

(2) Minutes of sittings of the Committee relating to the above Report.

12.36 hrs.

COMMITTEE ON SUBORDINATE
LEGISLATION

SEVENTH REPORT

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, I beg to present the Seventh Report of the Committee on Subordinate Legislation.

12.36½ hrs.

MATTERS UNDER RULE 377

(i) ANTI-PREGNANCY VACCINE

SHRI SAUGATA ROY (Barrackpore): Sir, I rise under Rule 377 to bring to the attention of the House another serious set back to our family planning programme which has happened after Mr. Raj Narain has taken over the stewardship of the Ministry of Health and Family Planning.

In 1973 in our country an anti-pregnancy vaccine was found out in Delhi and in the Tata Memorial Centre at Bombay. But now, after much experimentation it has been found—I do not know whether the Health Minister knows this—that after injecting the vaccine, 5 of the 6 women who were given this vaccine have become pregnant. Also, another serious thing that has been discovered in that Tata Memorial Centre is that the vaccine, if injected in the mice, is causing the disease of carcinogen, that is, it is producing cancer in those mice, in which case it is necessary to stop any further experimentation with the vaccine immediately. This has happened at a time when the family planning programme in the country has received a severe set back due to the inept handling of the Health Ministry by the present Minister. So, at this point I want to

say that the Health Ministry should immediately go into this matter of anti-pregnancy vaccine which has already been experimented in other countries and to set up a Committee so that the advances made in medicine in this regard can be thoroughly probed.

(i) PRESS REPORTS ABOUT PURCHASE OF
DEEP-PENETRATION AIRCRAFT

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, under Rule 377 I want to draw the attention of the House and of the Government to a matter of great public importance.

The Government is shortly expected to go in for a deal regarding the purchase of deep-penetration aircraft and setting up of a factory to assemble, in the first instance, such aircraft from imported parts and gradually to manufacture them here.

The deal from all accounts is going to be of a very big size. The number of aircraft to be purchased may well be 160—180, beginning with an outright purchase of 40 aircraft or so. The total amount involved both in the purchase of aircraft and in the setting up of the factory may run to Rs. 1,500 crores.

In order to make the best choice, the Cabinet appointed an expert committee which in turn is reported to have appointed a number of committees to consider the various aspects of the matter. While the work of the Committee is under way and it has still to submit its report, some news items appearing in the foreign press indicate that the government has already made the choice. Even if the report were submitted it would be highly intriguing if the people abroad knew about it and our countrymen and Parliament did not.

I quote from two British papers. *The Daily Telegraph* dated the 28th March, 1978 stated:

[Shri Shyamnandan Mishra]

"India to buy Jaguars and Harriers".

India will buy both the British-made Jaguar and the Harrier to reinforce its air arm.

While the Jaguar will go to the Indian Air Force which has been clamouring for a deep-penetration strike aircraft to match the Pakistani and Chinese warplanes, the Navy has opted for the Sea Harrier to save its only air-craft carrier, the Vikrant, 16,000 tons (formerly the Hercules) from the Scrapyards.

The Jaguars, like the British Gnat and Vampires still in production in India, will be manufactured under licence, with a progressive programme to use local components.

The report in *The Economist*, March 18, 1978, says:

"Some senior officers make no secret of their preference for the British version of the Jaguar, whose attack direction system is better than the French version of the same aeroplane. The Indian Air Force has a strong traditional attachment to the RAF and British technology, and the new Jaguar is the only one of the three aircraft designed specifically for the attack role.

The competing aircraft are basically fighters: they can do the attack job well enough but at some cost in range (and money, unless heavily subsidized by their maker's government). Russia has offered several aircraft but India's experience with Mig-21s and SU-7s has not been particularly good, and none of the new Soviet models seems to provide what the Indian Air Force thinks it needs."

As is clear, these reports are not merely speculative or conjectural in nature, but positive in their statement and do not cast a very favourable light

either in the export committee or on the Government.

Delhi is currently rife with rumours about all kinds of influences and pressures being employed to clinch the deal in favour of one party or the other. While drawing attention to these reports, my sole object is to caution the Government and the House against factors coming in the way of objective consideration of the matter. I would not like the impropriety of these reports to prejudice the case even of the air-craft whose case they seem to be canvassing. To us, the national interest is paramount and we have to be alert about the soundness of such a huge deal involving the most vital sector of our national life.

