

Human Rights Commission in any State and for matters connected therewith or incidental thereto.”

Shri Ram Naik (Bombay North):

Mr. Deputy Speaker, Sir, I want to oppose the motion to withdraw the Bill. I invite your attention to Rule No. 71(2). It says :

“Whenever an Ordinance which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated a statement explaining the circumstances which had necessitated immediate legislation by Ordinance shall be laid on the Table at the commencement of the session following the promulgation of the Ordinance.”

Sir, the Government has given reasons for withdrawing this particular Bill saying that since the Ordinance has been issued they want to withdraw it. But, the compulsory rules provide that whenever any Ordinance is issued in respect of the Bill which is pending in the House, on the first day of the session the Government must come out with the reasons. In this case, the Government has not come out with the reasons as to why that particular Ordinance has been issued. So, unless that particular statement explaining as to why an Ordinance was issued when the Bill was pending in the House is coming forth in the House, we cannot apply our mind. The rule very specifically says that this must be laid on the Table of the

House on the first day of the session. It was alright that there were obituary references on the first two days and the House was adjourned. But, yesterday, it should have come.

Yesterday, the statement had come. But it was about the reasons for withdrawal of the Bill. The statement under rule 71(2) must have been laid yesterday but has not been laid. So, unless that particular statement is laid on the Table of the House, I insist that this Motion for Withdrawal of Bill cannot be allowed to be considered.

[*Translation*]

Shri George Fernandes (Muzaffarpur) : Mr. Deputy Speaker, Sir, this motion clears two points. First, that it has been moved under the Rule 110, according to which :

[*English*]

“The member incharge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped; or

[*Translation*]

Now we do agree that the Government does not want to drop the idea of the Resolution moved through this Bill moreover.

[*English*]

- (b) The Bill is to be replaced subsequently by a new Bill which substantially alters

the provisions contained therein; or

[*Translation*]

The Government does not say so, and

[*English*]

(c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provision;

[*Translation*]

Now, the hon. Minister in his statement has stated that :

[*English*]

This is the statement explaining the reasons for withdrawal of the Human Rights Commission Bill, 1993.

[*Translation*]

The date is not mentioned in this statement made by the hon. Minister, we have it in our hand, and it is stated that the Ordinance has been issued. The Ordinance has not relevance with these rules. If the Ordinance and the Bill are treated equal, the Government should no introduce a new Bill. However the Government has created a peculiar situation by introducing a separate ordinance in the House, which is not favourable as per Rule 110. Because none of the three conditions given under this rule apply. This is my first submission.

Secondly, I would like to draw your attention again to Rule 110, The Proviso says :—

[*English*]

“Provided that where a Bill is under consideration by a Select Committee of the House or a Joint Committee of Houses, as the case may be, notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a report to the House, the motion shall be set down in the list of business.”

[*Translation*]

Now you may please go through the second statement regarding the Bill proposed to be withdrawn.

[*English*]

Statement explaining the circumstances in which the Protection of Human Rights Ordinance was promulgated.

“Human Rights Commissions Bill, 1993 was introduced in the Lok Sabha on 14th May, 1993. It was decided by the Speaker of Lok Sabha to refer the Bill to the Standing Committee of Parliament for the Ministry of Home Affairs.

[*Translation*]

Now, this Bill was sent to the Joints Committee of both the Houses by the Lok Sabha Speaker. The hon. Minister who is presenting the Statement here, says further :

[*English*]

“The Standing Committee invited suggestions by public notice.”

[*Translation*]

Now, who are you to speak about the Standing Committee? Mr. Deputy Speaker, Sir, the Standing Committee is the Committee of the House. The Executive has no right to interfere in the business of this Committee and seek classifications as to what they have done and what they have not done.

The report of the Standing Committee was made available to us at the counter only today, it was issued yesterday i.e. on 6th of the month, and it could not be laid on the Table of this House yesterday itself because it was laid on the table of the other House. As the Chairman of the Committee happens to be the Member of the other House.

