

1997 hrs.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

(1) PUBLIC SAFETY ORDINANCE ISSUED BY THE JAMMU AND KASHMIR GOVERNMENT AND REACTION OF GOVERNMENT THEREON

DR. KARAN SINGH (Udhampur): Sir, I am on a point of order. I have a very important submission to make with regard to the Calling Attention Notice we had given. The Jammu and Kashmir Public Safety Ordinance was issued on the 29th October and we started meeting here on the 14th November. From that time we have been seeking an opportunity to raise this issue. Soon after Parliament met we gave a Calling Attention Notice: I gave it, my friend Shri Qureshi gave it and others gave it, but the whole matter was delayed and we were given no opportunity although I met you and I met the Prime Minister. In the meanwhile, 25 or 30 other Hon. Members gave Calling Attention Notices. Now, Sir, one month after the Ordinance was issued and three weeks after Parliament started meeting, the Calling Attention comes up and a ballot is taken, but our names do not come up. I want your protection, Sir. We represent, in this House the people whose rights and liberties have been trampled upon as a result of this Ordinance. If you cannot give us an opportunity for a Calling Attention, I would submit that you may allow a Two Hour Discussion so that everybody who wishes to say something on this will have his say. We have been elected to this House by the people and if we do not raise our voice when their rights are taken away, we are not worthy of sitting in this House. As guardians of the rights of the people of India we would request you to give us full opportunity to discuss this matter.

SHRI MOHD. SHAFI QURESHI (Anantnag): Sir my submission to you is that we had made submissions

to you earlier by giving Adjournment Motions and Calling Attention Notices. But what has happened? I am not casting any aspersions on the Chair, but the Chair unfortunately takes a longer time to decide the issue and matters go on accumulating. In the initial stages there were only two or three Calling Attention Notices before you, but what happened subsequently? Other Hon. Members gave their motions (of course they have a right to come to you with their motions) and they have accumulated. We do not take any objection to the balloting system, but here is a peculiar situation which has arisen. You have got powers under the rules to suspend a particular rule if you feel that the rights of the Members are being ignored. Sir, what will be the impression in the Jammu and Kashmir State? We come from that State—Shri Thakur Baldev Jasrotia, Shri Abdul Ahad Vakil, Dr. Karan Singh, Smt. Parvati Devi and myself. An impression will go round in the State that their representatives are sitting in this House but they have not been able to open their mouths on this important issue. I would request the hon. Home Minister to accept the suggestion made by my hon. colleague, Dr. Karan Singh. Let him be helpful in this matter. Instead of having this Calling Attention, you may kindly allow a two-hour discussion.

SHRI DINEN BHATTACHARYA (Serampore): We also support this. Let us have a discussion as suggested by Dr. Karan Singh.

SHRI VAYALAR RAVI (Chirayinkil): Sir, I would like to invite your kind attention to Rule 197 of the Rules of Procedure; Explanation (ii) says:

"Notices for a sitting received upto 1030 hours shall be deemed to have been received at 1030 hours on that day and a ballot shall be held to determine the relative priority of each such notice on the same subject."

[Shri Vayalar Ravi]

"This matter has been raised by Shri Mohd. Shafi Qureshi; there may be some other hon. Members including myself who have given calling attention notices. When you announce in the House that you will allow a calling attention—you never said, you have allowed it—give every Member a chance to give a notice on this calling attention. When a ballot is held, it would be obligatory for you to take all the notices together. Once you admit a calling attention notice, the other Members may be given a chance to give their notices also.

SHRI DINEN BHATTACHARYA: The only remedy is that a discussion be allowed on this matter as proposed by Dr. Karan Singh. That is the only solution.

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Speaker, Sir, my humble submission is that a Calling Attention motion has to be admitted in the first instance, otherwise after a lapse of time it ought not to be admitted. The Calling Attention motion relates to a matter of urgent public importance and if an hon. Member had given a notice of it earlier and the Chair had not found it proper to admit it at that time, it looks rather strange that the same subject should form the subject of a Calling Attention motion now. It is for the Chair to consider whether the same subject can be a matter of urgent public importance a little later.

