

17.28 hrs.

Re: CALLING ATTENTION

MR. CHAIRMAN: We will now take up the Calling Attention Notice.

Shri Sayeed.

SHRI P. M. SAYEED (Lakshadweep): I call the attention of the Minister of Shipping and Transport to the following matter of . . .

SHRI VASANT SATHE (Akola): Where is the Minister?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir

SHRI VASANT SATHE: Where is the Minister? This is not fair. We were requesting for a postponement only because of this.

MR. CHAIRMAN: Mr. Sathe. Mr. Chand Ram is busy in the other House.

SHRI VASANT SATHE: We know that he has written a letter to the Speaker that he is busy in the other House. That is why we said that it should be taken up tomorrow. This is not fair. You should not take the House for a ride.

SHRI DHANIK LAL MANDAL: The Speaker has permitted it.

SHRI VASANT SATHE: There is no question of the Speaker permitting it.

MR. CHAIRMAN: Shri Chand Ram has written to the Speaker, stating that he is busy in the Rajya Sabha. So, he has requested his colleague to reply to the Calling Attention to be taken up at 5.30 p.m.

SHRI VASANT SATHE: Under which rule is it permitted?

MR. CHAIRMAN: The Rules of Procedure say: "'Minister' means a member of the Council of Ministers, a Minister of State . . ."

SHRI K. GOPAL (Karur): The statement simply says "Shri P. M. Sayeed and others". We do not know who are the other Members.

MR. CHAIRMAN: When the questions are put up you will know.

SHRI K. GOPAL: It should be circulated.

MR. CHAIRMAN: I will tell you the names. They are: Shri P. M. Sayeed, Shri Vasant Sathe, Shri Balwant Singh Ramoowalia, Shri Jyotirmoy Bosu and Shri M. V. Chandrashekhara Murthy.

SHRI C. M. STEPHEN (Idukki): Sir, I rise on a point of order. The rule is very clear. It says:

"A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date."

Here is a Calling Attention Notice given to the Minister in charge of the Subject. And notice was given. Mr. Chand Ram took notice of the Call Attention Motion. The Statement by Mr. Chand Ram, Minister of state in the Ministry of Shipping and Transport is before us. The question is, the notice for Call Attention Motion for which a statement is expected of the Minister of Shipping and Transport, was given to the Minister of Shipping and Transport and it was taken notice of by the Minister of Shipping and Transport. The statement was prepared by the Minister of Shipping and Transport. The question is whether that statement can be read out by any Minister. It is impossible because it does not stop with the statement. That is the essence of it and questions will have to be answered, and the Minister who was nothing to do with the Department, on the basis of the questions cannot, with authority, reply to the

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questions asked. It is not a perfunctory exercise. It is a powerful weapon in the hands of the members, a very fruitful weapon, and the Members must not be cheated of it. That is what I am to say. Here the heading is "Statement". On the basis of this, questions are being put, replies are being given. Only the Minister concerned with this can give a reply to this.

Rule 197 of the Rules of Procedure says:

"A Member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date:

Provided that no Member shall give more than two such notices for one sitting."

Therefore, only the Minister to whom the notice is given can make a statement and here is another Minister coming and reading out the statement made by Mr. Chand Ram. He is doing the reading. Why should he read it to us? We can read it ourselves. Who is to reply to the questions is the matter. I submit it will be absolutely a misuse of the procedure of the House and the rules and an infructuous utilisation of the rulers and the instrument given to the Members and if this sort of usurpation by another Minister of the functions which must be performed by a particular Minister is permitted, this process will become absolutely useless and the House will get nothing from out of the Minister by putting the questions. Therefore it cannot be permitted.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Madam Chairman...

MR. CHAIRMAN: You have another point of order or you are speaking on his point of order?

SHRI JYOTIRMOY BOSU: I am speaking on his point of order.

