

जैसे लगते हैं, तो इसे दशा में जैसे लगते बाँधों को यहाँ नहीं आने देना, क्या वे इस देश के नागरिक नहीं हैं ? क्या उनको इस तरह में ह्यूमिलिएट करना, इस तरह से कहना कि आप ऐसे लगते हैं, आप उस रेली में जाने को कांशिश कर रहे हैं, बह कोई न्याय है ? वे कोई ऐसा गलत काम नहीं कर रहे थे, कोई कानून के विरोध में नहीं कर रहे थे, कानून को बहा की सरकार ने भंग किया तो उसको बहा दिल्ली की सरकार से चाहिए था कि वह कहते कि ऐसा करना गलत है।

इसलिए मैं आपका माध्यम से और सारी सभा के माध्यम से यह कहना चाहता हूँ कि ऐसा जहाँ भी हो उसकी निंदा करनी चाहिए और लोगों को अपनी बात कहने का खुले आम अधिकार होना चाहिए। पंजाब में अब यह माना जाना है कि बहुत देर के बाद नार्मैलसी आई है, तो इस नार्मैलसी को हम तरह न दबा कर रखना कि अपनी आवाज को भी कोई उठा न सके, लोगों के सामने रख न सके, यह इतने सानो से जो दबी हुई आवाज है उसको और दबाकर रखना यह ठीक नहीं है, न्याय नहीं है, कानूनी नहीं है, वैधानिक नहीं है। इसकी मैं निंदा करता हूँ और मैं गमझता हूँ कि इसकी हमें और मारे देश को निंदा करनी चाहिए और सरकार को यह कहना चाहता हूँ कि मागे में ऐसा नहीं होना चाहिए। धन्यवाद।

श्री कृष्णलाल शर्मा : (हिमाचल प्रदेश) महोदय, जो बात उठाई गई है मैं इसमें इतना ही जोड़ना चाहता हूँ कि जिस तरीके से अकाली दल के लोगों को यहाँ आने से रोका गया उसके दो कारण हो सकते हैं। एक तो पंजाब के जो मुख्यमंत्री हैं या पंजाब की सरकार है वह इस बात से डरती है कि उनका कच्चा बिट्टा कहीं बिकली तक न पहुँच जाए ? ता यह भी ठीक नहीं। दूसरा अगर अकाली दल ने जहाँ माने से पहले कोई संविधान के विरोध में या कोई हिंसा की वारदात या ऐसी कोई गतिविधि की हो तो उनके खिलाफ कार्यवाही करना उचित था। अगर वह शांतिपूर्वक अपनी मांगों को लेकर दिल्ली आना चाहते हैं तो उनको रोकना सर्वथा

अनुचित है। अगर ऐसा रोकेंगे तो पंजाब का इतिहास दोहराया जाएगा। सर्व-साधारण और शांतिपूर्ण गतिविधि को रोका गया तो लोग दोबारा आतंकवाद की तरफ जायेंगे। यह उचित नहीं होगा। मुझे लगता है कि पंजाब सरकार ने अकाली दल के शांतिपूर्ण मार्च को रोक कर गलत किया है और यहाँ के गृह मंत्री को, यहाँ की सरकार को इसके बारे में पंजाब की सरकार को चेतावनी देनी चाहिए और यहाँ की सरकार को चाहिए कि अकाली दल के नेताओं को स्वयं बुला कर होम मिनिस्टर बुलाये और उनको वहाँ कि जो कुछ आपको कहना है उसे खुले आम आकर कह हम आपकी बात, जो आप शांतिपूर्वक कहना चाहते हैं, सुनने के लिए तैयार हैं शांतिपूर्ण किसी भी दल की गतिविधि को रोकना, यह सर्वथा अर्गुमन्त है, लोकतंत्र के खिलाफ है और यह नहीं होना चाहिए। धन्यवाद।

