

of the farmers of Andhra Pradesh. An early action will be greatly appreciated. Thank you.

**Demand for Ban on Gutkha and Pan Masala
throughout India**

DR. ALLADI P. RAJKUMAR (Andhra Pradesh): Sir, the issue I am going to raise is very important. I hope the whole House would support it.

It is of grave concern that the number of students falling prey to the habit of chewing gutkha and pan masala is increasing day by day.

In a survey conducted by the Indian Dental Association in Mumbai, it was found that 70 per cent college students and 40 per cent school students chew gutkha and pan masala.

As a professional medical practitioner, I know that gutkha and pan masala contain chemicals like magnesium carbonate, calcium carbonate and phosphate which are harmful to human beings. Gutkha contains nicotine which results in deadly disease like cancer.

The State Governments of Andhra Pradesh, Kerala, Tamil Nadu and Maharashtra have already banned gutkha. The High Court of Uttar Pradesh has also asked the State Government to impose a ban on the sale and advertisement of gutkha. The State Government is yet to implement the order of the High Court.

I, therefore, appeal to the Government of India to save the young generation from the addiction of gutkha and pan masala by banning the manufacture, storage, distribution, sale and advertisement of these products immediately in the national interest and thereby save the public from this habit which is linked to cancer. An early comprehensive legislation in this regard with a provision for stringent punishment in the case of conviction will be greatly appreciated. Thank you.

SHORT DURATION DISCUSSION

**Steps Taken by Government in pursuance of Motion Adopted under Rule 170
by Rajya Sabha on 6th May 2002**

SHRI PRANAB MUKHERJEE (West Bengal): Mr. Chairman, Sir, I beg to raise a discussion on the steps taken by the Government in pursuance of the Motion adopted under rule 170 by the Rajya Sabha on the 6th May, 2002 to intervene in the State of Gujarat under article 355 of the

Constitution of India.

•Sir, when I gave notice for this Motion for raising a discussion, I did not know that when we will have an opportunity of discussing this issue, certain major developments would take place in the intervening period. The whole objective of raising this discussion at the time of submitting the Motion was, this House passed a Motion under rule 170 on 6th May, 2002 which is very unique in its nature because this type of Motion is adopted by the House on a very rare occasion.

Sir, with your permission, I would like to read the text of the Motion which was adopted unanimously by this House. It was moved by Shri Arjun Singh. It says, "This House expressed its deep sense of anguish at the persistence of violence in Gujarat for over six weeks leading to the loss of lives of a large number of persons, destruction of property worth crores of rupees and urges the Central Government to intervene effectively under article 355 of the Constitution to protect the lives and properties of the citizens and to provide effective relief and rehabilitation to the victims of violence". When I gave notice for a discussion of the issue, I thought the Government would come up with a *suo motu* statement and report to this House what action the Government has taken, in pursuance of the desire of this House, -- that was the normal expectation -- the steps they have taken to protect the life and property of the people, and the steps they have taken to effectively rehabilitate the victims of the communal carnage. And, as I mentioned, this was an extraordinary situation, because we did not have any confidence in the State Government, and, that is why, we urged upon the Union Government to intervene under article 355 of the Constitution, but instead of having a *suo motu* statement from the Government of the day, the Union Government, what did we find? We found that on 19th of this month, the Gujarat Chief Minister, armed with a one-line Resolution passed by the Cabinet, met the Governor of the State, recommended dissolution of the Assembly, and the Governor, agreeing with the recommendation of the Chief Minister, dissolved the Assembly and allowed him to continue as Chief Minister till alternative arrangements were made. Sir, surely, this is not the forum for discussing the conduct of the Governor because he holds a very high constitutional office. But there have been occasions when the conduct of the Governor, while discharging his constitutional responsibility, has been discussed and debated umpteen number of times in this House. I am not going into the legal aspect of it. We adopted the Constitution 52 years ago -- we have the experiences of the last more than half a century and, over

