

a submission regarding the Calling Attention

MR SPEAKER You have mention ed that

SHRI M KALYANASUNDARAM I have raised the question of Station Masters' timings But apart from that

MR SPEAKER You have given no more

SHRI M KALYANASUNDARAM I want to suggest that there should be a general debate in this House about railways accidents which are very frequent and large in number and also very serious in nature

SHRIMATI PARVATHI KRISHNAN My Resolution is still there

MR SPEAKER That has to be raised separately Once I have allow ed you on the Calling Attention Motion

PROF MADHU DANDAVATE Sir there was a debate on accidents specifically (Interruptions)

MR SPEAKER Now Shri Jyotir moy Bosu.

13 07 hrs.

COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI JYOTIRMOY BOSU (Diamond Harbour) I beg to present the Seventh Report of the Committee on Public Undertakings on Central Inland Water Transport Corporation—Inland Water Transport, Objectives and River Services

13.7-1/2 hrs.

SPEAKER'S RULING RE DEMAND FOR LAYING CERTAIN DOCUMENTS ON THE TABLE

MR SPEAKER In the course of his speech during the demands of the Ministry of External Affairs, the Minister for External Affairs stated that there was a secret understanding between Mr Bhutto and Mrs Indira Gandhi during their talks in Simla To quote his own words

"Since assuming the charge of the Ministry of External Affairs, I have made an effort to acquaint myself with not only various documents relating to the discussions but also have held personal discussions with a number of knowledgeable individuals Piecing together all the evidence from different sources I cannot but re-affirm that some sort of secret understanding was reached by Shrimati Gandhi in her confidential conversation with Mr Bhutto "

When the above observations were made several Honble Members of the House demanded that the Minister should lay on the Table of the House the documents on which he relied in support of their contention some of them relied on Rule 368 and others on Rule 370 The Honble Minister and several other Members contended that neither of the two Rules referred to earlier supported the contention of those demanding of the Minister to lay the papers on the Table The Minister further contended that it is not in public interest to place the relevant papers on the Table of the House

Rule 368 provides

'If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table.

[Mr. Speaker]

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

In my opinion, this rule does not support the demand made by the Hon'ble Members to have the paper laid on the Table of the House. Before Rule 368 can come into operation, the Minister must have quoted in the House a despatch or other State paper. In the instant case, the Minister has not quoted any despatch or other State Paper. Even if we consider that the Minister has referred to any State paper then also the case falls within the scope of proviso (2) to Rule 368. The Minister has merely given in his own words a conclusion or gist of the State paper he has seen. He has made no reference to any despatch. Hence Rule 368 is wholly inapplicable to the facts of the case.

Rule 370 reads:

"If, in answer to a question or during debate a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, or a summary thereof on the Table."

Before Rule 370 is attracted the condition precedent is that the Minister must have disclosed the advice or the opinion given to him by any officer of the Government or any other person or authority. In the present case, the Minister has not disclosed any advice or opinion given to him by anyone. On the other hand, he relied on his own conclusions, drawn

from various circumstances including the material gathered from various documents as well as from the talks he had with several persons. Hence Rule 370 is not attracted.

The question as to when a Minister must place on the Table of the House a paper referred by him in the course of an answer given by him in the House or in the course of a debate has been the subject-matter of several decisions by my predecessors. They have consistently held that it is for the Government or the concerned Minister to decide whether it is in public interest to place any particular document on the Table or not. In view of my opinion as to the scope of Rule 368 and Rule 370 it is not necessary to go into the extent or nature of the privilege available to the Cabinet or to the individual Minister.

In conclusion, I hold that the demand made by the Hon'ble Members to lay on the Table of the House the concerned papers is unsustainable.

SHRI K. P. UNNIKRISHNAN (Bodagaro): Sir, I do not want to question the soundness or the wisdom of your decision, but I must say that the interpretation you have given to Rule 370 is taking a very narrow view of things, which does not protect the interests of the people at large or those who are on this side. Now, he did make a specific reference to his having studied all the related documents. He related it to his own suspicions then and said that he has been vindicated by a study of a set of documents.

SHRI HARI VISHNU KAMATH (Hoshangabad): Sir, are you allowing a discussion on this? Is your ruling not final?

MR. SPEAKER: No, he has said that he is not questioning....

SHRI K. P. UNNIKRISHNAN: I am only making a submission.

He also mentioned specifically that he had discussions with knowledge-

able persons. That is a specific quantity: it is not that somebody came for a courtesy call or a social call and he had a word, but he pursued it. He pursued his feelings at Simla to the logical end. After he took over as Minister of External Affairs, he pursued the matter and studied it, and it may include officials' advice. And what is 'official advice'? This question, I hope, has been gone into fully and at least for the future I hope this will not be a precedent, because it is being used for carrying on a campaign in the whole country. If it is true, as I said on that occasion, the former Prime Minister must be exposed. Otherwise, this should not be used as a forum by any Minister to bluff the people. That was my only contention.

SHRI P. VENKATASUBBAIAH (Nandyal): Sir, I would like to make a submission.

As he has said, we are not questioning your ruling as such. You have quoted extensively Rule 368 and Rule 370. This matter has attracted not only the country's attention but also international attention. Pakistan's former Foreign Affairs Minister and also Mr. Agha Shahi who was here a few days back completely denied the fact that there was any such agreement. The persons said they were in Simla when the discussions were going on. Now, Mr. Vajpayee, the External Affairs Minister, has come before the House and has said that he has gone through various documents and that he has got some circumstantial proof to show that there was a secret agreement, and that he has consulted very important people and knowledgeable persons who are associated with the matter. Now, the country is seized of the matter and there has been a controversy going on about it, and the former Prime Ministers denied categorically there was any secret agreement as such. It is therefore necessary that the External Affairs Minister, who is occupying a very important position as a Cabinet Minister in charge of External Affairs, should not

keep this country and Parliament, at any rate, in darkness. If there is any concrete proof in his possession, it would have been better for him to take the House and also the nation into confidence. So, I would only request you—of course, your ruling is there and it is final, and we are not questioning your ruling—that at least you must persuade the External Affairs Minister to come forward and state categorically on the Floor of the House the whole fact of the matter and not keep the nation in darkness.

MR. SPEAKER: I have only gone into the legal aspect; I have not gone into whether it is appropriate or inappropriate. It is not for me to do that.

SHRI K. P. UNNIKRISHNAN: You can give your guidance, Sir.

MR. SPEAKER: If the House cannot do that, can I?

SHRI K. P. UNNIKRISHNAN: You can do it.

SHRI P. K. DEO (Kalahandi): Sir, I respectfully bow to your ruling. I suggest a via media, as has been suggested by Shri Chandrappan. This country should not be kept in the dark. There has been a suspicion; the Government should take into confidence the leaders of the opposition and you may call for the papers.

MR. SPEAKER: No, that I will never do. That means, I am taking over the responsibility myself.

SHRI P. K. DEO: It happened last time. I beg to submit that in the case of Shri Tulmohan Ram....

MR. SPEAKER: Whether a particular Speaker may have accepted the responsibility, the implication of the responsibility must be realised. Supposing I look into the papers and I come to one conclusion or the other. I am not in a position to argue or satisfy the other side that my conclusion is right. The Speaker should be above all this.

SHRI P. K. DEO: The Government *suo motu* can call the various leaders of the opposition and take them into confidence. After all patriotism is not the monopoly of those who are on the treasury benches. In that way, the entire thing would be clear and there would not be any bickering.

MR. SPEAKER: That is all right.

SHRI G. M. BANTAWALLA (Ponani): Sir, on that day also, I was agitated on this particular issue. Of course, your decision is final and we bow to it. Not only that, I would go to the extent of saying that it is the most appropriate ruling that you have given. There is, however, another aspect of the situation. You are the custodian and protector of democracy here, as the Speaker of this august House.

There is already a rule to the effect that whenever an allegation is made against a person who is not a member of this House, the Speaker's consent has also to be obtained, otherwise, it would be a great abuse of the floor of the House. I would like to know whether any such consent had been obtained by the hon. Minister from you. You should realise the gravity of the situation. Shrimati Indira Gandhi is no longer a member of this House. She cannot defend herself. There may be her Party's representatives here, but I am sure, the attack is made upon her as an individual, who is not a member of this House to be in a position to defend herself. The hon. Minister makes a statement and refuses to disclose the document or lay the same on the Table of the House. Not only that, he is fortified with the rules and laws with respect to privileges. If Shrimati Indira Gandhi wants to comment upon it, again she has to face the question of breach of privileges of the House etc. Under such a situation, is a citizen of India to be put totally at the mercy of any baseless allegation that may even be made on the floor of this House by any Member, much

more an hon. Minister? This is a question that must seriously concern and engage the attention of all of us and more so, the Speaker of this House.

On that day, I was agitated not on the merits of the question, not whether such a thing has happened or not, but on the fact that a sweeping allegation is made here and the floor of the House is being abused. Were you satisfied? Did the hon. Minister approach you that he is going to make an allegation? Were you in your wisdom satisfied and allowed the Minister to make such an allegation on the floor of the House, especially which amounts to, I may say, the charge of treason against the ex-Prime Minister? If so, on what basis did you allow the hon. Minister to make such a statement who is fortified with privileges and a citizen of the country is completely at the mercy of the House? The only point that I am arising is whether allegations can be made in this House and in such a sweeping manner that a citizen is almost defamed and is almost charged with such a sweeping charge as high as treason.

MR. SPEAKER: It is a new question which you have raised. I have not considered it.

SHRI G. M. BANATWALLA: There is a rule.

MR. SPEAKER: Quite alright, my order was in respect of certain points raised... (Interruptions) Nobody raised this aspect the other day. The only points raised I have taken into consideration and I am not myself going into it. The question is now closed and when another occasion comes, you raise it and I will consider.

डा० कश्यप प्रकाश (प्रमत्तर) : अध्यक्ष महोदय, सभी धानरोषिल मेम्बर ने जो बात कही है कि किसी भी व्यक्ति के बारे में अगर कोई आरोप लगाया जाय, तो उस की पूर्ण-

कुछों को मिलेगी बाँटिए, वह इस
लोक में एम्प्लॉई नहीं होता है, क्योंकि जो
पुल्लेस मंत्री का प्रधान मंत्री रहे चुके हैं,
उन के ऊपर तो हाउस में रोज घागेप लगते
हैं। उन्होंने देश में एम्प्लॉसी लगाई इस पर
जो सवाल उठाया गया क्या किमी न नाटिस
दिया बा ?

MR. SPEAKER I am not deciding
that point

डा० बलदेव प्रकाश आप मेरी बात
सुन लीजिए। मैं यही कहना चाहता हूँ
कि जा पहले प्रधान मंत्री या मंत्री रह चुके
हैं उन पर जो आरोप लगते हैं उस के बारे
में आप का पहले से नाटिस देना आवश्यक नहीं
है। वह तो केवल सरकार का घन्दर जा
आफिसरों काम करते हैं उन के खिलाफ कार्ड
एलीमिन लगाना हा ता नाटिस की जरूरत
होती है

MR. SPEAKER I have not ruled
that way uptill now

डा० बलदेव प्रकाश आप मेरी बात
सुन लीजिए। आप ने उन का 10 मिनट
दिये हैं मुझे दो मिनट भी देने का तैयार नहीं
है। उन्होंने हर बात दस बार रीपीट की है,
लेकिन मे रीपीटिंगन नहीं कर रहा हूँ।

दूसरी बात मैं यह कहना चाहता हूँ कि
जिमला समझीते के बलत प्रखारो के द्वारा
सारी जनता का पता है कि बातचीत टूट गई
थी, बातचीत टूटने के बाद भतपूब प्रधान मंत्री
और भी मुट्टो रात को मिले तो घगर कोई
मूल बात नहीं हुई थी ता वे किस लिए
मिले थे—यह हाउस के सामन बतलाया जाय।
मिलने के बाद क्या फैसला हुआ—यह बात
किसी के सामने नहीं आई, लेकिन यकदम
संघ पर दस्तखत किये गये, इस का मत-
लब है कि कुछ न कुछ तो फैसला हुआ होगा।
प्रखारो में छप चुका जा कि बातचीत टूट
आई, उस के बाद रात को दो बजे मुलाकात हुई
और यकदम मुझ दस्तखत हो गये—यह

जिए वह पता नहीं कि बाँटिए कि वही पर
क्या बात हुई थी और उस समझीते के मुताबिक
जो बातें हुई थी, वे स्पष्ट होनी चाहिए।

MR. SPEAKER Now, matters under
Rule 377—Shri Tarun Gogoi.

13.24 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

MATTERS UNDER RULE 377

(1) REPORTED DECISION OF ONGC TO SLOW DOWN CRUDE PRODUCTION IN NORTH-EASTERN REGION

SHRI TARUN GOGOI (Jorhat) By
giving notice under Rule 377 I would
like to draw the attention of the Min-
ister of Petroleum and Chemicals to the
reported decision of the Oil and
Natural Gas Commission to slow down
the crude production in the North-
Eastern Region, particularly, in
Assam It has been a matter of great
concern not only for the people of that
region but to the whole nation to see
this retrograde step of stepping down
the production of crude oil when there
are great prospects of increasing such
production because of numerous de-
posits of oil reserves in Assam Naga-
land and Tripura

Besides, it raises an apprehension in
the minds of the people of that region
that the Centre is not interested in
the development of that area by con-
tinuing its policy of neglect and apathy
towards this region While there
is a great need to speed-up the crude
production in order to move towards
attaining self-sufficiency and all out
efforts are being made to increase the
production on the Bombay High, the
slackening of such efforts in the North-
Eastern region runs counter to the
declared national policy on oil and
the policy of removal of regional im-
balances It has been reported that
due to the limited capacity of the
existing refineries and the limited ca-
pacity of the pipelines such steps are