श्री चतुरानन मिश्र (बिहार) : उपसभाध्यक्ष महोदय, माननीय सदस्य ने एक बहुत महत्वपूर्ण मवाल उठाया है, क्योंकि गणतंत्र में हम सब को सब कुछ कहने का और सुनने का अधिकार है, लेकिन अगर वे यहाँ आना चाहते हैं और उसको हम रोक देते हैं तो फिर वे लोग क्या करेंगे ? दूसरा रास्ता क्या बचेगा ? तब तो यह संविधान के विपरीत भी है और गणतंत्र के स्यात्मे का एक प्रयास भी है। इसलिए मैं उसकी सख्त निंदा करता हूँ। हम लोग तो कौंसिल आफ स्टेट्स के हैं, इसलिए हम लोगों को और भी ज्यादा अधिकार है कि इस धान पर सरकार का ध्यान आकर्षित करें कि वह इसमें हस्तक्षेप करे, उन लोगों को बुलाए, मुख्य मंत्री को या दूसरे राज्यों के मुख्य मंत्रियों को भी और ज्यादा से ज्यादा अधिकार हम उनको दें। सिर्फ यही कहें कि कोई हिंसा में न जाए, इसकी गारंटी होनी चाहिए। जहाँ तक संभव हो उनका हम लोग इस पर करें, यही मैं कहना चाहता हूँ।

THE COTTON TRANSPORT REPEAL BILL, 1994

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI G. VENKAT SWAMY): Mr. Vice-Chairman, Sir, I beg to move for leave to

introduce a Bill to repeal the Cotton Transport Act, 1923.

The question was put and the motion was adopted.

SHRI G. VENKAT SWAMY: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, I want to take the sense of the House. Should we take up the Special Mentions first or take up the other Bill?

SHRI CHATURANAN MISHRA (Bihar): Special Mentions should be taken up first. Otherwise, what is the meaning of Special Mentions. It cannot be taken up in the night.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): श्रीमान् मैं समझता हूँ कि स्पेशल मेंशन करा दें और 5 बजे हाउस एडजार्न कर दें क्योंकि अभी एक्सटेंशन का निर्णय हमने नहीं लिया है।

श्री संघ प्रिय गौतम (उत्तर प्रदेश): सर, कितने स्पेशल मेंशन हैं?

उपसभाध्यक्ष (श्री सुरेश पचौरी): सात हैं।

श्री संघ प्रिय गौतम: कल के और आज के मिलाकर?

उपसभाध्यक्ष (श्री सुरेश पचौरी): आज के ही है।

SHRI VIREN J. SHAH (Maharashtra): Mr. Vice-Chairman, Sir, what about the Cable Television Networks (Regulation) Bill? This has been on the agenda since yesterday. Mr. Ram Jethmalani is also here. I would like to know as to what is the position in regard to this Bill. Are we going to take it up today or tomorrow?

SHRI CHATURANAN MISHRA: It can be taken up tomorrow.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): It is up to you.

After the Special Mentions, we can take up the Statutory Resolution and the Bill.

SHRI VIREN J. SHAH: I am asking because Mr. Mathur has just now said that we have to adjourn at 5 p.m.

SHRI CHATURANAN MISHRA: Let 50' clock come and then we will decide.

श्री जगदीश प्रसाद माथुर: अगर 5 बजे के बाद हाउस चलाना है तो नार्मल बिजनेस चलना चाहिए। 5 बजे तक बिजनेस जैसा है, वैसा ले लीजिए। वाइस चेयरमैन साहब, अगर 5 बजे तक हाउस चलाना है तो बिल अभी ले लीजिए क्योंकि नियम यह है कि जितने स्पेशल मेंशंस हैं, वह बाद में लिए जाते हैं। इसलिए मेरा निवेदन यह है कि अगर 5 बजे के बाद भी हाउस चलाना है तो पहले बिजनेस ले लीजिए, उसके बाद स्पेशल मेंशंस ले लीजिए।

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): The point is, the normal time is up to 5 p.m. If we want to discuss this Cable Television Networks (Regulation) Bill, 1993, we can extend the time.

SHRI VIREN J. SHAH: Or discuss it tomorrow?

SHRI CHATURANAN MISHRA: When it becomes 5 O' clock, we can decide. I do not know why we should be talking about it now. Let us take up the Special Mentions now.

SHRI VIREN J. SHAH: Where is the hon. Minister? Let us take up the Bill just now. (Interruptions) Mr. Vice-Chairman, as per the Business listed on the agenda, you had allowed the Minister to introduce the Cotton Transport Repeal Bill. It follows, therefore, that we should take up the Statutory Resolution and the Bill.

SHRI RAM JETHMALANI (Maharashtra): Mr. Vice-Chairman, we should proceed with the Bill. It was listed for yesterday and then was

postponed to today. Now, if it is going to be taken up on the third day, it would be very inconvenient for us.