The report of the Standing Committee was finalised on 25th November while the Ordinance was issued on 28th September. Who are you to speak about the Standing Committee. It is the Committee of the House and it has no concern with the Ministry of Home Affairs. The Standing Committee is just like a mini Parliament and not a secretariat of the Ministry of Home Affairs. It is a matter of the dignity of the House.

[*English*]

“The Standing Committee invited suggestions by public notice and took evidence from experts. In response to its invitation, the Committee received a number of memoranda from various persons. The Standing Committee also held a

number of meetings in which officials of Law Ministry and Home Ministry were also invited. After Clause by Clause consideration of the Bill and deliberations on the various suggestions received, the Committee identified the issues which in its opinion required reconsideration.”

[*Translation*]

This report should have been presented in the House through the Government. It is not good on the part of the Government to issue such a statement and bring disgrace to the House.

[*English*]

“Since the Government was committed to the early constitution of the National Human Rights Commission, and there had been widespread discussion and comment on this matter in various fora and the media including the United Nations, any further delay in its constitution would have attracted severe adverse comments from all quarters.”

[*Translation*]

Is it a logic? The Bill was introduced on 14th May. The hon. Speaker took a right decision that the issue having such a great importance should be referred to the Parliamentary Standing Committee, which is reviewing the matter. All the fora including the United Nations knew that the Bill was introduced on 14th May, and in spite of the fact that the Parliamentary Committee was reviewing the matter, the Government claimed that they had no alternative and that since

the other nations including united Nations put pressure. They were forced to issue the Ordinance. Why the Government is making mockery of the Parliamentary system. There are provisions and rules in the Constitution of India which are to be followed to issue an ordinance. An Ordinance cannot be issued under the pressure of United Nations or the fear of getting condemned in the newspapers when the country undergoes crucial circumstances and the security of the country is in danger, if the Government fails to take an immediate action, only then an Ordinance can be issued. If taken in this sense many things are taking place in the country; why does the Government not issue Ordinances with regard to them? Why an Ordinance is not issued when there is a question of life and death of people.

[English]

Further, the Standing Committee had also deliberated on it at length and identified the issues, which in its opinion required reconsideration.

[Translation]

The Government has taken all the rights of the Standing Committee to itself. This House has no knowledge as to what the standing Committee has done and what is it doing. We are also the Hon. Members of this august House. We are also here to save the dignity of the House and to express our views.

[English]

The Protection of Human Rights Ordinance 1993, was, therefore, promulgated by the President on 28th September, 1993 after incorporating certain amendments in the light of the discussions in the Standing Committee.

[Translation]

This is the report of the Standing Committee. It has not even been printed but cyclostyled. After having a look at both the things in the morning today, I asked the Members of my party who are the members of the Standing Committee whether the report has been submitted, because we had not received the same. I was told that the discussion had already taken place but the report has not been made available. When the discussion on ED was going on, I went to the counter and enquired where the report was, because I knew that it was going to be laid on the next day. Then only I succeeded in getting. This cyclostyled copy of the report. You do not have the copy of it, how will you go through it? This is the copy of the Chairman.

[English]

“The Committee took up clause by clause consideration of the Bill at its sitting held on the 22nd and 23rd September, 1993.”

[Translation]

Whereas the ordinance was moved on 28th. Such is the efficiency of the Ministry of Home Affairs—
(Interruptions).

[English]

SHRI RAM NAIK : Sir I am on a point of order. This particular report to which the hon. Member Shri George Fernandes is referring has not so far been laid on the Table of the House.

[Translation]

MAJ. GENERAL (RETD.) BHUWAN CHAND A KHAN-DURI : It has already been laid yesterday.

SHRI GEORGE FERNANDES : It was discussed clause by clause on 22nd and 23rd September. Four officers of the Ministry of Home Affairs concluded that the discussion is over.

[English]

The Standing Committee of Parliament is not to be treated as a joke.