One thing which often-times is seen to vitiate such deals is the commission and promotional expenses which the companies treat as part of their normal transaction. While this could be available to a private agency which helps in bringing about the deal where a private party is involved, in the case of transaction between public undertakings of two countries, this, if at all, should come to the State with a clear and open declaration that no amount has passed which can be characterised as slush money.

MR. SPEAKER: Mr. Mohd. Shafi Qureshi.

SHRI SAUGATA ROY: What the Deputy Leader of the ruling party has said, is almost a very serious insinuation....

MR. SPEAKER: This is 377. No debate on this.

SHRI K. P. UNNIKRIISHNAN (Badagara): He is directing the Minister of Defence to make a statement.

SHRI SAUGATA ROY: The Deputy Leader of the ruling party has made almost an allegation.

MR. SPEAKER: He has not made any allegation.

SHRI SAUGATA ROY: I have gone through the statement.

MR. SPEAKER: I have been reading all this.

SHRI SAUGATA ROY: It is a very serious matter affecting national security, made by the Deputy Leader of the ruling party. There should be a full-scale discussion on it. You cannot just pass it over. It is about the purchase of deep infiltration aircraft. *(Interruptions)*

MR. SPEAKER: The matter under rules 377 is not for a debate. You raise it at an appropriate hour. Now Mr Qureshi....He is not here.

SHRI SAUGATA ROY: ***

MR. SPEAKER: Don't record.

SHRI SAUGATA ROY: ***

MR. SPEAKER: Pleased don't record.

SHRI SAUGATA ROY: ***

MR. SPEAKER: Give me appropriate notice.

SHRI SAUGATA ROY: ***

SHRI KANWAR LAL GUPTA (Delhi Sadar): On a point of submission. The statement made by my hon. friend is fairly serious. I request you to admit such statements only after referring to and consulting the Minister. Otherwise, these are very demaguing things; and it should not be done without consulting the Government.

MR. SPEAKER: Let us go on to the legislative business. Mr. Ugra Sen. Now we will take up Legislative Business.

AN HON. MEMBER: Sir, on this point....

MR. SPEAKER: Give proper notice.

SHRI SAUGATA ROY: Do not stand on formalities.

MR. SPEAKER: I am not standing on formalities. So far as I am concerned....

SHRI SAUGATA ROY: Sir, it is not..

MR. SPEAKER: Don't record.

SHRI SAUGHATA ROY: ***

SHRI P. VENKATASUBBAIAH (Nandyal): Sir, I rise on a point of order.

MR. SPEAKER: On rule 377, there is nothing like a point of order. Why don't you give appropriate notice? *(Interruptions)* Don't record.

SOME HON. MEMBERS: ***

SHRI SAUGATA ROY: Why allow only 377?

MR. SPEAKER: That is what is asked for.

SHRI SAUGATA ROY: Why don't you allow a Calling Attention?

MR. SPEAKER: Nobody has asked for it. Mr. Saugata Roy, before allowing a matter under rule 377, I do not go through it. Many times they make a demand even without giving a written statement. I do not know what statement they are making.

SHRI SAUGATA ROY: A statement has to be submitted. Why was it not submitted beforehand?

MR. SPEAKER: Why don't you hear me fully? If we have made a rule that a statement has to be submitted, some submit; some do not submit. Even if they submit, it is not possible for the speaker to go through them, because they come at 10 to 11. A selection is made at 10 to 11. There

***Not recorded.

[Mr. Speaker]

is no question of my going through them. It is not humanly possible to go through them. I do not know what statement a member is going to make.

SHRI SAUGATA ROY: Every member has to submit a statement if he is going to make a statement under rule 377. Every time your office says that "unless you submit your statement, Speaker will not allow you to speak." If it is not followed.... (*Interruptions*) He makes a serious allegation about the slush money that is being paid for deep penetration aircraft.... (*Interruptions*). Unless what rule he can get away without making a statement available in advance?

MR. SPEAKER: I did not say he has not submitted it.

SHRI SAUGATA ROY: Is it because he is the Deputy Leader?

MR. SPEAKER: I did not say he has not submitted it. I said it is not possible for me to go through them. So, I have not done it.

SHRI SAUGATA ROY: Sir, I want to submit that the Speaker has at least to go through the statement. I want a ruling on this. Because, this is inequality between member and member.

MR. SPEAKER: It is not.

SHRI SAUGATA ROY: A member is forced to submit the copy in advance.

MR. SPEAKER: Neither I have been able to read his statement, nor have I rise no a point of order. In rule 377 ment. I merely see what is the subject matter.