SHRI VAYALAR RAVI (Kerala): Sir, I just want to make a submission. These Special Mentions have been approved by the hon. Chairman. The Bill has to be approved by the Members. At the same time, I would submit that if the Members co-operate with the Chair, we can start with a Government Business, at least, today. During the last two days, we have not been able to do anything. Tomorrow is Friday and we would be having only Private Members' Business. Therefore, we should take up some Government Business, at least, today. We can take the Members opinion at 5 O' clock. We can take up the Special Mentions and also take up the Bill.

SHRI VIREN J. SHAH: Sir, the Minister has come. We can start with the Bill and then we can go for Special Mentions.

SHRI CHATURANAN MISHRA: Then 'Special Mentions' would lose its meaning.

SHRI VIRENDRA KATARIA (Punjab): Sir, there are some very important Special Mentions.

SHRI CHATURANAN MISHRA: Special Mentions have their own significance.

SHRI VIRENDRA KATARIA: The Special Mentions should be taken up first. The Bill can be taken up later on.

SHRI VIREN J. SHAH: Sir, this Bill has been pending for the last two days. Let us get on with the Bill.

SHRI CHATURANAN MISHRA: A Bill has to be legislated. There is no question of not doing it, but we can do it after the Special Mentions.

श्री ईश दत्त यादव (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, स्पेशल मेंशन आया कि बिल आया, यह तो सदन

निर्णय करेगा। उस बारे में अभी लोगों के विचार आ रहे हैं, लेकिन मेरा एक व्यवस्था का प्रश्न है और आपत्ति भी है। यह विवाद तो उत्पन्न होता ही नहीं और जो क्रम है उसी क्रम से कार्यवाही इस सदन की चलती। इस सदन में जो माननीय नेता सदन हैं, माननीय उप-नेता सदन हैं, चोफ-व्हिप कांग्रेस के हैं, कोई भी जिम्मेदार आदमी यहां पर सदन में मौजूद नहीं है। इसलिए इस तरह का विवाद स्वाभाविक रूप से आपके समक्ष और सदन के समक्ष आना स्वाभाविक ही है।... (व्यवधान)... इसी कारण इस पर निर्णय नहीं हो पा रहा है।

मान्यवर, मैं अपनी बात समाप्त करते हुए केवल आपसे यही निवेदन करता हूँ कि अगर नेता सदन या उपनेता या चीफ-व्हिप कोई सदन में रहते तो वह आपसे और नेता विरोधी दल से परामर्श करते, दूसरे माननीय नेताओं से परामर्श करते, एक निर्णय हो जाता और तब विवाद में इस तरह का सदन का समय व्यर्थ में जाया न होता। मेरा इतना ही अनुरोध था।

SHRI VAYALAR RAVI: I spoke for the party, Sir.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): So we shall take up the Statutory Resolution first. The Cable Television Networks (Regulation) Bill, 1993 and the Statutory Resolution may be discussed together. Shri Viren J. Shah.

SHRI VIREN J. SHAH: Sir, yesterday the Minister was to make a statement explaining the circumstances necessitating the promulgation of this Ordinance, and thereafter it was to start. But that has been culminated. So I take it as presented.

SHRI SATISH AGARWAL (Rajasthan): Mr. Vice-Chairman, Sir, with your permission I would like to draw your kind attention to the statement of the hon. Minister explaining the circumstances necessitating promulgation of the Cable Television Networks (Regulation) Ordinance, 1994. This Ordinance was promulgated on 29th September and this particular provision

became a law for all practical purposes with effect from 29th September. Now there are certain provisions under which the application for licence has to be presented according to the prescribed rules. I wanted to have a copy of the rules. I made a special request to the hon. Minister yesterday evening before we left the Chamber, and he promised me to make a copy available to me. The law cannot be implemented without the rules.

Now, more than 2 1/2 months have passed. Some applications must have come, registration should have taken place and licences should have been issued. So, what about that particular position? That is No. 1 Number two: He has mentioned in this statement, "For the above mentioned reasons it was considered necessary to regulate the operation of cable television networks in the country and for this a legislation, namely, Cable Television Networks (Regulation) Bill, 1993 was introduced in the Rajya Sabha." That was last year. I have been given to understand that this Bill of 1993 which was introduced in the Rajya Sabha was referred to a Department-related Standing Committee of Parliament. Now, where is that report? He has not mentioned anything with regard to that Bill which was introduced and which was referred to a Department-related Standing Committee of Parliament. What has happened to that particular report of that Committee? He has not mentioned a word about it in this explanation absolutely. Why have you suppressed that particular fact?