Secondly, it is also for the Chair's earnest consideration whether some Members hailing from the same area should not figure in the list of Members who have given notice of Calling Attention. My submission is that the Chair can exercise its residuary powers to include the names of all those Members who hail from that area.

SHRI DINEN BHATTACHARYA: It is a basic question; no question of a Member coming from that particular

State. The matter must be discussed in this House.... (Interruptions).

SHRI KANWAR LAL GUPTA (Delhi Sadar): On a point of order, Sir..... (Interruptions).

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Would you kindly call upon me to read the statement?

MR. SPEAKER: No.

(Interruptions)

SHRI SAUGATA ROY (Barrackpur): I am drawing your attention to Rule 54. I gave a Call Attention Motion and Short Notice Question on the affairs of Delhi University. It was admitted on last Monday. I got letter from the Chief Examiner of Questions that it has been postponed by another week. Meanwhile, many things have happened in the University. In the name of arranging business we are postponing things and matters are losing their immediacy and importance. You must take decision immediately to say that such and such a thing has been admitted so that everybody can have his chance to speak on the subject and it does not lose its efficacy. The method, therefore, be corrected.

SHRI KANWAR LAL GUPTA: I want to draw your attention to Rule 197.

MR. SPEAKER: Up to a certain limit, it is all right. Speaker is not the only person to obey the rules. Members have also to obey the rules.

So far as Call Attention with regard to Kashmir is concerned, the first notice was given only by Shri Baldev Singh and nobody else. He is from Jammu.

(Interruptions)

Why don't you allow me to speak. Is it your monopoly to speak? I have also the right to speak.

The question arose. I withheld it for a few days. I had explained that matter to Dr. Karan Singh and Shri Baldev

Singh. Certain talks were going on. I did not want to interfere with the talks that were going on. Shri Baldev Singh pressed for it. I allowed a statement under 377. By that time some other question came.

The Rule regarding balloting has been interpreted earlier. Once it is there on the day of balloting at 10 O' Clock nobody could change it. Whether there should be a two hour discussion, is a different matter? We will consider separately. But so far as balloting is concerned the Speaker has no authority to change it. Only five persons can be allowed. That is provided in the rule. Nothing can be done now.

(Interruptions)

He is raising a point of order.

Half a day is lost only on points of order. The business of the House is not allowed. Some of them are permanent points of order.

SHRI KANWAR I. AL GUPTA: I may invite your attention to Rule 197. I totally agree with the Chair that you cannot force or add anybody's name in the ballot. Whether I belong to Kashmir or I belong to Delhi, it is none of the business of the Chair. That depends upon the chance or luck.

Explanation under Rule 197 is—

"(i) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

(ii) Notices for sitting received upto 10.00 hours shall be deemed to have been received at 10.00 hours on that day and a ballot shall be held to determine the relative priority of each such notice on the same subject. Notices received after 10.00 hours shall be deemed to have been given for the next sitting."

My submission is all the notices received upto 10 O'Clock should be ballotted. Whether they belong to a particular area or not is not the question. What has happened in this case is this. I send notice before 10 O' clock. After 10 days many other notices are also received. These get piled up. They come to 20, 30, 40 and so on. They are all ballotted. The person who sends his notice before 10 O' clock is punished unnecessarily. This is what happens. I am an active member; I take keen interest in the matter. I should not be punished for that. It is altogether a different matter whether my name appears in the ballot or not. The moment you admit the Calling Attention Motion, the notices must be ballotted. All notices received upto 10 O' clock should be ballotted. Now you have not been following that old practice. What is going on in your office is this. All those notices received after 10 O' clock or before 10 O' clock or even after 10 days are ballotted together. This is not proper. Admitting Calling Attention is under your discretion. You should restrict it to those cases only where they have given notices upto 10 O' clock. Then you can have a ballot. Those who give notices before 10 O' clock should not be punished. On the other hand they should be rewarded because they are very active. I belong to Delhi and the matter refers to Delhi. If I do not send notice before 10 O' clock, my name will not come. You take those notices received before 10 O' clock and decide who will sneak on that.

