

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

[Shri Charan Singh].

allowed to lapse in May 1976 as during the Emergency similar powers were available to the State Government under the Maintenance of Internal Security Act and the Defence and Internal Security of India Rules. The Defence and Internal Security of India Act expired on 27th September, 1977—6 months after the revocation of emergency. The Maintenance of Internal Security Act was applicable to Jammu and Kashmir under Article 250 of the Constitution and, therefore, this law also ceased to be operative in Jammu and Kashmir with effect from the same date. The purpose of the new Ordinance appears to be to fill the gap created by the lapsing of the aforesaid laws in respect of that State and the Ordinance is fully within their legislative competence.

3. Generally speaking this Ordinance confers similar powers to the Government as were enjoyed by them under their special laws which have now lapsed. In certain cases the penalties have been reduced. However, in the case of curbs on the freedom of press, the new law appears to be more stringent in so much as section 10 of the Ordinance which gives powers to prescribe publications containing prejudicial reports does not provide for any judicial review unlike the provisions of the Jammu and Kashmir Security Rules. Further, section 11 of the Ordinance gives wide powers to the Government to restrict the circulation within the State or prohibit or restrict the import into the State of any newspaper, periodical or publication for the purposes of preventing activities prejudicial to the maintenance of communal and regional harmony affecting or likely to affect public order.

4. While we are conscious of the special needs of Jammu and Kashmir, we cannot ignore the gross abuse to which such powers have been put in

the country during the Emergency which is still fresh in our minds. Hence, some of the provisions of the Ordinance, particularly, those relating to the curbs on the freedom of the press and those empowering detention of certain category of persons for a period of 2 years without disclosure of grounds and without reference to Advisory Boards would deserve re-consideration.

5. We have, therefore, drawn the attention of the Jammu and Kashmir Government to these unhappy features of the Ordinance and have requested them to review the provisions of the provisions of the Ordinance so that the restrictions placed on individual liberty and freedom are reduced to the minimum consistent with considerations of security.

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

SHRI CHITTA BASU: I want to know...

MR. SPEAKER: In view of the statement of the Minister that he is going to withdraw it...

SHRI CHITTA BASU: Is he going to withdraw the circular?

MR. SPEAKER: Yes, he is going to withdraw the circular. We adjourn now to meet again at 2 O'clock.

13.02 hrs.

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

The Lok Sabha re-assembled after lunch at Fourteen of the clock.

[MR. DEPUTY SPEAKER in the Chair]