, where it says that if the Speaker feels that there is an urgency, in that matter, after the questions are disposed of, you can take up the matter. Let me convince you of the urgency of the matter.

MR. SPEAKER : I am already convinced myself. Whatever be the urgency, I am not going to delay. I have to study it first. Let me see all the pros and cons. I am definite that I have to see it from both the angles. I cannot do it like this. It would be a gross violation of rules and doing injustice. No. I am not going to be a party to it.

PROF. MADHU DANDAVATE : Are you convinced about the urgency ?

MR. SPEAKER : I have all the things in my mind. I am going to consult everything under the rules and the precedents.

PROF. MADHU DANDAVATE : You are contradicting yourself. If you accept the urgency, you have the right to allow the Member to raise it...(Interruptions). It is very clear. But unfortunately, there is no appeal against your ruling. Even if I do not agree with your ruling, what can I do ? Your word is final.

**Not recorded.

MR. SPEAKER : You have to accept it.

PROF. MADHU DANDAVATE : Even though I do not agree with your ruling, I have to take my seat.

(Interruptions)

SHRI DINESH GOSWAMI : (Guwahati) : Sir, permit me to say something. I am on a point of order. I am raising a different point of order. There are two points on this matter.

MR. SPEAKER : What the point ? Under what rule ?

SHRI DINESH GOSWAMI : I am raising a point of order asking you procedural interpretation. (Interruptions).

Please listen to me. There is no debate. There are two points. On the question which is being raised, I am raising a point for your procedural determination.

(Interruptions)

[Translation]

MR. SPEAKER : Mr. Arif Mohammad, it does not look nice. It does not behave you.

[English]

SHRI DINESH GOSWAMI : There are two question that have come up before the House. One is—you very correctly said—that in this forum you will not permit anything by which a Member's right of free expression is obstructed. This is your observation.

MR. SPEAKER : Yes.

SHRI DINESH GOSWAMI : The second question is that if somebody obstructs it, whether it amounts to contempt.

MR. SPEAKER : That has to be decided.

SHRI DINESH GOSWAMI : There are notices of breach of privilege.

MR. SPEAKER : That has to be decided. If one has done it, he will be taken to task.

SHRI DINESH GOSWAMI : Mr. Bhagat has said something which is on record, He has said that he issued a...

(Interruptions)

MR. SPEAKER : That has to be decided.

SHRI DINESH GOSWAMI : Therefore, you must determine. Unless you determine that, how can the House go on ? You should first determine that.

(Interruptions)

[English]

MR. SPEAKER : Not allowed. I have not allowed the hon. Member further.

(Interruptions)

[Translation]

MR. SPEAKER : It does not behove me to do any injustice. I cannot do anything unjust. It does not behove me to break rules. Neither shall I break any rules nor yield under your pressure. I shall follow the dictates of my conscience.

[English]

I will do and go according to the book, and what the situation demands and what the justice is. Whatever the factors state, I will go accordingly. No compromise.

[Translation]

There can be no compromise with any one. Neither with you nor with him shall I compromise.

(Interruptions)...

[English]

SHRI SOMNATH CHATTERJEE (Belpur) : I have a point of order. I will also quote the provision. It is Article 105 of the Constitution. I do not have to refer only to the rules book.

[Translation]

MR. SPEAKER : It is the rule. I accept your point.

SHRI SOMNATH CHATTERJEE : This is a case where the Minister has...

MR. SPEAKER : First, it is yet to be established. I cannot deliver a judgment before that.

(Interruptions)

MR. SPEAKER : Not allowed.

SHRI SOMNATH CHATTERJEE : I want to know whether we have freedom of speech.

MR. SPEAKER : Mr. Chatterjee, you are a good lawyer and you know that man cannot be convicted until and unless he has been given my consent yet.

(Interruptions)

MR. SPEAKER : I have not given my consent yet. I have to decide whether there is a prima facie case.

PROF. MADHU DANDAVATE : We have the right to tell you that how it is a clear case of privilege.

(Interruptions)

[Translation]

MR. SPEAKER : What is the use ? It is of no use.

(Interruptions)

MR. SPEAKER : I said yesterday also that there will not be any delay in taking proper action. First, let me decide.

[English]

SHRI SAIFUDDIN CHOWDHARY : It is a gross violation.

[Translation]

MR. SPEAKER : I shall not yield under your pressure. First let me see.

[English]

Let me be satisfied. I have to see everything. I can assure you if I am not satisfied with his explanation, I will proceed according to rules. That much I can do.

(Interruptions)

[Translation]

MR. SPEAKER : Please sit down, Shri Randhaniji I will look into this matter.

(Interruptions)

[English]

MR. SPEAKER : I will look into it, No problem.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : Yesterday you sent it straightaway to the Privileges Committee. A gross contempt has been committed.

(Interruptions)

[English]

SHRI V. KRISHORE CHANDRA S. DEO : You sent it straightaway to the Privileges Committee. A gross contempt has been committed.

(Interruptions)

[Translation]

MR. SPEAKER : Please sit down. You are wasting time. I have accepted it.

(Interruptions)

SHRI MANVENDRA SINGH (Mathura) : No Member can be deterred from speaking in the House. It is contempt of the House. We are free to express our views in the Parliament.

[English]

SHRI V. KISHORE CHANDRA S. DEO : Please give your ruling right now. You have ample proof.

[Translation]

MR. SPEAKER : Until I see it, how can I do it? Why are you forcing me?

(Interruptions)

[English]

SHRI BASUDEB ACHARIA : It is a violation of the Constitution, that is why we are very much concerned.

SHRI C. MADHAV REDDY (Adilabad) : We strongly feel about it.

[Translation]

MR. SPEAKER : If it is so, I shall certainly look into it, no problem.

[English]

PROF. MADHU DANDAVATE : To record our protest against your refusal to give an opportunity to us, we are walking out.

At this stage, Prof. Madhu Dandavate and some other Hon. Members left the House.

12.32 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

[English]

SITUATION IN NORTH EASTERN REGION PARTICULARLY BOUNDARY DISPUTE BETWEEN ASSAM AND NAGALAND

SHRI AMAL DATTA (Diamond Harbour) : Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon :—

“The situation in the North Eastern region particularly the boundary dispute between Assam and Nagaland and steps taken by the Government in that regard.”

12.33 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Sir, the situation in the North-East has been generally normal barring a few incidents of violence in Tripura and hill districts of Manipur. Tripura National Volunteers (TNV) in Tripura and National Socialist Council of Nagaland (NSCN) in Manipur and Nagaland have been propagating secessionist ideas and have been indulging in violent activities. Some activities of ULFA an extremist organisation have also been noticed in Assam. We have taken various measures to deal with the activities of extremists. The provisions of the Armed Forces (Special Powers) Act, 1958 and the Unlawful Activities (Prevention) Act, 1967, have been utilised in consultation with the State Governments. Intelligence network in the North-eastern region has been geared up. Arrangements have been made for better coordination between the different agencies involved in the operations against the extremists. Vigil on the border has been increased. The strength of paramilitary forces has been suitably augmented where necessary and placed at the disposal of the State Government concerned.