

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:

[Shri Chitta Basu]

"The Home Ministry's reported circular making it compulsory to enforce special verifications to be done by the Central Intelligence Bureau for those seeking Government employment from Kerala and West Bengal."

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Sir, With a view to allay certain misgivings in regard to the criteria being followed for verification of the antecedents of candidates for employment in the Central Government, clarificatory instructions were issued in September, 1967 which provided, *inter-alia*, that no person should be considered unfit for appointment solely because of his political opinions and only persons who were likely to be disloyal or to abuse the confidence placed in them by virtue of their appointment should be considered unsuitable for employment in the Central Government. According to these instructions, the following types of persons could be considered unsuitable for employment:—

(a) those who are, or have been members of, or associated with, any body or association declared unlawful, after it was so declared, or

(b) those who have participated in, or associated with any activity or programme—

(i) aimed at the subversion of the Constitution,

(ii) aimed at the organised breach, or defiance of the law involving violence,

(iii) prejudicial to the interests of the sovereignty and integrity of India or the security of the State, or

(iv) which promotes on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people.

These instructions were also simultaneously communicated to the State Governments to enable them to issue directions to the district authorities so that the verification of antecedents could be undertaken in the light of the criteria laid down by the aforesaid circular of the Central Government. The object of the verification from the State Government is to ascertain all the relevant facts which may have a bearing on the suitability of the candidate for employment in the Central Government—the final decision in the matter resting with the appointing authority.

The Government of Kerala had informed the Central Government in April, 1967 that it will not be possible for district collectors in Kerala to give facts regarding political affiliations of candidates seeking employment under the Centre. The Government of Kerala were informed in October, 1967 that it was with a view to remove any possible ambiguity as well as any apprehensions of political discrimination that the revised instructions, which I have already explained, had been issued. The Government of Kerala continued to have reservations even about the revised instructions. Nor was there any indication that the Kerala Government had issued any directions to the district authorities to furnish the relevant information in the light of the instructions of the Central Government to the appointing authorities concerned. In the circumstances, the Central Government decided that arrangements should be made to obtain relevant information about the candidates from its own agencies to the extent possible. Accordingly, instructions were issued by the Central Government in September, 1968 for supplementary verification of antecedents of candidates from Kerala through a Central Government agency.

After the assumption of office by the present Government in West Bengal, the Government received information that the Chief Minister, West

Bengal, had announced that the practice of police verification of antecedents would be discontinued by the State Government. In view of this, instructions were issued in September last that in regard to candidates for Central Services from West Bengal the appointing authorities may seek supplementary information from Central Government agencies.

I would like to make it clear that there is no question of any discrimination against any candidates from Kerala or West-Bengal or for the matter of that from any State or region whatsoever. The criteria regarding suitability for employment in Central Government service would be uniformly applicable to all candidates irrespective of the States to which they belong. The Central Government are interested only in obtaining full information about the antecedents of candidates and it would be for the appointing authorities to decide in every case whether information in respect of any candidate is such as would render him unsuitable for appointment. If information in this regard is not made available by States, the Central Government will have no alternative but seek to obtain it through their own agencies. The Government of West Bengal have, since informed us that the policy of the State Government in the matter will not affect the verification of antecedents so far as candidates for employment to Central Government services and posts are concerned. The Central Government will, therefore, consider the matter over again.

SHRI CHITTA BASU: I am sorry to express my opinion about the statement made by the Home Minister. It is nothing but an exercise in deliberate evasion of certain things. If you allow me to say so, it is an exercise in deliberate distortion of facts. It is an attempt to lay the blame at the doors of the others viz., Chief Minister of West Bengal and Kerala. I have got in my possession the entire circular which have been circu-

lated to the appointing authorities. It is Ministry of Home Affairs (Department Personnel & Administrative Reforms) O.M. No. 18001/4(S)/77 Estt. (B) dated 19-9-1977. I do not like to read out the entire circular. Of course, he has got the privilege of reading out a long statement. But I think as a private member, I do not not have that privilege of reading out the whole circular that is now in my possession.

But I want to read out to you certain relevant extracts of it. The circular says:

"According to the instructions in force, in respect of the candidates selected for appointment to civil posts under the Government of India, the appointing authorities are required to make a reference to the District authorities concerned in various States in the prescribed form together with the attestation form duly filled in by the candidates. In the case of candidates, belonging to West Bengal, apart from the usual verification made through the District authorities in West Bengal, the appointing authorities should, in future, send a separate set of attestation forms for verification to the administrative Ministry/Department concerned with the office where the candidate is to be appointed. The administrative Ministry/Department, in turn, will send the form to the Intelligence Bureau, who would make such enquiries as may be considered necessary and send a report on the candidates to the Ministry/Department concerned. It will be for the Ministry/Department concerned to examine the suitability of the candidate for appointment under the Government in the light of the general criteria laid down [vide Ministry of Home Affairs OM No. 3/8 (S)/67-Estt. (B) dated the 27th September, 1967, as also reiterated in this Department's OM No. 18011/1(S)/75-Estt. (B), dated the 1st August 1975] taking into account the

[Shri Chitta Basu]

**RECOMMENDATIONS** made by the Intelligence Bureau and come to a conclusion on the suitability of the candidate. The administrative Ministry/Department, on consideration of the recommendations of the Intelligence Bureau, should communicate its advice to the authority which initiated the verification reference and under no circumstances the contents of the report of the IB or the source of enquiry (viz. IB) should be communicated to the authority under which or whom the candidate is to be appointed or to the candidate concerned."