SHRI RAM JETHMALANI: Can I have a minute to explain the position, Sir?

SHRI VIREN J. SHAH: Before that, and I supposed to speak on the Resolution or are we supposed to speak in a vacuum? I have to move the Resolution and then only I have to start the discussion. Or are we speaking without anything? There is no matter before the House right now.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Shah, you have to move the Statutory Resolution

first and after that you will have to speak.

SHRI VIREN J. SHAH: Before I move the Resolution there are already submissions being made.

SHRI RAM JETHMALANI: Sir, it is not a question of submissions. We are making a preliminary expression of our difficulties, that this debate becomes meaningless. Sir, the most controversial provisions in the Bill are clause 5 and clause 6. Clause 5 talks of a prescribed code. Now, unless we have this code...

SHRI VAYALAR RAVI: Merits cannot be debated now.

SHRI RAM JETHMALANI: Unless you have some idea, how can you speak? The code is already in operation from the date of the Ordinance. You give us the code at least so that we can intelligently comment upon it. That is the most obnoxious provision in the whole Bill.

SHRI SATISH AGARWAL: The report of the Parliamentary Committee has been suppressed. There is no mention in the statement even. This is a serious lapse on the part of the Government. (Interruptions)... If you want to pass it, you pass it. That's all. There are some basic objections to the consideration of the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K. P. SINGH DEO): Mr. Vice-Chairman, Sir, as far as the Code is concerned, it is a Code passed by Parliament way back in 1978. It is the AIR and Doordarshan Code which was passed in Parliament. That is the Code which we are following, and that is the Code which has been prescribed.

As far as the rules about which Mr. Agarwal was mentioning, these are framed by the Post Masters. Already the prescribed form is there. Everything is done by the Post Masters in every State. Instructions have been issued. They have been reiterated. Every week they are being monitored by the Department of Posts. So, as far as the rules are concerned, these have been

framed by various post offices. The forms are available.

The Standing Committee Report, about which he was mentioning, has been placed in the Houses of Parliament in 1983 itself. So, nothing has been suppressed. There is no intention of suppressing anything. These documents have been laid on the Table of Parliament. These are available in Parliament. Therefore, the question of their not being supplied with the Ordinance does not arise.

SHRI SATISH AGARWAL: Kindly see this. Under section 22, the power to make rules has been conferred on the Central Government. This has not been conferred on the Chief Post Masters. Kindly see section 22.

SHRI JAGDISH PRASAD MATHUR: Even in the Bill

SHRI K. P. SINGH DEO: Sir, the licensing authority is...

SHRI SATISH AGARWAL: I am talking of the rules. You are referring to the rules.

SHRI K. P. SINGH DEO: The Post Masters are the designated officers.

SHRI SATISH AGARWAL: They are for issuing licences, not for making the rules. He is saying that they are for making the rules and that they have made certain rules. The Central Government has to make the rules. Where are those rules?

SHRI RAM JETHMALANI: Under section 22, all rules are to be framed by the Government.

श्री जगदीश प्रसाद माथुर : और अगर आपका कहना सही है तो आपने डेलीगेट पावर्स कहाँ की है ? इस एक्ट में कहीं आपने डेलीगेट की हैं पावर्स कि पोस्ट आफिस बनायेंगे ? is it illegal. अगर कहीं पर आपने कहा होता तो इस आल राईट ।

SHRI VIREN J. SHAH: I would draw the attention of the Minister to page 7 of the Ordinance which says that every rule made under this Ordinance shall be laid as soon as may be after it is made, before each House of

Parliament while it is in session for a total period of 30 days which may comprise in one session or two or more successive sessions. The hon. Minister says that the rules have been made by the Post Masters of different regions. If so, there may be different rules, and then they do not conform specifically (Interruptions)

May I finish?

If they are made by an Ordinance signed by the President of India as the matter was considered to be of such public importance and urgency, it shall be laid as soon as may be after it is made. Either the rules are made or they are not made. The Minister has said that they are made, not by the Government but, according to him, by the Post Masters of different regions.