SHRI K. P. UNNIKRISHNAN: Sir, I rise on a point of order. In rule 377 it is specifically stated that a Member shall be permitted to raise it only the Speaker has given his consent and at such time and date as the Speaker may fix. Now you have made an

astounding statement that it is not possible for you to go through those statements. Then how do you give your consent?

MR. SPEAKER: On the basis of the subject-matter.

SHRI K. P. UNNIKRISHNAN: We cannot allow this House to go on in total violation of the Bules of Procedure. When you permit any member to make a statement in the House under this rule, it means that you have gone through the statement and you are satisfied that it cannot be brought under any other rule.

MR. SPEAKER: Please read the rule. The rule by itself does not require any written statement. But to formulate it, we have said; give notice. Most members do not give it. Even those who do not give it, we allow them because the rules do not require such a statement.

SHRI K. P. UNNIKRISHNAN: In that way you can circumvent all the rules.

MR. SPEAKER: I am not circumventing.

SHRI K. P. UNNIKRISHNAN: This is a very serious matter that he has raised. (*Interruptions*)

SHRI K. GOPAL (Karur): Whenever any of us from this side wants to make a statment under rule 377, we are specifically told....

MR. SPEAKER: He is also told.

SHRI K. GOPAL:....that he has to give a written statement. That will be gone through, and we are not supposed to deviate from it. We have to read out exactly what we have written. Shri Saugata Roy was asked to do so. How is he given permission? Is it because he belongs to the ruling party? (*Interruptions*).

MR. SPEAKER: For your information, one of your own partyman, Shri

Qureshi has given notice. Kindly see the statement.

SHRI K. GOPAL: You have not allowed it.

MR. SPEAKER: I have allowed it. Please see the list.

SHRI K. GOPAL: My point is entirely different.

SHRI SAUGATA ROY: After the Member is intimated, he gives a statement at the Table.

MR. SPEAKER: No. No.

SHRI SAUGATA ROY: I submitted my statement yesterday.

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, रूल 377 के अन्तर्गत जो पब्लिक-इम्पाटेंस की चीज़ है, उसको आप एलाऊ कर सकते हैं और यह प्रैक्टिस यहां रही है कि पहले स्टेटमेंट लिख कर दिया जायगा, उसके बाद स्पीकर उसकी लैंग्वेज और सब्जेक्ट को देखेंगे, उसके बाद आप एलाऊ करेंगे। आप एलाऊ आज कर सकते हैं, कल कर सकते हैं, परसों कर सकते हैं—यह डिस्क्रीशन आपकी है। अभी आपने कहा कि आप ने बगैर देखे हुए, केवल सब्जेक्ट-मैटर को देख कर, परमिट कर दिया, उसमें कितनी डेमेजिंग चीज़ लिखी है, क्या लिखा है, हो सकता है कि उसके बारे में आपको मिनिस्टर से कन्सल्ट करना पड़े। अभी मेरे माननीय साथी ने जो सवाल उठाया है, मैं समझता हूँ कि वह बहुत गम्भीर मामला है। इसके लिये आपको डिफेन्स मिनिस्टर के साथ कन्सल्ट करना चाहिये था और कन्सल्ट करने के बाद अगले दिन, अगर आप ठीक समझते, तो कल या परसों उठाने देना चाहिये था। मैं समझता हूँ कि केवल सब्जेक्ट मैटर के आधार पर जो कार्यवाही की गई है, वह उचित नहीं है, न यह सरकार के इन्टरेस्ट में है और साथ ही रूल के खिलाफ भी है।

I support what Mr. Unnikrishnan has said.

MR. SPEAKER: Let me correct a factual inaccuracy. Mr. Gupta's factual statement is incorrect. There was no practice of giving a written notice at all. It was only introduced by me, and that has mostly not been followed, but the rule does not empower me to ask for it. There was no practice like that till it was introduced recently by me.

SHRI KANWAR LAL GUPTA: You should follow your own practice.

MR. SPEAKER: You made a statement that that was the standing practice of this House. That is a totally incorrect statement. There was no such practice at all. I, for the first time, with a view to regulate it, introduced it, but the Members are still not accustomed to it. I said: It will take time, we will adjust it. Most Members, even today, make statements without giving a written statement.