[Translation]

Your are making a mockery of the Parliamentary system. It is a mini-Parliament. What is the authenticity of the discussion in which only four officers participated on the basis of which ordinance was issued on 22nd and 23rd. They have got such a statement issued to mislead the House.

[English]

"The Committee considered and adopted the Draft Report at its sitting held on 25th November, 1993." Your ordinance came on the 28th September, 1993.

[Translation]

Now it is being laid on the Table of the House with a motive to mislead the House and the country and to bring disgrace to the Parliament.

[English]

At its sitting held on the 4th October 1993, the Committee took note of the promulgation of an ordinance by the President on the 28th September, 1993.

[Translation]

When did the notification come? It is only when the ordinance was issued that the document was got signed and sent to the Hon. President. It contains the signatures of Shri M. M Jacob. After one week when the Committee comes to know about it, it convenes a special meeting to discuss the matter. The last line of the report given by them is :—

[English]

"The Committee discussed at length the position arising out of the promulgation of the ordinance during the pendency of the Bill with the Committee and decided that it should go ahead with the presentation of its Report. On the Bill to the Parliament, despite the promulgation of ordinance."

[Translation]

What dignity is left to the Ministry of Home Affairs? They acted in a way which resulted in bringing about disgrace to the Parliament, they amended the Bill at their own. However, the Committee decided to submit their own report despite all this. Yesterday, the report was laid. But what is the utility of this report? What will be the use of it when the Bill regarding which the report is laid, will be withdrawn. This matter should be tackled under the rules I would like to refer to.

[English]

The Reports of the Standing Committees shall have persuasive value and shall be treated as considered advice given by the Committees'. I have quoted rule 331N of the Rule of Procedure and Conduct of Business as amended.

[Translation]

The report is not a document that can be taken lightly. The Report is to be discussed; it has a persuasive value. What the Government is going to do with it? I not only oppose this act but also would like to get ruling in this regard under the Rule 110. Because this matter does not come under the Parts A, B and C of Rule 110. This Bill is under consideration. The matter of withdrawal should directly go to the Committee. My submission is that it is a point of order. I would like this motion to be referred directly to the Standing Committee of the Ministry of Home Affairs.

The Objections raised by the Government or the Ministry of Home Affairs in this regard should not be accepted by the Hon. Mr. Deputy Speaker and they should not be allowed to withdraw the Bill at any cost.

[English]

SHRI JASWANT SINGH (CHITTORGARH) : Mr. Deputy-Speaker, Sir, I would like to join my voice to my esteemed colleague, Hon. Shri George Fernandes. This is a most shabby and sorry episode.

The position of the Bhartiya Janta Party has been very clear from the very beginning. We have consistently and constantly advocated the establishment of a Human Rights Commission. Our view has been steadfast. We have continuously said that in lieu of a Minorities Commission a more all inclusive Human Rights Commission is far preferable. Then when the issue of Human Rights Commission came up yet again we cautioned the Government that we would welcome the establishment of a Human Rights Commission but not if it that is on account of any external pressures, or on account of external considerations as has been evidenced repeatedly by the Government's own statements verbally and in writing. The motivating force behind the establishment of a Human Rights Commission was the international pressure, was the kind of a fake and fraudulent public relations exercise without subscription to basic human rights as such, a kind of an over-layering through legislation was attempted to be conveyed to the country internationally. There are references made to the United Nations. But the fact is known to everyone that the Government decided to take this step in its overall attempt as yet another instance of acquiescing to the pressure that came from the United States and others.

Thirdly, when this matter came up for consideration, a process of consultation with opposition and with all of us was set in motion. I had the good fortune or the misfortune of

attending one of these exercises of superficial consultations that the Ministry of Home Affairs organised. My difficulty, in agreeing to the list of business in which the Government is requesting for withdrawal or permission to withdraw, is based substantially on the ground that a Bill which is under consideration of a select committee or has gone through the process of select committee cannot be withdrawn at the initiative of the Government unless the select committee itself concurs and gives its findings.