Before I speak on this, I want to ask of the hon. Minister whether the rules have been made as per this Ordinance and, if so, whether they have been laid mandatorily as mentioned here, before both the Houses of Parliament.

SHRI VAYALAR RAVI: Sir, the question of procedure also arises. The Ordinance was issued in September. As my friend, Mr. Viren Shah, has already mentioned, every rule made in the Ordinance shall be laid as soon as may be after it has been made, before the Houses of Parliament. Today Parliament is meeting for the first time after the Ordinance has been issued, number one. Number two, instead of keeping this as a live subject, the Minister was good enough to come forward to this House with the law itself. When the Bill is being introduced in this House replacing the Ordinance and the Bill is about to be debated, the question of placing the rules on the Table is not relevant because.. (Interruptions) Just a minute. Let me argue my case.

SHRI VIREN J. SHAH: It brings it into effect from the 29th of September, 1994, the date on which

the Ordinance was promulgated. So, it is not with prospective effect: It is with retrospective effect.

SHRI VAYALAR RAVI: My hon. friend must agree that this Ordinance is going to be replaced within 24 hours as soon as it is passed after going to the Lok Sabha and after whatever processes it has to go through. So, once the Parliament is in session, instead of the Government waiting for the Bill and passing something else, the Government has come forward with the Bill itself to replace the Ordinance. Therefore, without the Bill, that is being introduced having been passed, how can the Government come with the rules? (*Interruptions*). When the Bill is introduced here, the Minister in his wisdom may agree to accept some amendments. Naturally the Minister may accept amendments moved in the Lok Sabha and the Rajya Sabha. So, once the Bill is introduced, it is not complete, provided it is passed by both the Houses and comes through. Once the Bill is introduced and the process of law is completed, is it in order that he places some rules based on the Ordinance? This is a very specific question. I believe, it is out of order to come with the rules.

SHRI VIREN J. SHAH: With great respect I would like to submit to the hon. House that once the Ordinance is passed, from that day it becomes a law. My friend has mentioned that after the Bill is passed by both the Houses, the rules may be framed. I think there is considerable infirmity with great respect to that argument, because when the Ordinance was issued on 29th September, on that day it had come into effect and everything that is written there, which becomes mandatory, comes into effect immediately and not after both the Houses pass it. Unless the hon. Minister comes here and says that he wants to withdraw the Ordinance and wants to bring in a Bill, Shri Ravi's argument would

not be valid. In that case also the rules will have to be prepared and placed before the House within the prescribed period. So, on that I think there is a great infirmity in this particular Ordinance and the Bill. Someone has slipped very badly unfortunately. Just as they slept from August 1993 till September 1994, they could not wake up and do anything. Similarly, when they did wake up suddenly, they made this error. That is why the hon. Vice-Chairman must decide how we want to proceed about it, because there are infirmities in this. I have not yet moved my Resolution.

श्री जगदीश प्रसाद माथुर : रवि जी का कथन उस समय सच हो सकता था जब तक कि वह आर्डिनरी चीज होती। मैं पूछना चाहूंगा मंत्री जी से जब से आर्डर लागू हुआ, आज तक इन आपरेटर्स का काम कैसे कवर होता था ? कैसे कार्य कर रहे थे ?

There were no rules.

उन्होंने घपला और ज्यादा बढ़ा दिया है यह कहकर कि डाकखाने वाले बना रहे हैं।
Every Postmaster is doing it.

महोदय, मेरे साथियों ने ठीक कहा है कि न तो रिपोर्ट है, न क्लस है। अगर ये यह बयान न देते कि पोस्टमास्टर बना रहे हैं तो भी शायद स्थिति छिपी रहती। इसलिए यह बहुत कन्फ्यूजन की स्थिति है मेरा निवेदन यह है कि आप इसको स्थगित कर दें और पूरी तैयारी के साथ आये और हमें रिपोर्ट भी दें। अब कोर्ट के बारे में इन्होंने कहा है। कोर्ट के बारे में कहीं नहीं कहा गया कि जो कोर्ड है वह इस पर लागू होगा। कौन से पटिकुलर कोर्ट को आपने कहा है ?

Have you said anywhere?

यह मान लीजिए कि सिनेमा पर लागू होगा लेकिन यह ऐक्ट में नहीं है। तो यह कन्फ्यूजन की स्थिति है। मेरा आपके द्वारा मंत्री महोदय से निवेदन है कि अच्छा यह

होगा कि आप इसको अभी जैसे का तैसा रख दीजिए। पूरी चीजें लेकर आइए, फिर हम डिस्कशन करेंगे।

SHRI K. P. SINGH DEO: There is no question of withdrawing it.