the years, we have evolved various practices and conventions. Now, the first question is: What alternative arrangement can the Governor make? If the Assembly was alive, one could have understood that the Governor would explore the possibilities of installing another popular Government. But, here, the Assembly is dead. The Governor has accepted the recommendation for dissolution. I do agree that the Governor, on the advice of the Council of Ministers, has to transact the business. But in a Parliamentary system, in a responsible democratic system, the Council of Ministers must be accountable to somebody. He must enjoy the confidence of the elected representatives of the people in the Assembly. Where is that accountability in this case? Alternative arrangement, one can understand, is for a short period. When the Governor explores the possibilities of forming an alternative Government and, in the process, if he does not find one, the normal practice has been that he makes a recommendation to the President that, in this situation, it is not possible to carry on the Government, as per the provisions of the Constitutional system and he may then recommend to the President adopting various courses, including imposition of President's rule, under article 356. But, here, the question is this. The Assembly has been dissolved; President's rule has not been recommended; the Governor is acting on the advice of a group of Ministers, who are accountable to none. Nobody knows when the elections are going to take place. I am told, and I have read in the newspapers, that an interpretation has been given, of article 174, clause (1), regarding the six months' gap between the last sitting of the last session and the first sitting of the next session; that there cannot be a gap of 180 days. It is appreciated. But is it applicable to the same Assembly or it can be extended to the new Assembly? Where is the same Assembly? The Assembly which was elected almost five years ago is dead; that has been dissolved. Therefore, can this interpretation be valid? And, here comes a political question. The ruling party must answer this. If I am wrong, I will admit that I am wrong and I will apologise to the House. Is it not a fact that, before the Supreme Court of India, the UP Government had taken the position that this six months' period cannot be applied to the two Assemblies; it should be confined to the same Assembly. Therefore, you have one standard for Gujarat and another standard for UP. Can the Constitution be interpreted to suit the convenience of the ruling party? What is the guarantee that the Election Commission is going to oblige the Executive? I am not going into the political aspect. These are very crucial, constitutional issues, which, I feel, the House of Elders should debate. I am not a lawyer, but we have the benefit of the presence of a

galaxy of eminent lawyers, including the former Law Minister, Mr. Arun Jaitley, who, I hope, is going to intervene. These are the issues that have to be interpreted and clarified. Can we presume that the Election Commission is going to oblige? Is it possible for the Election Commission to prepare a correct voters' list? Is it not the responsibility vested in the Election Commission, under article 324 of the Constitution, to prepare the voters' list and to superintend, guide and control the elections? Is this authority subject to any other provision of the Constitution? These are the issues which have to be addressed? These issues cannot be passed under the carpet. Surely, we expect that the Governor will act and will apply his mind. Is it a case where the application of mind has taken place? Is the Governor not aware of the fact...

श्री संघ प्रिय गौतम (उत्तरांचल): सभापति जी, एक कंप्यूजन है, इसे दूर कर दें । I am not intervening. यह विषय तो भारत के संविधान के अनुच्छेद 355 के अधीन है, तो फिर या तो उसे ...(व्यवधान)... यह कंप्यूजन जरा दूर कर दीजिए ।

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, I am not going to join issue with my good old friend, Mr. Gautam. But some of his party colleagues, including the Minister of Parliamentary Affairs, are fully aware of it -- and I am not taking the House, or you, by surprise -- that I had made it a point that I would like to raise these issues while participating in the discussion and that you should permit me and others to raise these because these issues had taken place. And, yesterday, the House was adjourned! Why was the House adjourned? It was adjourned to discuss the Gujarat issue. We discussed the Gujarat issue, we passed the Resolution unanimously, to which, you, the ruling party, were a party, in which the Prime Minister and the Home Minister, now the Deputy Prime Minister, also intervened. Therefore, what are we going to discuss on Gujarat, if not this issue? This is a vital, important, issue, which the Council of States must reflect on. The question is, whether the Governor had applied his mind or not. My most respectful submission is that the Governor did not apply his mind, nor did the Union Home Minister apply his mind. Everyone wanted to take political advantage, at the cost of the Constitution, at the cost of the institutions. This is my apprehension. The protectors of the Constitution, those who are entrusted with protecting the Constitution, are trying to circumvent it. The Union Home Minister was fully aware of the Resolution, because he himself had replied to the debate. Instead of informing the House what he has done in pursuance of the Resolution adopted by this House, and keep it apprised of the situation as to how