Secondly, in the present instance, the process of consultation set in motion by the Home Ministry was thereafter upgraded, at our request, by the hon. Speaker who said that because we have a subject committee, a Standing Committee of the Ministry of Home Affairs, instead of establishing a separate select committee, let this Standing Committee or Subject Committee of the Ministry of Home Affairs consider this matter and let that be treated as consideration by a select committee of Parliament. This is not an opportunity to make a fine distinction between the wordings of the rules of Parliament. In the present instance, the Subject Committee of the Ministry of Home Affairs acted as a select committee, and therefore, when my good friend, hon. Shri George Fernandes said that his objection on the aspect of rules is based on the fact that a Bill considered by a select committee cannot be withdrawn unless it has been recommended for such withdrawal

by the select committee, applies directly to this particular request by the Government unless the Standing Committee of the Ministry of Home Affairs has considered this issue and come forward with the recommendations. I am afraid, the House is not empowered by the rules to permit the Government to withdraw this piece of legislation. I, therefore, join my good friend Shri George Fernandes in opposing the Government's request for the withdrawal of this piece of legislation and I appeal to you to not make an exaggeratedly legalistic distinction between a select committee and a subject committee.

It is because the purpose was functional; the purpose was the same. It is only a difference of nomenclature, not of function. And even by the application of the relevant rules, such a permission cannot be granted.

Sir, I seek your ruling on this matter.

SHRI BUTA SINGH (JALORE) :
Sir, we have heard very carefully the arguments advanced by the hon. Members from the opposition; they are purely technical. And Shri George Fernandes had dwelled at length on the so-called motivation of the Government. If there is any motivation, it is only for the good.

Human Rights Commission has been established under the statute. The issuance of ordinance is the inherent

power of any democratically elected Government. There is nothing wrong in it. I agree to some extent that the Standing Committee was seized of the matter. It is very true that the Standing Committee, as the hon. member, Shri Jaswant Singh has just now mentioned, is not a Select Committee, is not a Subject Committee. It is a Committee which is supposed to render some kind of advice to the department for which it has been constituted. The Standing Committee on Home Affairs is competent and the report has been made available to this House on the 4th of this month. But, unfortunately, the Members....

[*Interruptions*]

SHRI GEORGE FERNANDES : It was not on 4th; the report was signed on the 25th of November and the ordinance came on the 28th of September.

SHRI BUTA SINGH : The report has been circulated to the Members of this august House and the Government is fully competent..

[*Interruptions*]

SHRI GEORGE FERNANDES : It has not been circulated; the report has come only yesterday.

SHRI BUTA SINGH : It has been laid on the Table of the House.

SHRI GEORGE FERNANDES : It was laid on the Table of the House only yesterday.

SHRI BUTA SINGH : That is how it is circulated. It is not circulated to the individual Members.

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SHRI GEORGE FERNANDES : But, the ordinance came on the 28th of September. We are discussing about the ordinance.

[*Interruptions*]

SHRI BUTA SINGH : You have been here in this Parliament and you know how the circulation is made. The circulation is made by laying it on the Table of the House. There is nothing wrong in it. I agree that there are some technical flaws. But, the Government's eagerness and its anxiety to establish the Human Rights Commission in this country must be appreciated by all sections of the House. It was an old demand and it has been rightly and justly met by the Government. Both the issues are before the Parliament. You can discuss the original bill, you can discuss the ordinance. They have to come to the House. Ordinance cannot be taken as granted it has to be passed by this House and the merits can be discussed at the time when the Government comes forward to this House with the contents of the ordinance, to be converted into a bill. That will be the right opportunity. Sir, for the hon. Members to put their point of view.