Again, Mr. Unnikrishnan said that sometimes the statement is given after I permit it. Permission is given at about 11 O' Clock. If you give the statement after 11 O'Clock, there is no question of my looking into it. It is impossible to look into it. I may tell you that the statements come to me just five or ten minutes before 11. Do not make incorrect statements.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): The issue debated is, I think, much more than one of form only, whether the notice should be in writing or whether the full statement should be given or not. But I would think that when anything is permitted to be raised under Rule 377, at that time the Speaker has to exercise his own considered opinion and judgement as to whether the matter does merit mention under that particular rule or it can come under some other rule, or it can be raised in the form of some motion. My point is, if I were to refer

[Shri L. K. Advani]

to the practice in the other House I would like to point out that we have a practice there of making mention of certain matters in which the Government is not obligatory to give a reply. This is something like that. But in all such cases we have also developed a practice of informing the Minister concerned that this is a matter which is going to be mentioned today and so, if you have something to say, you can always say. And I should think matters of this kind which are on the face of it likely to be interpreted as being allegation made on the Government, the Government should have notice of it, the Minister concerned should have notice of it. Otherwise, you can in your discretion say that I cannot allow until I give notice to the Government.

SHRI SHYAMNANDAN MISHRA: May I seek your favour to explain the position. I really do not know why my hon. friends on the other side have confused the issue. The issue is not this whether my request under 377 should have been permitted. I have conformed to the rule that you have laid down on the recent directive that you have given that the statement ought to be submitted to your secretariat before the matter is raised in this House. I have done that. In every case, I have followed this scrupulously. I have been submitting the statement. I did that this morning also. I generally read out from the statement that I give to you so that there is no divergence from the written statement. That is also what I have done. There can be no question that this was not permissible under 377 or the Chair has not seen it. (*Interruptions*) There was no question. Now, what have I exactly done? This was a matter of procedure that I have sought to explain. I have drawn the attention of the House and of the Government to the reports that appeared in the British press.

MR. SPEAKER: Last para makes some allegation.

SHRI SHYAMNANDAN MISHRA: No allegation. Let me read out the last para.

MR. SPEAKER: In fact, you came and told me about the other aspect, that two papers have published.

SHRI SHYAMNANDAN MISHRA: Please listen what I have said in the last paragraph:

"One thing which often times"—I am making a general proposition—"is seen to vitiate such deals is the commission and promotional expenses which the companies treat as part of their normal transaction." Can anybody take objection to this? Am I attributing to anybody here? "While this could be available to a private agency which helps in bringing about the deal where a private party is involved, in the case of transaction between public undertakings of two countries, if at all..." There I am not very positive whether this would happen in this case also. So, I say: "this, if at all, come to the State with a clear and open declaration..." I am saying that if the deal is entered into, there should be a clear and open declaration that no amount has passed—by both the parties declaration should be made—which can be characterised as slush money. Where is anything objectionable which I have said in this regard? (*Interruptions*)

13.00 hrs.

SHRI KRISHAN KANT (Chandigarh): I agree with you, Mr. Speaker Sir.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I would like to invite your attention to rule 373 occurring in Chapter 27 dealing with general rules of procedure, which provides that "no allegation of a defamatory or

incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply." My submission would be that this rule is attracted and therefore a statement like this does contain a matter of incriminatory nature and should not have been permitted to be made without previous.....

(Interruptions)

MR. SPEAKER: I agree.
(Interruptions)

SHRI SAUGATA ROY (Barrackpore): That was our point of order.
(Interruptions)

SHRI SHYAMNDAN MISHRA: I hold my ground firmly where is the allegation and against whom? I have read it out. I have cautioned and entered a caveat in this matter.
(Interruptions)

SHRI SAUGATA ROY: It is an allegation and coming as it does from the Deputy Leader of the Ruling Party, it ought to be compulsory for the Government to come forward with a statement.....
(Interruptions)

SHRI KRISHAN KANT: What you have remarked, I think is the correct position. Whether I agree here, or not he has not directly made any allegation. But the very fact that when a senior Member, and not the Deputy Leader, makes certain things to warn the Government, he is apprehensive of certain things. It means it might have been better if he had talked in the Party, but here the Parliament is concerned.

MR. SPEAKER: What difference does it make?

SHRI KRISHAN KANT: I think now a situation has arisen, the concerned Minister will try to clarify the situation. I am sure, there is nothing like that: there can not be anything like

that. When a man of the standing of Shri Shyamnandan Mishra....

MR. SPEAKER: It makes no difference....

(Interruptions)

SHRI KRISHAN KANT: I am not talking of the Deputy Leader. Here, in this House, we are not considering whether he is Deputy Leader of the Janata Party or not. He is a senior Member of this House who has functioned....When he says something, it must be taken very seriously. (Interruptions) If he had mentioned only the report and not made the last paragraph as you have rightly said, the things would have been different. That last paragraph which he has deliberately made must be made clear. Henceforward, You may have a machinery so that before the statement is made, you can go through it and inform the Minister about it. Without informing the Minister, such a statement should not be allowed to be made.