effectively he had intervened, under article 355, for the rehabilitation of the riot victims, for the protection of the life and property of the citizens of the country, what he did was, he joined them in saying that there should be early elections. Nobody is afraid of elections. Elections are a part of the democratic process. But there cannot be any election without the voters. Do you have the updated voters' list, when thousands of people are still living in camps? Is it not the responsibility of the Election Commission to update the voters' list before they go to the polls? Do you want to hold elections in an atmosphere of threat, in an atmosphere of terror, by threatening a particular community, by threatening a section of the society? If you want to have that type of elections, surely, it is not a day to rejoice, for democracy. We have seen these types of elections. We have seen these types of elections in some parts of the world, in the thirties' of the last century. We are aware of the fact that on 30th January, 1933, in the elections to the Reichstag, Hitler got just 43 per cent of the seats in the Reichstag. Thereafter, he went on to adopt terror tactics, starting from the 'Krystal Night' to the burning of the Reichstag. When the elections were held after three months, he got a massive mandate by securing nearly 97 per cent of the popular votes and almost 99 per cent of the total seats. He got a mandate of the people, but that mandate not only led to the destruction of the Weimar Constitution and the destruction of Germany, but it also caused the death of a large number of people; six million Jews were taken to the Gas Chamber. Therefore, if somebody wants to have that type of a mandate, in an atmosphere of threat and terror, I am sure, this House will not agree. Keeping that in view, when this House adopted the Resolution unanimously, we had faith and confidence in the Union Government; we believed that the Union Government would exercise its responsibility vested in it under article 355; we urged them, "for God's sake, protect the life and property of the people; for God's sake, effectively intervene to have the rehabilitation of the people". If we had confidence in the leadership of the Chief Minister of the State, in the Government of the State, this House would have had no business to adopt that Motion, because, under the normal situation, that is the job of the State Government. It was quite clear that the House didn't have confidence in that Chief Minister; but, today, you expect us to toe your line. Even at that point of time, there was one body--the Legislative Assembly, to which the Chief Minister was accountable--whether alive or dormant. Today, you are having a person; the Governor is conducting the business of the State, on the basis of the aid and advice of that person who is accountable to none. Had it been under President's rule,

we would have had an authority to demand an explanation from the Union Government for the executive actions in that State, as per the scheme of the Constitution. Today, the Parliament is denied, the people of Gujarat are denied, of this opportunity. The administration of Gujarat is being run by a group of people who are accountable to none.

Mr. Chairman, Sir, to my mind, this is nothing but a travesty of the Constitutional scheme of things. Therefore, I strongly oppose the decision taken. We have no opportunity to discuss it, because the Parliament has been bypassed, the people of Gujarat have been bypassed. Sir, some unauthorised persons have been placed in authority. But, even at this late hour, let this House intervene effectively.

I would urge upon the Government of India to dismiss Mr. Modi forthright, bring the State under President's rule, and have elections in an atmosphere where the people can exercise their voting right freely and fairly.

With these words, I conclude. Mr. Chairman, Sir, I thank you for giving me this opportunity.

SHRI ARUN JAITLEY (Gujarat): Mr. Chairman, Sir, the hon. Member, Shri Pranab Mukherjee, has raised an issue--to discuss the steps taken by the Government in pursuance of the Motion adopted, under rule 170, by the Rajya Sabha on the 6th May, 2002. I was expecting, in view of the notice given by the hon. Member, that the discussion would really be around the situation that has evolved in the State subsequent to 6th May, 2002. But, to my disappointment, I heard nothing from the distinguished hon. Member. Perhaps, because, subsequent to 6th May, 2002, when a unanimous Resolution was adopted by this House, there are no facts which the Opposition now seeks to mention.

The spirit of the unanimous Resolution was very clear. It is the duty and obligation of the Central Government to protect the State against external aggression and internal disturbances, and, pursuant to the Resolution, in fact, even before the Resolution was passed--we can go into the details; I am sure, the hon. Minister, while replying, will go into some of those details--the steps which the Government has taken in terms of assisting the State with a relief and rehabilitation package--I can say with some sense of confidence--are larger than what has ever been granted in similar unfortunate incidents in the past.