I should say, now, at this moment, that all sections of the House must congratulate the hon. Prime Minister for having constituted the Human Rights Commission which is something very positive, and which has been applauded in the whole world. I commend to this House to allow the Home Minister to withdraw the old bill and come forward with

reviewed bill especially in the light of the recommendations made by the Standing Committee on Home Affairs.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (GARHWAL) : I think the basic issue here, to my mind, is the issuance of an ordinance. Now, Shri Buta Singh is very nicely patting himself and his Prime Minister on the back.

I would like to know what was the necessity and impact for issuing this ordinance. Could somebody please explain this to me? Then an ordinance is issued, it means, there is an urgency. What has happened from the date it has been issued and till today? What has this ordinance achieved? There is nothing. If it is just to please the UNO or the U.S.A., then it should be clearly stated that we are incompetent to decide about our own actions. Why could it not be done earlier if this ordinance was required? As has been brought out by Shri Jaswant Singh, we are in favour of such a Commission. It was being discussed. The U.S.A. and the U.N.O. knew that this Committee is in session; this Committee is examining it. What would have happened if it waited for another month?

Therefore, to justify the issuance of this ordinance, I think, is not at all valid. And the Government should come out and apologize for issuing this ordinance. At that point in time, there was no requirement. And till today nothing has

been achieved by the ordinance. Therefore, trying to link it up with the Human Rights Commission is not relevant. Human Rights Commission is entirely a different issue; the issuance of ordinance is under question and I would like to submit that it should be seen from that point of view (*Interruption*).

[*Translation*]

SHRI SATYNARAYAN JATIYA (UJJAIN) : Mr. Deputy Speaker, Sir,.....

[*English*]

MR. DEPUTY SPEAKER : Will you speak on technical points only? You have to substantiate the point as to how far the Government is not liable to withdraw this. 14.00 Hrs.

[*Translation*]

SHRI SATYNARAYAN JATIYA: Mr. Deputy Speaker, Sir, the issue is simple. This is an ordinance and not an order. When a committee has been formed under the Parliamentary tradition and it has submitted its report regarding decision, the issuance of ordinance is certainly overlapping. So, both the ordinance and the Parliamentary traditions are losing their importance. It is necessary to save them both and the withdrawal should not be allowed.

[*English*]

SHRI SRIBALLAV PANIGRANHI (DEOGARH) : Mr. Deputy Speaker, there is an objection raised to the proposal for withdrawal of the Bill that is before the

House with regard to the establishment of Human Rights Commission The hon. Member Shri George Fernandes has gone to the extent of accusing the Government of ridiculing or undermining the importance of Parliament. That is not so. The Standing Committees of the Parliament are very recently constituted last year. We are all trying to see that this new system is a success. We have to understand that there is a clear difference between the Standing Committee and the Select Committee. Even when the Standing Committees have come into existence this year there are instances in the last session of Bills having been referred to both the Standing Committee and the Select Committee. Not that the Select Committee arrangement has been done away with. So there is a difference. We have to take cognizance of this fact. There are both the arrangements even today—the Standing Committee and the Select Committee.

In the case of the Standing Committee, it is purely advisory. It is for a purpose. We have to look at the notice, the intention of the Government. Even in criminal law a lot of emphasis is given to the intention and here the intention is very clear, laudable. It is the unanimous opinion of the House to go in for establishment of Human Rights commission and that too also as quickly as possible. If there is something, a Bill is referred to the

Standing Committee. Naturally when it is referred to, the House is not sitting. We cannot also expect the Government to close its eyes and ears to the situation and the happenings all around in international jara etc. I am simply astonished to find this argument. To United Nations and other international fora, we can not just close our eyes and ears.

MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI : Do not prostrate before them. The issue of ordinance is an example of how you are bowing before them....(Interruptions).....

[Translation]

SHRI SRIBALLAV PANIGRAHI : This Government is not going to prostrate or surrender. You are aware that the Government has not signed the Non-Proliferation Treaty, whereas China has signed it. So, the issue is not like that.

SHRI JASWANT SINGH : We prostrate before you.

SHRI SRIBALLAV PANIGRAHI : Please make them understand.