SHRI RAM JETHMALANI: Mr. Minister, can you surrender one minute only?

SHRI K. P. SINGH DEO: After I make my submission. Sir, rules have been framed by the Ministry in consultation with the Ministry of Law as it has been already sent to the Department of Posts to be circulated to the Chief Post Masters of the entire country. They are available with the Department of Posts. Therefore, there is no infirmity whatsoever in the Bill or the Ordinance. The reason for bringing in the Ordinance has also been spelt out. The Gazette Notification speaks out everything. The rules are with the Department of Posts.

SHRI RAM JETHMALANI: I want to appeal to the Minister as well as to my friend, Mr. Ravi, not to treat it as a problem of technicality. Look at the substance and justice of the matter. As I said, Sir, if we find that the programme code, which is already in operation under the Ordinance is a very fair document, we will not oppose this Bill at all if the Programme code and the advertisement code are perfectly good, we will support your Bill. We will support your Bill. Now you are telling us that the programme code which is being used is not the one which has been passed under the Ordinance but it is something which has already been framed in 1978; and it is lying in the Library. All right, Sir, postpone it. Today, we will try to get it from the Library, study it over the weekend. If we find that it is a good thing, then, we will come and support you. We must know what is being done under the law.

श्री जगदीश प्रसाद माथुर: आप ठीक कह रहे हैं, लेकिन जो कोड है आपने यहाँ कहा कहा?... (व्यवधान) वह कैसे हो सकता है?

Have you mentioned it in the Bill? You have never mentions it in the Bill.

SHRI RAM JETHMALANI: Sir, we have always offered constructive cooperation to the Government. We have never obstructed you in passing an innocuous Bill.

SHRI SATISH AGARWAL: We have not said that we will oppose this Bill. In fact, it should have been brought much earlier. You have introduced this Bill in 1993. Subsequently, it has been referred to the Department-related Committee for their comments. They gave you a report. What did they say? The Committee consisting of Members of Parliament belonging to both the Houses of Parliament might have said something about this particular Bill. Let us see that report.

SHRI RAM JETHMALANI: We have no concern with the cables. But, ultimately it is the constitutional right of the people to know as to what you are doing. It is a fundamental right which is involved in this Bill. Therefore, we are all concerned as to what you want to do.

श्री जलालुद्दीन अंसारी (बिहार) : उपसभाध्यक्ष महोदय, आर्लिनस की जगह पर जब आप बिल लाने जा रहे हैं तो क्या कोड है, क्या रूल्स हैं उसको आप बताते नहीं हैं और कहते हैं कि वह हम बनायेंगे तो इस बिल को लाने का क्या मतलब है? इसीलिए हमारे माननीय सदस्यों का यह सुझाव सही है कि उसको आप लाये तब उस पर हम लोग विचार करेंगे। हम लोग इंकार कहाँ करते हैं कि हम इस बिल पर विचार नहीं करेंगे। लेकिन कुछ तो क्लियर हो जाना चाहिए। जब आप इसको कानून बनाने जा रहे हैं तो इन बातों का क्लेरिफिकेशन होना चाहिए कि क्या कोड होगा, क्या रूल्स होंगे। वह

آنا चाहिए तब कहीं एकट की बात होगी। इसलिए यह सुझाव सही है। इस पर आप विचार करके लायें। इसको अभी स्थगित रखें और फिर हम लोग इस पर विचार करेंगे। इसमें क्या कठिनाई है मंत्री महोदय को ?