In conclusions it says:

"...detailed verification to be carried out in the interest of security."

Sir, It is clear that the candidates from West Bengal and Kerala are to be subjected to double verification.

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): An erstwhile Home Minister is walking out.

**SHRI K. LAKKAPPA** (Tunkur): Why can't you comment on the present Home Minister?

**SHRI CHITTA BASU**: It is clear from the Circular that the candidates for the appointment to the Central Government posts from Kerala and West Bengal, particularly these two States, are to be subjected to double verification. One verification is normally available, that is, through the District agencies, and another is by the Central Bureau of Intelligence. The reason he has stated is that the Government of Kerala had some reservations at a certain stage; I think it was during the period of Mr. E. M. S. Nambudiripad in the year 1967 who protested against it. Afterwards he also protested against it because of discrimination and because the Government could not have that kind of verification for particular candidat-

es if they are proved otherwise suitable. There he takes excuse that he learnt or he was informed—I do not know who informed him—that the West Bengal Chief Minister has also decided or made an announcement that there should not be any verification for the candidates for appointment under the Government.

I do not know from which source he knew it. My question at this stage is why has he given his assent if at all he has given his consent to the issue of a circular of this nature without verifying the truth of this alleged statement in regard to the position taken by the Chief Minister of West Bengal or by the Chief Minister of Kerala. Was he in communication with or consultation with the Chief Ministers of these States; or did he take up the matter with them I want to know this because he has said that there are 4 criteria determining the eligibility of a person for appointment in the Central Services. There are normal avenues for verification. The antecedents of anybody who falls within some of those criteria can be verified, I think, by other methods. And normally this kind of a circular is not at all needed, for that reason. Is it not a deliberate policy of discrimination against the people of Kerala and West Bengal—the fact being that these people are politically advanced and have installed in power a Government of their choice, without being influenced by anybody? Is it because of the fact that the people of West Bengal and Kerala, particularly young men and students are very much politically active and take part in democratic movements in these two States? Because of their participation in democratic movements, are they to be barred from serving the Government of India or in any of the Central Governments posts? Is it not an insult, and is it not an injury? How has the Government come to the decision that the people of West Bengal and Kerala lack in patriotism and

sincerety? Why should there be a bar? It is an insult and an injury and we refuse to submit to it. I warn Government of India to take note of it. Otherwise there will be political consequences.

**THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH):** If the hon. Member will allow me I will congratulate him for whipping up indignation for a cause which did not exist. There is absolutely no discrimination being made against young men—whether they come from West Bengal, Kerala or from any other State. He has come with certain preconceptions; and when he came to the House, he began to speak without reading my statement or hearing my speech; and he has said all these things. What is there in the statement to show that we are going to make a discrimination? The guideline which Government of India laid down as far back as 1967 for determining suitability of candidates, will be applicable to all the candidates, irrespective of the fact of the party to which they belonged. There is absolutely no difference in the criteria which are applied to candidates—whether they are from one State or another. The question was a simple one of verification. We had information that the new West Bengal Government was not prepared to seek such verification from district magistrates or police authorities. That was our impression, or information; but we have received a letter from the Chief Secretary of the West Bengal Government—we received it on the 27th October—saying that whatever they have decided, will apply only to the candidates for the State Services; the practice in regard to candidates for Central services will remain unaffected. If that is the position, we have absolutely no objection. Simply we could not issue a letter to the Chief Secretary or a press statement, because of the procedure that has to be followed here in regard to the letter of the Chief Secretary in the Home Ministry; that is the

only reason. I have said that we will consider the matter over again. Even then, as a matter of abundant caution I may state here that the clause in the Government of India circular in regard to verification by a Central Government agency will be deleted. If the Kerala Government also assure us that they will obtain the information that is necessary in regard to candidates for Central Government services from their State, we welcome it. So, why is it being said that there is discrimination, they are fighting for democracy and all that? I accept it.

(i) **PUBLIC SAFETY ORDINANCE ISSUED BY THE JAMMU AND KASHMIR GOVERNMENT AND REACTION OF GOVERNMENT THERETO—contd.**

**MR. SPEAKER:** Before we adjourn I want to state that in regard to the Jammu and Kashmir Ordinance, a statement has been prepared in response to Call Attention Motion. I will treat it as statement laid on the Table. There will be no discussion now. It will be taken up for discussion only when we take up the general motion for discussion.

**THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH):** Sir, I lay the statement on the Table of the House.

**Statement**

The Government are aware of the misgivings about the Jammu and Kashmir Public Safety Ordinance, 1977 which was promulgated on the 29th October, 1977. Such misgivings are understandable.

2. The State of Jammu and Kashmir has special problems of security and the State Government have, therefore, enjoyed very wide powers under their own special laws, viz., the J & K Preventive Detention Act, 1964, the J and K Public Safety Act, 2003 and the Emergency Provisions (Continuance) Ordinance, 2003 and the rules framed thereunder. These enactments were