श्री हुकम चन्द कछाय (उज्जैन) :
माननीय सदस्यों द्वारा जो नोटिस दिए जाते हैं उन पर आपका जो निर्णय होता है उसकी सूचना देर में दी जाती है। पहले आपके निर्णय की सूचना माननीय सदस्यों को मिल जानी चाहिए।

अब आप दो काम दिनांक सूचनाय स्वीकार करते हैं और एक एक सदस्य आपसे घंटा ले लेता है। पूरा भाषण ही माननीय

[श्री हुकम चन्द कठुवार]

सब्स दे देता है। इनो में तीन बार घंटे बले जाते हैं। एक ही इन प्रकार के नोटिस को आप लें और लोग भाषण न दें केवल प्रश्न पूछें, इसके बारे में आपका क्या निर्णय है ?

SHRI V. ARUNACHALAM (Tirunelveli): What I suggest is that the hon. Speaker can call the leaders of the respective political parties to choose any one of the speakers belonging to their party.

MR. SPEAKER: The rule does not permit me.

SHRI V. ARUNACHALAM: The political parties can choose their own speakers so that they can represent their case effectively. If there is chance for compromise that can be done. If not, then, balloting can be done.

PROF. P. G. MAVALANKAR (Gandhinagar): The difficulty arises because the well laid-out rules, practices and directions of the Speaker are occasionally disturbed for a variety of reasons.

That is why this thing comes in. My point is twofold one is that with regard to this particular item of Kashmir, the Ordinance, as was pointed out to you, was issued as early as on 29th October. And, when the House met on the 14th November, some of the Members particularly, from Kashmir, took it alertly and immediately and gave some notices.

Now, in your wisdom you thought that because some information was sought for, you should wait. There was no question of the earlier members' giving further notices. Why should they not be ballotted when the motion was accepted by you? I feel that these notices also should have been taken into consideration. That is point number one.

Apart from this, my serious charge is—I cannot substantiate it in this

House openly because it will, take some time and also, because some of these things cannot be substantiated by concrete evidence—my charge, however, is serious, and I request you that all these things should be looked into personally by you because the whole business of giving notices is so erratic or so arbitrary that quite often I suspect that blank forms are signed in advance and given to certain officers.

MR. SPEAKER: Mr. Mavalankar, why don't you give me this information privately?

SHRI DINEN BHATTACHARYA: This is a serious charge. You better look into it.

PROF. P. G. MAVALANKAR: I am only suggesting that many people here only whisper and they do not talk. But I am talking. That is my difficulty. This is one aspect of the matter.

MR. SPEAKER: Just a minute. If such things are happening and if they are within your knowledge, is it not your duty to bring it to the notice of the Speaker as a Member of the House? The Speaker alone cannot find out all these things unless somebody gives information. This is a very serious charge. If that is so, I must take immediate steps. I entirely agree with you that it is serious if blank papers are signed and given in the office. I have a few other complaints which I am looking into. But, this complaint had not come to me till now. If you had only passed on this information even in confidence, certainly I would have looked into the matter. Instead of making it an issue in the House, the Members should cooperate with the Speaker and help him in the matter and give information if there is any lapse or any such thing. They are very serious matters. Our office must function very effectively and in order to function very effectively, the Members must cooperate with the Speaker and pass on such information because you are all as much interested in seeing that the House functions effectively as

I am. We have to see that the office functions properly. I am looking into the matter.

(Interruptions)

PROF. P. G. MAVALANKAR: My last point was regarding the point of order. I support my friend Shri Shyamnandan Mishra in to what he said. When you have certain topics coming from a particular area the entire newspaper media, T. V., Radio and other coverage will say that only non-Kashmir Members in this particular instance participated. Therefore, would it not be possible for you—this may be considered by the Rules Committee—to so ensure that if such subjects come, some people from those constituencies affected or, at least, one of them, should find a place in the ballot? I am not saying that all of them should be there but only one, so that at least one from that constituency affected is given the publicity. (Interruptions).