[English]

It is not a question of surrendering to any institution. It is a question of sincerity. It is a question of the sense of urgency on the part of this Government to establish this Commission which has been unanimous desire of this House from all sections.

MR. DEPUTY SPEAKER : The question is, is there any bar to withdraw this Bill.

SHRI SRIBALLAV PANI-GRAHI : There is no technical difficulty. The report is there.

MR. DEPUTY SPEAKER : That is the point we are having.

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV) : There is no technical difficulty. It is the House which should decide it.

SHRI SRIBALLAV PANI-GRAHI : There is a statement which should accompany such notice. That is there and everybody has got it. Therefore there is no bar for the Government to come with the proposal for withdrawal of this. On the other hand for the sincerity of the Government they deserve to be congratulated.

MR. DEPUTY SPEAKER : For the withdrawal of this Bill, Shri George Fernandes, Shri Jaswant Singh and Shri Ram Naik have raised objections. Now, the hon. Minister shall have to reply. I think, we can take it up after Lunch.

The House stands adjourned for Lunch to meet again at 3 p.m.

1405 hrs.

The Lok Sabha then adjourned for Lunch till fifteen of the Clock.
15.04 Hrs.

(*English*)

The Lok Sabha reassemble after Lunch at four minutes past fifteen of the clock....

[**Mr. Speaker in the Chair**]

Human Rights Commission Bill—
Contd.

[*Translation*]

SHRI GEORGE FERNANDES (MUZAFFARPUR) : Mr. Speaker, Sir, the Human Rights Commission Bill was presented here on the 14th of May last. We had raised some objections on the motion moved hereby the hon. Home Minister for withdrawal of this Bill. I have said whatever I wanted to say.

(*English*)

MR. SPEAKER : The gist of your arguments has been conveyed to me.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : Mr. Speaker, Sir, at the outset, I feel sorry that when the debate was going on, I could not be in the House because of very important responsibility which I had to discharge and that is why, at a time when these different issues were raised by hon. Members, I could not be present in the House.

This Bill of 1993 was introduced in May, 1993; the Bill was referred to the Standing Committee and the Standing Committee has also submitted its report to the House. I do not think that the point raised by Mr. Naik will become relevant

because he has referred to Rule 71(2) but hon. Member, Shri George Fernandes has referred to the Bill being withdrawn when the Standing Committee is considering the Bill and that it does not fulfil the three conditions which have been laid down under Rule 110(3). I would like to read it for the information of the hon. Members. Rule 110 clearly states :

“The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that :—

- (a) the legislative proposal contained in the Bill is to be dropped; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein; or
- (c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions; and if such leave is granted no further motion shall be made with reference to the Bill :”

Shri George Fernandes referred to the proviso which reads :

“Provided that where a Bill is under consideration by a Select Committee of the House or a Joint Committee of the Houses, as the case may be, notice of any motion for the withdrawal of the Bill shall automatically stand

referred to the Committee and after the Committee has expressed its opinion in a report to the House, the motion shall be set down in the list of business.”

Sir, the Standing Committee considered the Bill and thereafter, submitted its report to the House and so, by no stretch of imagination it can be considered that the Bill was under the consideration of the Standing Committee and during that course, the Government has issued the ordinance. Now, we are seeking the withdrawal of the Bill. So, all the three conditions which have been prescribed have been fulfilled. If we go through the ordinance, I am sure we will find that there is a substantial difference between the Bill, as it was introduced in May 1993, and the Bill in the shape of an ordinance which is proposed to be converted into a Bill. So, all the three conditions which have been prescribed under Rule 110 have been fulfilled.

Another issue which was raised was whether the notice of the same has been given to the House. So far as the explanatory memorandum as to why we thought it necessary that the ordinance should be issued is concerned, it was given to the House exactly on the opening day. So, that condition is also fulfilled. I am sure that the hon. Member will be able to appreciate the fact that if there are compelling circumstances due to which Government thinks it necessary that the ordinance needs to be issued, I do not think that there

is anything in the Constitution which bars the Government from issuing such an ordinance. And I am sure the hon. Members will be able to appreciate that there were large number of allegations made against the Government of India.