Madam Chairman, it has been read out to you what "a Minister" means. Therefore, I would not take the time of the House on that. Mr. Dharik Lal Mandal is the Minister of State in the Ministry of Home Affairs and he is responsible to the Union Territories and Delhi is a Union Territory. Therefore, if he gives a reply on this issue, it really makes no difference. I am not losing sight of one very important thing that in view of the difficulties and the hardships that are being experienced by the people in millions in general today, it cannot wait, it would be done here and now and I thank you for listening to me.

SHRI VASANT SATHE: But who will reply to the questions?

MR. CHAIRMAN: Are you also on the same point of order?

SHRI VASANT SATHE: Yes, I am on the same point of order. Kindly consider this. In reply, certain things have been stated. He says: "I have taken up the matter . . ."

MR. CHAIRMAN: You need not repeat what Mr. Stephen has said.

MR. VASANT SATHE: I am not repeating. Kindly see that the reply contains certain actions which he has taken. He has contacted certain authorities. All that is there in the Statement. Now, when we ask questions, how can the Minister for Home, who has not taken these steps, who does not know about these steps, who cannot even own it up, answer those questions? Because, in this statement it is stated as 'I'—"I have contacted these people, I have asked them to do this" etc. So, how can another Minister of state own it and reply to the questions? All our questions will be infructuous because he will say: 'I will refer the matter to the Minister' etc. Therefore, in spite of the urgency—this issue has been raised in the morning and newspapers

tomorrow will carry how the House is agitated—I am not in agreement with Mr. Jyotirmoy Bosu that we should get a perfunctory reply to our questions. Tomorrow he can come with better preparation, we do not mind, the heavens will not fall during the night, but if we get perfunctory replies from the Minister . . .

SHRI DHANIK LAL MANDAL: For your information, the strike has been withdrawn.

SHRI VASANT SATHE: Please be fair to us. We will not get a fair reply.

SHRI D. N. TIWARY (Gopalganj): These are all superficial objections. A Minister may entrust his work to any Minister to reply in Parliament.

SHRI VASANT SATHE: Only the Prime Minister can.

SHRI D. N. TIWARY: The Speaker can allow it.

MR. CHAIRMAN: There have been occasions when one Minister has piloted a Bill on behalf of another.

SHRI VASANT SATHE: That is different.

MR. CHAIRMAN: There is nothing to be agitated about.

SHRI P. M. SAYEED: The Prime Minister was sitting there. I did not know that he had left. He was in charge of the Transport Ministry also, and so I was under the impression that in the absence of Mr. Chand Ram, the Prime Minister was going to reply. In fact, it was under that presumption that I called for the statement. Meanwhile I found the Minister of State, Home Affairs, Shri Mandal got up to reply. He is in charge of Union Territories, not only Delhi but also Andaman; and other areas, but he is primarily concerned with the law and order situation. As far as transport and the Delhi Transport Corporation

are concerned, he is not at all concerned.

MR. CHAIRMAN: Please resume your seat. I had already called Mr. Tiwary whom you interrupted.

SHRI D. N. TIWARY: The difficulty today is so great that it took me more than 30 minutes to come here from my house. I do not know how I shall go back. The matter is very urgent, and if the Minister wants to reply, there should be no bar. He knows everything about Delhi, and he will reply. Why not this matter be discussed today and be finished?

SHRI VASANT SATHE: Why should not the Prime Minister do it?

SHRI D. N. TIWARY: Any Minister who is entrusted with it can do it. They have joint responsibility.

MR. CHAIRMAN: I think we should discuss this without getting heated about it. He did not interrupt you when you were speaking. Let him have his say, because I would like to hear him even if you would not. Otherwise, how am I to decide, unless I hear what he has to say?