MR. SPEAKER: I have already circulated a letter. Why don't you give your suggestions. I entirely agree with you. (Interruptions).

SHRI VASANT SATHE: Sir kindly listen to me so that all these confusions can be solved. Have you got the Rules Book with you?

MR. SPEAKER: Yes, I have got with me the rules book.

SHRI VASANT SATHE: Kindly see Rule 197. The discretion that we are talking of is that:

"(i) where a notice is signed by more than one Member, it shall be deemed to have been given by the first signatory only;

(ii) Notices for a sitting—we are talking of a sitting that is to be underlined—received upto 10.30 hours shall be deemed to have been received at 10.30 hours on that day and a ballot shall be held to determine the relevant priority of each such notice

on the same subject. Notices received after 10.30 hours shall be deemed to have been given for the next sitting."

Therefore, Sir, supposing today notice is given by Dr. Karan Singh and others. That will be the notice for that sitting. In your wisdom because of certain dialogues you put it off. Then what happens is that that notice becomes a notice for the next sitting. In the meantime other notices come. Therefore these notices which were put off and postponed for the other sitting they also must get in the ballot.

Another thing is if you feel that the matter is of such urgent public importance and the Call Attention does not get reflected—as is the case today that none of these five persons are from Kashmir—then there is a provision under Rule 184 whereby you can allow a discussion again. (Interruptions).

Lastly, Sir, under Rule 50 on a matter of urgent public importance, with your consent, a discussion can be raised. So, there is provision in our Rules where a discussion can be allowed where Call Attention is not enough. 377 is the lowest category; then comes Call Attention and then a discussion. Those who gave the notice first, of no fault of theirs, did not get the opportunity as you put off and that became a handicap for them. So, Sir, you must allow a discussion. Kindly consider these things in totality and allow a discussion where they also get a chance.

SHRI N. SREEKANTAN NAIR (Quilon): Sir, the rules do not permit you to transfer and mingle two days notices. You can transfer it to the next day but on the next day it should not be included in the balloting because the man who gave the notice was not at fault.

SHRI DINEN BHATTACHARYA: Sir, there are so many advisers to give you advice. I will request you to call

[Shri Dinen Bhattacharya]

them in your Chamber. Already half-an-hour has been spent on this.

श्री मोहन प्रकाश त्वाणी (बराडच) : अध्यक्ष महोदय, राज्य सभा में यह नियम है कि "फर्स्ट कम, फर्स्ट"। आप यहां भी यह नियम बना दीजिए कि जो पहले पांच नोटिस आएँ, उनका नाम में ध्यानाकर्षण प्रस्ताव ले लिया जाये।

MR. SPEAKER: I have heard everybody....

SHRI MOHD. SHAFI QURESHI: Sir, it is a very sensitive matter.

MR. SPEAKER: Please allow him to raise this issue.

SHRI MOHD. SHAFI QURESHI: If you allow them to have their say and do not allow us to have our say I do not think that we are doing a service to the country. If the rules do not permit.....

MR. SPEAKER: I have heard you.

MR. MOHD. SHAFI QURESHI: I have faced three aggressions from Pakistan, not you. Therefore, we have got a right to say. In all humility I want to tell the Home Minister that we should have a discussion. Otherwise, this will create many misunderstanding and many doubts in the minds of people in the country. My hon. friends here say something; you are talking of provincial autonomy but they are thinking of opting out of this country.... (Interruptions).

SHRIMATI AHILYA P. RANGNEKAR (Bombay North-Central): It is a lie.

SHRI JYOTIRMAY BOSU (Diamond Harbour): When Mr. Gandhi was there, you were all like jelly fish and now suddenly you have become a great political analyst.

SHRI MOHD. SHAFI QURESHI: You have become tailcoats to Janta.

SHRI JYOTIRMAY BOSU: We are tailcoats to nobody.... (Interruptions).