Specially, the human rights people have been actively carrying out dis-information campaign throughout the world and particularly in the United Nations. It was all the more necessary to take this step. The Committee had some kind of interaction with the Home Ministry and we also wanted to see that we took action as early as possible. Otherwise, there is no point in introducing a Bill after everything is criticised by all those who have, in fact, been very much interested in seeing that we are denigrated and some kind of campaign is carried on against our Government. So, substantially, I tried my best to explain to the hon. Members as to why it was necessary to have the ordinance issued.

A point is made that in the statement, a reference has been made to the Standing Committee. I have gone through the statement. A number of issues have been raised in the statement. Actually, officers of the Ministry were called by the Standing Committee. They gave their evidence. The officers did know as to what exactly was the point on which the Committee was considering as to what changes should be brought about. So, it was being referred to, in that context. I quite understand that before the committee submitted

its report, normally, we should not refer to anything, even if it were in the shape of evidence before the Committee. This point has been well taken. I am sure, actually the system of Standing Committees has been introduced with a view to see that there is proper appreciation of all the contents of the Bill and if there is any lacuna, the hon. members who are the Members of the Standing Committee would try to discuss with the officers concerned and thereafter recommend as to what needs to be done and then the recommendations of the Standing Committee are submitted to the House. All these things having been done, I request the hon. Members to cooperate with the Government. I can well appreciate the fact that they have been very vigilant with regard to Rule 110 and all the other conditions under which the Ministry in charge can be allowed to withdraw a Bill. But at the same time, the hon. Members will also appreciate the reasons as to why the Government thought it necessary that the ordinance was to be issued.

Casually, I can also mention that before the ordinance was issued, I had taken special care to discuss this matter with some of the prominent Members of the Opposition and on their giving me the consent we proceeded further. They have expressed a view that this seems to be a matter on which they, in fact, agree with me and that it is absolutely necessary that an ordinance

of this nature should be issued and that they, in principle, do not have any objection. So, these are the facts which I thought I should place before the House. And I request the House to allow the Government to withdraw the Bill.

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I have to make a request to you. As this report was presented in the other House, it was laid on the table of this House. It was moved in haste. This report was signed on 25th of November and it is said in the report itself.

[*English*]

“The Committee considered and adopted the draft report at its meeting held on the 25th of November, 1993.”

[*Translation*]

Further, the first sentence of the last paragraph is :

[*English*]

“At its sitting held on 4th Oct., 1993, the Committee took note of the promulgation of an ordinance by the President on 28th September, 1993 to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in the State and Human Rights Courts.

[*Translation*]

and the last line is :

[*English*]

“The Committee discussed at length the position arising out of the promulgation of the ordinance during the pendency of the Bill with the Committee and decided that it should go ahead with the presentation of its report to Parliament despite the promulgation of the ordinance.”

[*Translation*]

I am not ready to believe that the situation has become so worse that our country was losing its dignity in the world without bringing an ordinance. I do not think this argument has any relevance. But this has become an issue of dispute. The question before us is what is the dignity of a committee? If the Government bills related to several Ministries are referred to this committee tomorrow and if anyone gives evidence before it and the Government issues a statement in the House on the basis of that evidence and say that this is the suggestion of the committee, whereas the suggestion of the committee is accepted as final when its report is singled out so, how the Government can describe it as the suggestion of the committee before that. How it came to know about the decision of the committee on 28th of September, when the committee was still discussing the issue. The Members can ask several things from the officers. The statement given here by the hon. Minister is a very dangerous one. While giving evidence before the committee, if the

officer is reprimanded, the entire issue of the Bill ends there, and if he is praised, a new Bill will be brought before the House and this Bill, should be thrown at away in a dust-bin as a waste paper.