श्री लक्ष्मीनारायण नाथक (खजुराहो) : सभापति महोदय, मैं तो यह समझता हूँ कि विरोध पक्ष को शासन से बहुत जल्दी जवाब लेना चाहिये। अगर शासन यह कहता कि हम आज जवाब नहीं देंगे, कल देंगे, तो विरोध पक्ष को उन्हें जल्दी जवाब देने के लिये पहल करनी चाहिये थी। यह जवाब जल्दी आना चाहिये। जवाब देने की जिम्मेदारी सम्मिलित होती है, मंत्री जी तैयार हो कर आये हैं, मैं चाहता हूँ कि इस को अभी लिया जाये और फॉरन शुरू करना चाहिये।

SHRI C. M. STEPHEN: I want to add one point. If you go through the form of notice that we are to give, that will show "a minister". We will have to mention the name of the particular Minister, that has got to be mentioned in the notice that we give. That is

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there. Therefore, it is to a Minister according to the choice of the person concerned that we mention it. Here, the question is not whether Delhi is under somebody. That is not the question. In fact the whole of India is under every Minister. But each Minister is in charge of some portfolio. Here the portfolio is "transport". That is under a particular Minister. We want information from that particular Minister and therefore when we draw up the notice we say "such and such a Minister" and if we mention a particular Minister, then the rules say "the Minister". With respect to the other sections, it is stated that the mover may authorise somebody else. That is specifically stated. But as far as chapter 16 is concerned, that is not stated at all. This is what I have got to say. In fact, as far as the urgency of the matter is concerned, this matter is extremely urgent and that is why I tried to raise it this morning. There were some objections and all that. Now the Minister should have come here or somebody who could answer the questions that are going to be put should have come here. The question and answer is the essence of the whole exercise and if the person cannot with authority reply to the questions and can only read what Mr. Chand Ram had to tell us, that would be a perfunctory sort of exercise of the rights and functions of the Members. That will not serve the purpose. It is a question of rule. (Interruption) I am raising a point of order. My point of order is this. When a Call Attention notice is given, under chapter 16, it is addressed to a particular Minister. When that is taken up by the particular Minister, when the statement is prepared by the particular Minister, can the word 'the Minister' be usurped by some other Minister who has nothing to do with it? It is a question of rule, of procedures. It is not a question of convenience or expediency. I am saying that the rule does not permit even the Speaker to

authorise some other Minister to come in and take charge of what the other Minister must perform. There is no provision in the rule which authorises the Speaker to give permission to another Minister under chapter 16. There are other chapters which give that authority to the Speaker, but not under this chapter. Then Prime Minister was here. It is a very important matter. He is the person who is in charge of it. He is the person who could give us the information.

If you go through the rules regarding Bills, you will find that if the Minister in whose charge it is, is not present, he can with the permission of the Speaker authorise some other Minister. Wherever authorisation is contemplated, there is a provision for authorisation. But under chapter 16, there is no provision for authorisation. The words used are "notice to a Minister" and "the reply by the Minister." There is no authorisation at all. 'The Minister' will be guided by the subjects we are dealing with and will be guided by 'the Minister' to whom the person giving notice addresses it. If the notice is addressed to a wrong Minister, the notice is infructuous and it cannot be taken note of, taken notice of and listed upon. But here, the notice was correctly addressed, it was correctly taken notice of, the notice has been correctly replied to by a statement laid on the Table of the House. The words used are "the Minister" and therefore, some other Minister cannot come in. It is not a question of definition. The Minister must come and reply to the questions. Nobody else can come.

SHRI JYOTIRMOY BOSU: If you allow the same Member to go on repeating the same set of arguments, consuming the time of the House...

MR. CHAIRMAN: I am sorry. Kindly do not make insinuations either against the Members of the House or

against the Chair. If you have any point to make, kindly make it.

SHRI VAYALAR RAVI (Chirayinkil): Madam Chairman, everybody agrees on both the sides, including the Chair, that the matter is a very important and urgent one. When this matter was raised in the morning, the Speaker said that he had admitted a Calling Attention notice and that it will be taken up today in the evening itself.

Considering that the Minister who has to answer the Calling Attention has to give concrete replies to the House. Whether a Minister of State can answer it or a more responsible person or the most responsible person in the Government, that is, the Prime Minister...

MR. CHAIRMAN: Here, it is not a question of a Minister of State but a Minister in another Ministry.

SHRI VAYALAR RAVI: I do not think Mr. Stephen's objection is to this being replied by Mr. Chand Ram. He is not here. The only person who can give such a reply is the Prime Minister. He can assume the charge of any Ministry. The Prime Minister was here. Unfortunately, the party quarrel has dragged him out. It is better you summon the Prime Minister to come and make a statement before the House.

17.48 hrs.

[MR. SPEAKER in the Chair]

SHRI K. GOPAL: We asked her to summon the Prime Minister. She has summoned you.

MR. SPEAKER: She has a right to summon me also.

SHRI C. M. STEPHEN: I suppose you heard it in your chamber.

MR. SPEAKER: I was in the Committee.

SHRI C. M. STEPHEN: I had raised a point of order. She did not give a ruling on that.

This is my point of order. You have to give a ruling on that. We are now having a Calling Attention. This is under rule 197, Chapter XVI. If you see rule 197, the notice will have to specifically state "a Minister" in charge of it. There are two expressions used, "a Minister" and "the Minister". It is for the member who gives a notice to say, which Minister, and if the notice is addressed to a wrong Minister, the notice falls. It says that a member may call the attention of "a Minister" to an urgent matter of public importance and "the Minister" may make a statement thereon or ask for time to make a statement later on. Therefore, my submission is on a particular subject, if the notice is given to "a Minister" and if the Minister takes notice of it, "the Minister" in charge of that particular subject has to make a statement.

Here, it so happens that the Minister has prepared a statement and sent it. My point of order is that it is for that Minister to give a reply. That is necessary because we have got to ask questions and the concrete replies will have to be given to those questions. A Minister who is not in-charge of the portfolio will not be able to give the replies to the questions that we will be putting to him. He can read out the reply. But that will not be an effective reply and that will not serve the purpose. We have got before us a statement by Mr. Chand Ram; he admits it is his portfolio and he says, it concerns the Delhi Transport Authority and the Motor Vehicles Act. That is entirely under him. He has stated what all things he has done, he has made an appeal also.

We have to put further supplementaries on that. In the absence of Mr. Chand Ram, the Prime Minister is the most competent man to give replies on

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this very important and urgent matter. It so happened that the Prime Minister was here and, for some reason or other, the Prime Minister had to go away. Either the Prime Minister must give a reply to this or Mr. Chand Ram must give an answer to the queries that we are to put.

This is the point of order. It is not a question of expediency, it is a question of rules; it is a question of procedure. It is a question of the right of the member to get a reply from the Minister concerned. A perfunctory exercise will be an insult to the member concerned who has given notice of it. It will be an insult to the member concerned.

SHRI JYOTIRMOY BOSU...the Chair in her wisdom at that time had read out...

MR. SPEAKER: I think the Chair is neuter gender.

SHRI JYOTIRMOY BOSU: ...the definition of "a Minister" which makes it amply clear that Mr. Dhanik Lal Mandal is quite competent to reply as a Minister on behalf of Mr. Chand Ram. It is nothing uncommon; it is very often done in this House. Secondly, Mr. Dhanik Lal Mandal is the Minister of State in the Ministry of Home Affairs looking after the union territories. The happenings in Delhi are well within his domain. Since he is the Minister responsible for union territories he is amply competent to look after this matter and reply to the best of his ability.

Thirdly, thousands of people have undergone—and I gather that they are still undergoing—severe hardship due to this taxi and scooter strike. Therefore, the matter should be solved as quickly as possible.

Fourthly, this very morning, on the floor of this House, Mr. Stephen thought that the matter was so very urgent that he should be allowed to

make a statement on the floor of the House, and you in your wisdom allowed him. Now, he says that it can wait till tomorrow.

AN HON. MEMBER: No, no. (*Interruptions*).

SHRI JYOTIRMOY BOSU: I would strongly suggest that the Call Attention motion be taken up right now, and Shri Dhanik Lal Mandal be asked to reply.