श्री नाथू सिंह (दौसा) : अध्यक्ष महोदय, मेरा प्वाइंट आफ आर्डर है (व्यवधान)। मेरा व्यवस्था का प्रश्न है। मेरे कहने का तात्पर्य यह है कि जैसा कि कृष्णकान्त जी ने कहा (व्यवधान)। मैं अपने प्वाइंट आफ आर्डर पर बोल रहा हूँ (व्यवधान)

MR. SPEAKER: Please hear the Minister. (Interruptions) For a minute. There is no doubt that I have committed a mistake. I should have gone through the statement. If I had gone through the statement, I would not have allowed the last part of it. I think though there is no direct allegation, there are certain inferences available from the statement and those inferences should not have been made there. I would not have allowed it. Mr. Mishra came to me and told that certain newspaper reports had been published. I thought it was important and the House must know it. That was why I allowed that. I did not

[Mr. Speaker]

know that this last paragraph was there. I would not have allowed this last paragraph. The only thing I can do is this; there are two courses open for me. (*Interruptions*) I will give my ruling. But before that, I will hear the Minister.

THE MINISTER OF INFORMATION AND BROADCASTING (Shri L. K. ADVANI): You have yourself said, Sir, that if the statement had been carefully gone into; the implications of it would have been obvious and it might not have been permitted to be raised under this rule. Now that it has been permitted—he had given notice in writing and the whole statement had been given to you—and with your permission he has raised it in the House and it has gone on record, all that I can say on behalf of the Government is that the Defence Minister has communicated his readiness to make a statement on that basis.

MR. SPEAKER: That is all right.

Now, we go on to the legislative work....

SHRI MOHD. SHAFI QURESHI
rose—

MR. SPEAKER: I thought you were not here. I had called your name. All right.

(iii) REPORTED, RECENT COMMUNAL
CLASHES IN SAMBHAL

श्री मोहम्मद शफी कुरेशी (अनन्तनाग) :
सम्बल, मुरादाबाद में जो हालिया फसादात हुए हैं, फिरकादाराना उन पर मैं अपने खेद और दुख का इज़हार करना हूँ। सम्बल में जो कुछ हुआ है वह बहुत ही मीरियस मामला है और मैं समझता हूँ कि तमाम हमारे मेम्बर उस तरफ के और इस तरफ के इस मामले पर गौर करेंगे।

मामला बिल्कुल मामूली नौइयत का था। होली के रोज़ एक लोकल कालेज में लड़कों ने वहाँ पर कुछ टाइल कुछ लड़कों को, कुछ उस्तादों को दिये। इस पर कुछ लड़कों ने ऐतराज किया और मामले को इस तरह से मुलज्जा लिया गया कि टाइल देने वालों ने प्रिसिपल साहब से और उन लड़कों और लड़कियों से माफी मांग ली जिनको टाइल दिये गये थे। लेकिन बदकिस्मती यह है कि उत्तर प्रदेश में लोकल बाडीज़ को जो काम कर रही थीं, सस्पेंड किया गया है। इसको लेकर वहाँ पर एक मुजाहिदा हो रहा था और उसमें काफी लोग जमा थे। एक एम०एल०ए० वहाँ पर जिन्होंने इलैक्शन कंटैस्ट किया था. . . (व्यवधान). . . मुझे अफसोस के साथ कहना पड़ता है कि मैं मुरादाबाद सम्बल की बात कर रहा हूँ और वहाँ पर बागड़ी और राम धन का झगड़ा हो रहा है। कौन सा ज़रूरी है. (व्यवधान)

अध्यक्ष महोदय, सम्बल की आजादी 1 लाख 25 हजार है। पूरे सम्बल में फायर ब्रिगेड का कोई इंतज़ाम नहीं है। वहाँ पर एक पुलिस चौकी है जिस पर 60 आदमी तैनात किये गये हैं। 28 मार्च को जो कालेज में थोड़ी सी बात पर एक मामूली झगड़ा हुआ था जो साम्प्रदायिक नहीं था, फिरकादाराना नहीं था और इस बात पर था कि कालेज के लड़कों ने कुछ टाइल दिये थे और उसको लेकर हुआ था। इसको देखते हुए वहाँ की गवर्नमेंट को चाहिए था कि चौकन्नी रहती क्योंकि सम्बल में इसके पहले 1976 में एक फसाद हुआ था।