شمسہ یحیٰی لہلال الدین انصاری :-
 آپ سبھا اور سلیشن مہودے - آرڈیننس
 کی بل پر جب آپ بل لائے جارہے ہیں تو کیا
 نوڈ ہے۔ کیا رولس ہیں اس کو آپ بتاتے
 ہیں یا اور کہتے ہیں کہ وہ ہم بنائیں گے۔
 تو اس بل کو لانے کا کیا مطلب ہے۔ اسی
 لئے ہمارے مانیہ مدھیوں کا یہ سمجھاؤ
 کہ جب آپ اس کو آپ لائیں تب اس پر
 نوڈ وچا کر کریں گے۔ ہم نوڈ نکال
 دیا کرتے ہیں کہ ہم اس بل پر وچا کر نہیں
 کریں گے لیکن کچھ تو کلیئر ہونا چاہیے۔ جب
 آپ اس کو قانون بنانے جارہے ہیں تو ان
 باتوں کا کلیئر فیکیٹس ہونا چاہیے تب کہیں
 ایک شاک کی بات ہوگی اس لئے یہ سمجھاؤ صحیح
 ہے۔ اس پر آپ وچا کر کریں لائیں -
 اس کو جی۔ سٹیمٹ رٹین اور کچھ ہم نوڈ
 اس پر وچا کر کریں گے اس میں کیا کمیٹی ہے
 مंत्री مہودے کو -

SHRI RAM JETHMALANI: He will be in a problem. Let us co-operate with each other.

SHRI K. P. SINGH DEO: As far as changing the year from 1993 to 1994 and various amendments are concerned, I have already made known my intention way back on the 30th November, 1994 through this Secretariat saying that I would like to move amendments in various lines, in sub-sections and on pages. All these have been done and circulated.

SHRI VIREN J. SHAH: There is a problem. There is no clarity about the code. The hon. Minister may not be having the information on the code. If he has referred to any code, he might say about it. There are some rules for the post-masters. It would be beneficial for him—he is a personal friend of mine, apart from that he is sitting on the wrong Benches—as well as for us if he makes a copy of the codes made available to us. He should also make a statement as to on what date the rules were framed and when they were made applicable under the law. If this information is made available to us, it would make it easier for us to discuss this Bill; otherwise as Mr. Ram Jethmalani has said rightly, it would create unnecessary problems. We are not going to oppose the Bill. But we are going to oppose the whole practice of having Ordinances; and also to stress the need for you to take into account some aspects of the Standing Committee's report. We will bring these to the notice of the hon. House and we will discuss them. But if you think that it should be discussed today, it could be done. It is not that we are not ready. But I think, to that extent it would be inadequately informed.

SHRI RAM JETHMALANI: Clause 22 has been omitted. This is the way that they are printing their Bills. Do you know this? There should be some responsibility. Look at this Bill. Even in your amendments, you have not put it there. ... (Interruptions) ...

SHRI VAYALAR RAVI: I hope that everybody here is agreeing with the spirit of the Bill. Nobody is

disputing about it. Let me complete. (Interruptions). I understand the sincerity of Mr. Jethmalani. I agree that we do have the right to know. I agree. I am not disputing that. But the question before the House is, this Bill was introduced in 1993; it went to the Committee; and the Committee was constituted by Members from every side. If my hon. friend, Mr. Viren Shah, has any objection because some of the suggestions have not been accepted by the Minister, he can come before the House with an amendment. Definitely, the sense of the Committee has to be accepted. It is a different matter. But the provisions included here in the Bill, along with the Code, would have been sent to the Committee. The Committee would have gone into the details. (Interruptions).

SHRI SATISH AGARWAL: No.

SHRI VIREN J. SHAH: No. May I enlighten Mr. Vayalar Ravi? The report of the Committee says that there was shortage of time. The Bill was introduced on 7th August, 1993. The Government wanted the report immediately. Therefore, the Standing Committee did not have enough time. If you read the report of the Standing Committee, the Chairman says that because of inadequacy of time, the Committee could not go into great details. They had four sittings. They have made certain suggestions. They did not ask for the Code and all that. That is not the purpose of the Committee. The assumption that the Committee would have gone into the details is generally fair. But it is not correct in the circumstances of this case. (Interruptions). So, Mr. Ravi, you may also support our plea of keeping it in abeyance till the next week. (Interruptions).

SHRI SATISH AGARWAL: Moreover, Mr. Ravi, under clause 6 of the Bill, as also under clause 7 of the Ordinance, it has been provided that no person shall transmit or re-transmit through a cable service any advertisement unless such advertisement

is in conformity with the prescribed advertisement code. (Interruptions). Everythings 'prescribed'. 'Prescribed' means prescribed under the rules. What the code is, prescribed under the rules and the rules we do not have! That is the problem.

SHRI VAYALAR RAVI: Mr. Agarwal, Mr. Jethmalani and you have raised two issues. Mr. Jethmalani has raised the issue, "What is the Code?" You talk about the rules.

SHRI SATISH AGARWAL: The Code is prescribed under the rules. That is why I am asking for the wishes... (Interruptions).

SHRI VAYALAR RAVI: Mr. Viren Shah says that the Committee did not have the time to make a detained study. I understand the point. But, here, in this House, and in the Lok Sabha, we have enough time to look into the matter. Whatever may be the suggestions we all agree on, we agree with the spirit of the Bill; we agree with the purpose of the Bill. The question before us now is whether we can proceed with it or we should wait for the rules to come, for the Code to come, on some technical objections being raised. (Interruptions).

SHRI SATISH AGARWAL: If the House agrees with your approach, with regard to the Code, we will not oppose it. We will pass it without discussion. We want to see the Code. If the Code is in accordance with our thinking, then we will not oppose it. That is all. That is the most substantial question.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Agarwal, the Errata to the Cable Television Networks (Regulation) Bill, 1993 is already given. You might have gone through it. If the House wishes... (Interruptions).

SHRI RAM JETHMALANI: The Errata corrects only clerical mistakes typing mistakes, typographical mistakes, with "1993" substituted by

"1994" and "ten days" by "fifteen day. (Interruptions). We do not want this Errata.

श्री जगदीश प्रसाद माथुर : मैं मंत्री जी से फिर निवेदन करूंगा, कुछ बिगड़ता नहीं है। पंद्रह मिनट में क्या बिगड़ जाएगा पंद्रह मिनट पहले इसको स्थगित कर दीजिए और सोमवार को जब चाहे आ जाइए। इसमें दिक्कत क्या है? आपको विदवा करने को नहीं कह रहा हूं, केवल स्थगित करने को कह रहा हूं।... (व्यवधान)... इसमें कोई आपकी मानहानि नहीं होती है।

SHRI SATISH AGARWAL: What is the difficulty when the Ordinance is in force? The law is in force. We support the spirit. We do not know certain details. What are those details? So as to support the Bill wholeheartedly, ... (Interruptions).

SHRI VIREN J. SHAH: Mr. Vayalar Ravi mentioned about the spirit. Certainly, we accept the spirit. Mr. Ravi, you come from Kerala. You also know that the spirit has to be properly blended. Otherwise... (Interruptions). We want the blended spirit so that it has the right effect and not the wrong effect. (Interruptions).

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE CABLE TELEVISION NETWORKS (REGULATION) ORDINANCE, 1994 PROMULGATED ON THE 29TH SEPTEMBER, 1994.

II. THE CABLE TELEVISION NETWORKS (REGULATION) BILL, 1993.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Viren Shah may move the resolution and the hon. Minister may clarify all the points raised by the hon. Members at the time of reply.

SHRI VIREN J. SHAH (Maharashtra): Mr. Vice-Chairman Sir, I move the following resolution:

"That this House disapproves of the Cable Television Net works (Regulation) Ordinance, 1994 (No.

9—of 1994) promulgated by the President on the 29th September, 1994."

There are two aspects. As we all mentioned, the regulation of the Cable TV Networks has not been something which any political party opposed. In fact, it has been suggested by different political parties. There are two grounds. One is, it is a matter of great regret for me that in every Session, some of us oppose the practice of Ordinance This is the fourth or fifth time that I am standing here to oppose an Ordinance and every time. all sections of the House sympathised with the point of view that I made that in a democratic system of Government, in a Parliamentary system of Government, the governance of the country by way of Ordinance is considered undesirable. If the hon. Minister takes the trouble to go into the debates of the Constituent Assembly which once I quoted, Ordinance was to be on a very exceptional matter and a matter of such publicimportance that it could not wait and even the persons sitting in the Chair have sympathised with my point of view and if I recall rightly, the Deputy Chairperson then present, also mentioned that the practice of bringing Ordinances should be resorted to very rarely. Yet, what do we find in this case? Here, a Bill was introduced in this House in August 1993 and the same was immediately referred to the Standing Committee on Communications. The Standing Committee on Communications went into action in a very forthright manner, very quickly and on 25th August submitted a report. They have said: "Because the Bill was introduced in Raiva Sabha on 3rd August, 1993, published in the Gazett and so on, considering the time constraint in which the Committee had to work, the Committee had only four sittings to consider the Bill." Anyway, they have given a comprehensive report. Now, that was available to the Government on 25th August, 1993. Thereafter, several sittings of this House have take place. Now, the