MR. SPEAKER: The difficulty here is that some Members have given notice to the Home Minister and some Members have given notice to the Minister for Transport. Which Minister should answer, whether it is relevant or not under 197, is for the Member who gives notice to say. The Member says, 'I give notice to such and such Minister'. Here the difficulty has arisen because different Members have given notices to different Ministers, probably because of the situation. At any rate, there has been a change of opinion in this case. In the morning everybody thought that it was very urgent. Later the urgency has disappeared. First Mr. Bosu appears to have represented to the Secretary that it may be taken up tomorrow. . . (*Interruptions*).

SHRI JYOTIRMOY BOSU: I have categorically told your secretariat that I am ready to come to the House today. You are quoting something which is highly improper. Your utterances are unwarranted and uncalled for.

MR. SPEAKER: Anyway, now it is all futile. There are hardly five minutes more.

AN HON. MEMBER: Have it tomorrow.

SHRI JYOTIRMOY BOSU: I had the Public Undertakings Committee meeting from 3.00 to 6.00. I said that it would be difficult, but I shall make myself available. When your Deputy Secretary telephoned to me, I said

that I would be coming in five minutes, I did not want the matter to wait.

MR. SPEAKER: Three other Members have sent a written letter to me saying that it may be taken up tomorrow. Anyway, there are hardly five minutes more. One need not decide about the matter. We shall take it up.

Prof. Sher Singh to make a statement.

17.54 hrs.

STATEMENT RE. PURCHASE OF
TRANSPORT AIRCRAFT G-222
MANUFACTURED BY AERITALIA

THE MINISTER OF STATE IN THE
MINISTRY OF DEFENCE (PROF.
SHER SINGH): Mr. Speaker, Sir,
Hon'ble Member, Shri Mallikarjun,
made a reference in the House on 2nd
March, 1979, about an Italian transport
aircraft, G-222, manufactured by
Aeritalia.

I regret to have to point out that
the Hon'ble Member's statement is
based upon obvious mis-information.

It is not at all true that Government
have taken any decision about the
purchase either of G-222 aircraft, or
for that matter of any other transport
aircraft, to replace the existing fleet of
Packets and Dakotas. The question is
still at a stage of examination far
removed from that of any such
decision.

We have need for a transport air-
craft to provide for the ultimate
replacement of the Packets and
Dakotas. Half a dozen offers have
been under consideration in this behalf
involving as many countries.

A team of experts composed of
representatives of the Army Head-
quarters, Air Headquarters, HAL and
the Defence Research and Develop-
ment Organisation, has been set up to
evaluate all possible options. The
team has yet to collect and put
together all the necessary information

about various types of aircrafts in
terms of their operational character-
istics; prices; costs, and other impli-
cations of production in India, delivery
schedules; and other connected mat-
ters. Its report will then be consid-
ered at an inter-Ministerial level by
senior representatives of the Ministry
of Defence, Ministry of Finance, Army
HQrs, Air HQrs, HAL and the Defence
Research and Development Organisa-
tion. It is only thereafter, that some
recommendations will emerge and the
matter will be ready to be placed
before the concerned Cabinet Com-
mittee.

It will thus be seen that far from
any decision, no recommendation even
in favour of any particular aircraft
has been evolved yet, at any level. The
reports which have appeared in
certain sections of the Press on the
basis of which the Hon'ble Member
seems to have thought it fit to mention
the subject in the House, therefore are
—to say the least—erroneous and mis-
leading.

There was a demonstration of the
Italian G-222 recently. Following
requests made jointly by representa-
tives of the Italian Embassy in New
Delhi and manufacturers for the
demonstration on the ground that the
aircraft for which they sought per-
mission to demonstrate was much
superior to and an improved version
of the aircraft considered earlier. They
claimed that it would meet the
requirements we had in view; it would
be competitive with the other aircrafts
under evaluation, and merit considera-
tion along with them. The demonstra-
tions were allowed on the clear under-
standing that they would not only be
at the manufacturers expense but
wholly without any commitment on
our part. The reports of experts who
witnessed the demonstrations have yet
to be drawn up.

Similar demonstrations have been
given in the past by certain other
competing parties.