श्री कचर लाल हेम राव जैन (बालाघाट) : अध्यक्ष महोदय, मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर गृह मंत्री का ध्यान दिलाना चाहता हूँ और प्रार्थना करता हूँ कि वे इस पर एक वक्तव्य दें :

"जम्मू तथा काश्मीर सरकार द्वारा व्यक्तियों को हिरासत में लेने, समाचार पत्रों पर नियंत्रण लगाने आदि के लिए विशेष अधिकार प्राप्त करने हेतु जारी किए गए लोक सुरक्षा अध्यादेश और उस पर सरकार की प्रतिक्रिया।"

(Interruptions)

SHRI DINEN BHATTACHARYA: Mr. Qureshi has lost all his balance; that is why he is making all these allegations and talking rubbish.

SHRI K. LAKKAPPA (Tunkur): You have heard them very patiently. With great respect, I submit that you should agree for a discussion.

SHRI CHARAN SINGH: Am I allowed to make the statement or not?

SHRI K. LAKKAPPA: Shri Karan Singh and Shri Qureshi have submitted notices. You listened patiently. What is the result of that?

MR. SPEAKER: You do not allow me to tell results.

SHRI YESHWANTRAO CHAVAN (Satara): From the way we have been functioning, under the cover of rules we are denying the right of discussing many important public matters. When for the discussion of an urgent matter of public importance notice is given and you take weeks to take a decision in this matter. I must make grievance out of that. An urgent public matters loses its significance if it is not discussed urgently. Then the whole issue has been put in a straight jacket of

call attention so that only five persons can get up and ask questions. J&K matter is of national importance. You will say that you were working within the framework of the rules. Certainly you have to do so. But sometimes the Speaker has to take a general view of the political situation in the country: what are the issues which are exercising the minds of the people, and then give some scope for them to open their minds here. If you do not do that here, what will happen outside? The whole country is full of an atmosphere of violence and if we do not allow them to open their mouths here and express themselves, people will go in their own way. This sovereign body is meant to consider all such matters and we find that whenever we ask for any discussion some evasive replies are given to sidetrack it. This question of Kashmir is a very important issue. Therefore, I should request the hon. Home Minister and also request you that apart from call attention, let there be some discussion. This is an important matter.

SHRI CHARAN SINGH: I should like to put in a word. The hon. leader of the Opposition has just now said that when questions of public importance are sought to be raised there were evasive replies from the government, if I understood him correctly...

AN HON. MEMBER: The Rules.

SHRI CHARAN SINGH: That is a matter between the Speaker and the hon. Leader of the Opposition. But it is sought to convey the impression that Government wants to avoid any discussion or give evasive replies. I humbly protest.

MR. SPEAKER: Two questions have been raised. One is whether there should be a larger discussion or not; that is a matter which I will place before the Business Advisors Committee for a decision. I have no authority in the matter. There is rule 184.

SHRI YESHWANTRAO CHAVAN: This House can decide.

SHRI JYOTIRMOY BOSU: There is rule 193.

MR. SPEAKER: Then, there was the second point of order.

DR. SUSHILA NAYAR (Jhansi): If you want to have a larger discussion, then there is no purpose in having a discussion with five or four persons, as is allowed in call attention under the rules. In your wisdom you must decide whether it is to be a call attention or general discussion: you cannot have both.

It is wrong to allow some people to express their opinion now and then to have a general discussion on the same matter later on. Whatever method you may follow this should be avoided.

MR. SPEAKER: Mr. Home Minister shall we have a general discussion for two hours on this matter?

SHRI CHARAN SINGH: I have no objection.

MR. SPEAKER: We will have a general discussion on this matter

श्री कचरुलाल हेमराज जैन : अध्यक्ष महोदय, मुझे बहुत से पहले मौका मिलना चाहिये ।

MR. SPEAKER: When we have general discussion, you will be allowed to participate.

(ii) HOME MINISTRY'S REPORTED CIRCULAR re. SPECIAL VERIFICATION OF PERSONS FROM KERALA AND WEST BENGAL SEEKING GOVERNMENT EMPLOYMENT

SHRI CHITTA BASU (Barasat). 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: