

12-37½ hrs.

COMMITTEE OF PRIVILEGES SECOND REPORT

SHRI SAMAR GUHA (Contai): I beg to present the Second Report of the Committee of Privileges.

12.38 hrs.

ELECTION TO COMMITTEE

NATIONAL SHIPPING BOARD

THE MINISTER OF STATE IN-CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): I beg to move:

"That in pursuance of sub-section (2)(a) of Section 4 of the Merchant Shipping Act, 1958, the members of this House do proceed to elect, in such manner as the Speaker may direct four members from among themselves, to serve as members of the National Shipping Board, subject to the other provisions of the said Act."

MR. SPEAKER: The question is:

"That in pursuance of sub-section (2)(a) of Section 4 of the Merchant Shipping Act, 1958, the members of this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves, to serve as members of the National Shipping Board subject to the other provisions of the said Act."

The motion was adopted.

12.39 hrs.

RE. ADMISSIBILITY OF QUESTIONS

SHRI MOHD. SHAFI QURESHI (Anantnag): You have, in your discretion, allowed certain points to be raised under rule 377. It is a very disturbing information which has

been given to my by the Parliament Secretariat that you have issued instructions to the effect that any question seeking information with regard to minorities, their service conditions in the Central Government Departments should not be allowed. This is very disturbing and this has come to my knowledge for the first time. I have been in this House for the last 11 years. Never before has this thing happened that even information about the service conditions of the minorities should not be given. I had tabled an Unstarred Q. No. 608 seeking information about the total staff of the Income Tax Department in the State of Jammu and Kashmir. I had asked: how many are locals and how many are Muslims? The Secretariat says that it has been directed that it is not found possible to admit my question as above. Rule 41 clearly lays down how a question can be admitted: it is about admissibility of questions. Nowhere do I find that any Member of this House cannot ask a question pertaining to the service conditions of minorities in the country. I can understand, in your secular decision, you cannot give information about murder of Muslims, murder of Scheduled Castes or Scheduled Tribes. But this information is very vital for us because I come from a State which, unfortunately, according to you, has a Muslim majority. I am sorry to make out this point. I have raised this point because invariably I have seen that, whenever I gave any question in regard to demolition of mosque, you did not allow me to raise the question.....

MR. SPEAKER: I do not think so.

SHRI MOHD. SHAFI QURESHI: There was a communal trouble and some persons were killed. I have given another notice under rule 377 about a Muslim Sanskrit scholar dying in the Boat Club because he is on a hunger strike. You have not allowed that. This has confirmed my belief—and there is also this confirmation by your staff—that you will not allow questions with regard

[Shri Mohd. Shafi Qureshi]

minorities to be raised in this House. It is deplorable. I seek your guidance on this.

SHRI JYOTIRMOY BOSU: Diamond Harbour): I express my concern if the information that he has given is correct. (*Interruptions*).

MR. SPEAKER: Please hear me first.

SHRI MOHD. SHAFI QURESHI: What is the harm if I know this. This is a very innocuous information. If this is your direction to the secretariat, I am sorry, we cannot function in this House.

SHRI A. BALA PAJANOR: (Pondicherry): I am in full agreement with him. As far as this reply is concerned, we must have a quick answer, so that we can ventilate our grievances. If two weeks are to be taken, it will be a problem. (*Interruptions*). On minorities, you cannot allow us to put questions! We were shocked to read that reply. Under what rule has it been done?

SHRI MOHD. SHAFI QURESHI: You are going against the secular concept. I am sorry to say this.

MR. SPEAKER: You have made your submission.

SHRI MOHD. SHAFI QURESHI: I have seen your conduct for the last three months. I am sorry, it is absolutely communal.

MR. SPEAKER: Don't be irresponsible.

SHRI MOHD. SHAFI QURESHI: I am not irresponsible. I have seen the reality. (*Interruptions*).

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say that there should not be an impression that we would not like any question relating to minorities or of an injustice to them to be brought here. We want it to be brought here. I would, therefore, make a humble suggestion that you may reconsider about it. (*Interruptions*).

SHRI SAMAR GUHA (Contai): On a point of order.

SHRI MORARJI DESAI: In his excitement, he should not have used those words; it is wrong.

MR. SPEAKER: Mr. Qureshi has been persistently saying that I am partial, I am communal and, therefore, I have been ignoring him. I think, he is projecting his own mind to others. (*Interruptions*).

SHRI SAMAR GUHA: There is a certain procedure, there is a certain convention, there is a certain precedent. No aspersions should be cast on the Chair. Casting aspersions on the Chair means casting aspersions on the whole House. Therefore, Sir, I would request Mr. Qureshi to withdraw what he has said or it should be expunged.

PROF. P. G. MAVALANKAR (Gandhinagar): On a point of order.

AN HON. MEMBER: Please sit down.

PROF. P. G. MAVALANKAR: Let the Speaker call any Member. Then I will sit down. Until he calls the name of any individual Member.. (*Interruptions*).

SHRI MOHD. SHAFI QURESHI: Sir, I am very sorry for some words which I have used. I am going to withdraw them.

MR. SPEAKER: May I explain the position? Under the Constitution, certain reservations have been made for Scheduled Castes and Scheduled Tribes. Mr. Qureshi's question comprised of two parts. One was relating to the Scheduled Castes and Scheduled Tribes. I have allowed that portion. Under the Constitution there is no reservation for any particular community within the reservation. The question was about the percentage of a particular community. That question is not within either the Rules or the Constitution: there is no reservation for any particular area. He is asking 'How many Muslims are there in the Kashmir area in the Income-tax

Department'. The Income-tax Department applies to the whole of India and not to one particular area: in one particular area there may be more people of his community and in another particular area there may be less. Under the Constitution, what has been provided is reservation for Scheduled Castes and Scheduled Tribes and therefore that part of the question has been allowed. But so far as the other part is concerned, so long as there is no reservation for a particular community, the allowing of a question as to how many members of a particular Community there are will raise unnecessary communal tangles and that is why I have disallowed it. So, that exactly is the provision: if you want, you can make a rule permitting reservation of.... (*Interruptions*).

SHRI C. SUBRAMANIAM (Palani): It is not the reservation issue he is referring to but justice. It is from that point of view that some information was asked. It is not a question of reservation: even without reservation it is expected that some justice will be done to the minorities in their representation in the various services and it is with reference to that that a question was asked. There need not be reservation as such, but still the Member is entitled to know how far these minorities are represented in the various services and unless there is positive prohibition....

MR. SPEAKER: If it were for the whole Department, I would have agreed with you, Mr. Subramaniam, but the question related to the number of members in Kashmir. If the question related to the whole of India I can understand.

SHRI C. SUBRAMANIAM: If it can be asked for the whole, why not for a part of it? I would respectfully submit that the Speaker may reconsider it.

श्री विनायक प्रसाद यादव (सहरसा):
सदस्य अगर कोई जानकारी चाहें तो उसे
सपरेस कैसे कर सकते हैं।

SHRI JYOTIRMOY BOSU: It is regrettable that the Governments does not maintain figures of minorities in employment and I have said that many times. I am equally anxious that no recruitments have been made in the Army from these minorities in the Poonch area. In the public sector undertakings it is next to nothing and their representation in Government Departments is next to nothing. There is no rule also. It is regrettable that in the 30 years of Congress rule they have not made any provision for minorities—at least for giving the figures as to how many are employed. Mr. Subramaniam, you were in the Government for 30 years and this is the position today.

SHRI C. SUBRAMANIAM: Not giving figures is different from not coming out with the figures when asked. If we have done anything wrong we are prepared to admit that we have committed a mistake; but to say that you won't give the information would give rise to a suspicion that something wrong has been done.

MR. SPEAKER: My attention was drawn by the Office to the fact that in the past also such questions were not allowed. It is on that basis....

SHRI MOHD. SHAFI QURESHI: I come from Kashmir. We have defended India three times against aggression. We can never be communal....

MR. SPEAKER: I know that you have also to defend yourself here.

SHRI MOHD. SHAFI QURESHI: I am not ashamed to this. I will talk for the Muslims, and with courage. Don't think.... (*Interruptions*).

SHRI JYOTIRMOY BOSU: Please don't go by communities.

MR. SPEAKER: My attention was drawn to the fact that in the past no such questions were allowed and therefore I stuck to the precedents. If

[Mr. Speaker]

you want the question to be allowed, I have no objection but because I was told that past precedents do not permit such questions to be put....

SHRI VASANT SATHE (Agola): Sir, I want a clarification on your ruling....

SHRI G. M. BANATWALLA (Pon-nani): Mr. Speaker, the question of past precedents does not arise. You know very well there was the 42nd Amendment Bill and the position is that even the Preamble of the Constitution has been specifically amended. The State now is a secular State.... (Interruptions) If a question is asked in order to know the situation correctly, even if there was any past precedent, you ought not to have followed it in view of the particular amendment carried to the Preamble of the Constitution. When a question is asked to know whether the secular nature is there in every part of the country and every department, that must be allowed. In view of that, Sir, this question must be allowed.... (Interruptions). I would....

MR. SPEAKER: I have followed your point.

SHRI G. M. BANATWALLA: I am very grateful and thankful to you for having followed the point, but now I would request you to act upon it also by giving necessary direction here and now.... (Interruptions)***

MR. SPEAKER: Do not record.

Mr. Sathe.

SHRI VASANT SATHE: Sir, the question does not relate to reservations. It is not only a question of Muslims today, tomorrow, it may relate to Christians, Parsis and other minorities. The point is, if information it sought about a particular minority or minorities, unless there is a bar in our Constitution or rules, it

should be given, and such questions allowed. You would be right, Sir, to disallowed, if you were to say that the Constitution or the rules prevents information being given about this. If it does not prevent, then asking information and seeking information cannot be considered out of order or contrary to rules or Constitution and, therefore, it cannot be ruled out or disallowed. We cannot take recourse to any precedent on this because that does not come in the way unless there is a bar in the Constitution or rules. I would therefore, submit that if the House or the Members desire to have this information and the Government is not reluctant to give it, why should you come in the way?

MR. SPEAKER: Because of the precedent.

SHRI VASANT SATHE: I am requesting you not to take recourse to precedents when there is no bar in the rules or the Constitution. My suggestion is that you may kindly reconsider this and tell this House that you would allow these questions and have the information given. That will satisfy the House.

SHRI C. M. STEPHEN (Idukki): Sir, I rise on a point of clarification....

SHRI A BALA PAJANOR: On a point of order. Let not you be misled on this question. The relevant rules in the Rules of Procedure are quite categorical and there is no prohibition that we should not put a question on minorities. If it is a question on a trivial matter, you have the discretion to say that this question need not be answered. But to get an answer from the office stating that it touches something else and confusing it with a constitution prohibition, is something which I cannot understand; as far as my knowledge of the Constitution goes, I do not find

***Not recorded

any such thing. You take Rule 41. There we shall not put a question if it relates to past history. If I am seeking information regarding how many Muslims were employed during the time of Congress rule, you may disallow it because the question relates to past history. But if I ask of the present and ask how many Muslims are there in the Income-tax Department in Jammu and Kashmir, you cannot prohibit it simply stating that it is against the Constitution. If you are going to lay it down as a rule, a precedent and I do not think there is any precedent also, it is not correct. If they have committed some mistake in the past, it is not that we should follow it. It is there very clear in Rule 41. But if you rule it out like that, we will be put into trouble and in future we will not be able to put questions on these matters.

SHRI C. M. STEPHEN: Any question with respect to a matter on which the Government of India is answerable is permissible. I understand you as giving a ruling that a question concerning the Backward Classes is not a matter on which the Government of India need answer under the Constitution. I would only submit....

MR. SPEAKER: No such ruling has been given.

SHRI C. M. STEPHEN: That is how I understood you....

MR. SPEAKER: No, no. Not at all. I have not given any ruling whatsoever.

SHRI VASANT SATHE: He has only expressed and not ruled.

SHRI C. M. STEPHEN: What exactly is the position? That is how I understood. If that is so, questions of reservation for Backward Classes can be a Government of India matter under Article 18(4) as also Article 340. Under both these Articles there can be a reservation for Backward Classes. The State can make a

reservation for Backward Classes and under Art. 340 a report can be prepared and presented in the House. To that extent, reservation for Backward Classes is a matter on which the Government of India can be answerable and a question with respect to it can be put and they have to answer it?

PROF. P. G. MAVALANKAR: We have heard a number of points of view, and in response to a number of points of view expressed here, the hon. Prime Minister has gone on record a little while ago that the Government will have no difficulty whatsoever in providing such information as is available with them on these matters. Therefore, I see your point that past precedents are so far keeping you away from allowing these questions, specifically with regard to reservation. My point is....

AN HON. MEMBER: A lame excuse.

PROF. P. G. MAVALANKAR: and my submission is: would it not be possible for you to reconsider the matter in the context of experience gained so far and so broad-base the Speaker's directive and the Lok Sabha Secretariat rules in the matter that instead of your saying 'No' at this stage, let the question be passed on to the government and wherever the government have information, they pass on that information to the House, and where they have no information, they will say that they have no information....

SHRI O. V. ALAGESAN rose—

MR. SPEAKER: I am on my legs. Mr. Tyagi you also please sit down.

I have now understood all the points. Various representations have been made. Very important representations have been made. Until the views of the House are expressed, I must go by the precedent. Now that the views have been expressed. I will reconsider the matter because

[Mr. Speaker]

views have been expressed in the matter. Attribution of any motive is wholly improper because I have been guided by the precedents. The precedents have been brought to my notice and the precedents have been created at a time when my friend here was a member of the Council of Ministers... (Interruptions) During the time when he was a Member of the Council of Ministers this precedent was laid down saying that such questions should not be allowed. That is the precedent. I am guided by the precedents and normally they are binding.

SHRI C. M. STEPHEN: Precedents are laid down by the Speaker and not by the Council of Ministers.

MR. SPEAKER: That is why I said 'at that time'. Now that you have expressed your opinions, I, for one, have absolutely no objection. For that matter, for your information, I may tell you that I myself belong to a backward class. Therefore do not be under that impression. Mr. Qureshi thinks he is having the monopoly of belonging to backward class; he is not; I am not going to allow him that monopoly. I also belong to the backward class.

13 hrs.

SHRI SOMNATH CHATTERJEE (Jadavpur): You are good enough to observe that you will re-consider it. I will just take only one minute. You said that if the question was put with regard to the minorities of the entire service you will allow it, but if the question is with regard to a part of the country, then you would not allow it. It is a very sensitive subject and I would request you to reconsider it and you should not be bound by precedents.

श्री हुकम चन्द कछवाय (उज्जैन) : अध्यक्ष जी, 1 बज गया खाने की छुट्टी कीजिये ।

13.02 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after lunch at five Minutes past fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MATTERS UNDER RULE 377

(i) IMPENDING CLOSURE OF PATNA-CHUNAR COMMERCIAL STEAMER SERVICE.

डा० रामजी सिंह (भागलपुर) : उपाध्यक्ष महोदय, मैं नियम 377 के अन्तर्गत एक विशेष लोक महत्व के प्रश्न पर आप का ध्यान आकर्षित करना चाहता हूँ कि पटना चुनार व्यापारिक स्टीमर सेवा के बंद हो जाने की आशंका है और उस से वहाँ मजदूर तो बेकार होंगे ही, साथ साथ जो जनता को उस से लाभ हो रहा है उस से भी जनता वंचित हो जायगी। भगवती कमेटी की रिपोर्ट में चुनार से लेकर पटना तक जो व्यापारिक स्टीमर सेवा है उस का सर्वेक्षण किया गया है और बताया गया है कि इस से कितना लाभ है। पटना से बलिया तक रेलवे से 379 किलोमीटर है, सड़क से 407 और पानी से केवल 130 है। उसी तरह से पटना से छपरा के बीच में रेल से 314 किलोमीटर, सड़क से 268 लेकिन जल से केवल 80 किलोमीटर है। भामलपुर से काढ़ागोला तक रेलवे से जाय तो 130 किलोमीटर, सड़क से जाय तो 265 किलोमीटर और जल से जाय तो केवल 70 किलोमीटर है।

तो हम सरकार से यह आग्रह करना चाहेंगे कि इस इनलैंड वाटर ट्रांसपोर्ट को बंद नहीं किया जाना चाहिए। भगवती कमेटी की रिपोर्ट जो 1970 में दी गई थी उस में जो कुछ संस्तुतियाँ की गई थीं उन की ओर से भी सरकार ने अपना ध्यान मोड़ लिया है और इस के कारण सरकार ने यह भी ध्यान नहीं दिया है कि व्यापारिक संघों ने क्या सुझाव दिया है। बिहार चैम्बर आफ कामर्स ने भी सरकार से निवेदन किया है कि यह