Mr. Speaker Sir, I request you to put the record straight so that in future, nobody should think of giving such a shabby treatment to the Committee constituted by the House, I think it is very important. Therefore you should not allow the Government to withdraw this Bill today so that in future, the Government dare not think about taking the House or any of its committee for a ride in such manner.

[English]

Mr. SPEAKER : First of all, I would say that I appreciate the pains taken and interest shown by the hon. Member in being correct in the House. It has to be appreciated. Secondly, in all fairness to the Government, it must be said that before the ordinance was issued, I was also consulted. I was not in the country. I was away in Australia. The hon. Minister spoke to me and asked for my advice on this. I told him to consult other members of the Opposition Party and if all of them agreed and if it was in the national interest there should be no difficulty in doing it. This I had said and the hon. Home Minister said that he did consult other Members. So, they had taken precaution on this matter, because of the particular situation in which the Government, the nation or this Bill was finding itself. This has been

done and this should be appreciated by all of us. I must confess that I had said that if it was necessary, there should be no difficulty in doing it.

Secondly, what you have said is very correct. What should be the position of the Standing Committee in such matters? We shall have to distinguish the nature of the Standing Committees, Select Committee and Joint Committees. This matter was discussed when we were drafting the rules for the Standing Committees. One of the questions asked was whether we should continue to have the Select Committees and the Joint Committees or not. I had specifically said at that time that the function which is to be performed by the Standing Committees is little different from the functions which we would expect the Select Committees or the Joint Committees to perform. Generally, Bills will be referred to the Standing Committees, but in certain cases, if the House desires, these matters will be referred to the Joint Committees or Select Committees, which will have a different kind of mandate given by the House. So, the rules relating to the working of Joint Committees or Select Committees were not removed but they were retained. We introduced the rules relating to the Standing Committee.

What you have said with respect to to the Select Committees or Joint Committees, which is given in Rule 110, I think it is correct but we shall have to take into account that the

nature of the Standing Committee is little different. All the same, I will not like to give any final pronouncement on this point. I will certainly apply my mind to this point. We will decide what position should be taken with respect to the system of Standing Committee, Joint Committee or the Select Committee in consultation with others.

I do think that having discussed this much, it should not be necessary for us to put this matter to the vote of the House. If every body, including the Leaders, were consulted and if it were necessary to do it in particular circumstances, it could be done. Though it was not a very big matter yet we wanted to create a condition and a conducive atmosphere for the country. I think that is why, the provision for ordinance is there in the Constitution and that provision of Ordinance was used. In my opinion that was very carefully used because, the hon. Home Minister was very careful in telephoning to me when I was in Australia and asking me as to what should be done. All the precautions were taken. I had requested him to consult other Leaders, they were also consulted. In these circumstances, may I request you not to press for the vote but if you press for the vote, I have to put it to the vote of the House.

[*Translation*]

SHRI GEORGE FERNANDES:

Mr. Speaker Sir, we hope you would issue certain directions so that it may not recur.

2560 LSS/94—35.

[*English*]

MR. SPEAKER: You always cooperate. You do your duty and cooperate. There is a point in that I am not just pressing it.

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker Sir, we hope you would issue certain directions so that it may not recur.

[*English*]

MR. SPEAKER: I will do that.

The question is :

“That leave be granted to withdraw a Bill to provide for the constitution of a National Human Rights Commission and State Human Rights Commission in any State and for matters connected therewith or incidental thereto.”

The motion was adopted.

SHRI S.B. CHAVAN: I withdraw the Bill.

MR. SPEAKER: Exactly at 3.30 p.m., we will take up discussion on Dunkel proposal. Now, we will take up matters under Rule 377.

MATTERS UNDER RULE 377

1 5.23 hrs.

(i) Need to set up an LPG outlet at Amadalavalsa, Andhra Pradesh.

DR. VISWANATHAN KANITHI (Srikakulam): The L.P.G. (Liquified Petroleum Gas) is one of the affordable household cooking fuel)