Not only has the Army been put for the assistance of the civil authorities, but paramilitary and police forces have also been provided to the

State to make sure that the situation comes under control. The situation was, indeed, very sad and unfortunate. Some of the incidents which had taken place towards the end of February, starting from Godhra, and incidents subsequent to Godhra, in the month of March, were, in fact, a serious blow to any civilised society. We have been second to none in condemning those incidents. A fear had been expressed at that stage whether the system was fair in dealing with a situation of this kind or not. There was an unprecedented situation where about 1,35,000 people were in the relief camps. That is the peak figure which reached the relief camps. The entire administration subsequent to that had a great difficulty in creating a sense of confidence in various districts where this had happened. In Ahmedabad city in particular the situation was very, very serious, very fragile for weeks together. More than 5000 peace meetings were held between communities throughout the State.

श्री राजू परमार (गुजरात): मंत्री जी सदन को मिस-लीड कर रहे हैं ।
...(व्यवधान)...मंत्री जी ने कहा कि पांच हजार पीस मीटिंग्स रखी, कहां रखी ? ...(व्यवधान)...

MR. CHAIRMAN: Let him speak. *...(Interruptions)...* Let him speak.
...(Interruptions)... Let Mr. Jaitley speak. *...(Interruptions)...*

SHRI ARUN JAITLEY: Members of the majority community were organised to be sent to the camps to create a sense of confidence and bring their neighbours back. It was a difficult task. I was checking up the figures. *...(Interruptions)...*

श्री जीवन राव (पश्चिमी बंगाल): वहां पर ले जाने के बाद भी लोग मर रहे हैं ।
...(व्यवधान)...

AN HON. MEMBER: They are behaving like * *...(Interruptions)...*

श्री राजू परमार : आप ले जाने की बात कर रहे हो । *...(व्यवधान)...*वे रिलीफ कैम्प में रहे थे । *...(व्यवधान)...*वहां पर बोर्ड रख दिया गया था । *...(व्यवधान)...*

SHRI ARUN JAITLEY: Sir, it was because of this effort *...(Interruptions)...* Sir, it was because of all these efforts which had been put in. *...(Interruptions)...* When my learned friend mentions that all this is fictional, we are aware of the fact that this was going on despite an effort by people who had vested interest in seeing that normalcy did not return to the State..*...(Interruptions)...* There were several instances..*...(Interruptions)...*

* Expunged as ordered by the Chair.

There were instances when half the city was under curfew ...*(Interruptions)*...

SHRI JANARDHANA POOJARY (Karnataka) : Sir, he was part of the Government at that time...*(Interruptions)*... You had vested interest. ...*(Interruptions)*... That is why Modi was sent as the Chief Minister of Gujarat. ...*(Interruptions)*...

SHRI T.N. CHATURVEDI (Uttar Pradesh) : We did not interrupt when Mr. Pranab Mukherjee was speaking. ...*(Interruptions)*... Now why should they interrupt? ...*(Interruptions)*... They have used the word like * and so on. ...*(Interruptions)*... He has used the word which is unparliamentary. ...*(Interruptions)*... Mr. Pranab Mukherjee used those words but in different context. ...*(Interruptions)*...

MR. CHAIRMAN: Mr. Jaitley would speak. ...*(Interruptions)*...

श्री संजय निरुपम (महाराष्ट्र): चेयरमैन साहब, माननीय सदस्य ने * शब्द का प्रयोग किया है और जिसकी तुलना जेटली साहब से की है। मेरे ख्याल से * अनपार्लियामेंटरी शब्द है। ...*(व्यवधान)*...

MR. CHAIRMAN: * is an unparliamentary word. It will be removed. ...*(Interruptions)*...

श्री सुरेश पचीरी (मध्य प्रदेश): यह कहा जा सकता है कि जिस भाव से * शब्द का उपयोग किया गया है, भाव गलत हो सकता है लेकिन * शब्द गलत नहीं हो सकता ...*(व्यवधान)*...

श्री जीवन राय : मैं उसी भाव की बात कर रहा हूँ ...*(व्यवधान)*...

MR. CHAIRMAN: * word is unparliamentary. Now, it is 1 o' clock. You can continue your speech at 2 o' clock. I adjourn the House till 2 o' clock.

The House then adjourned for lunch at one minute past one of the clock, till two of the clock.

The House reassembled after lunch at one minute past two of the clock,

[THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) in the Chair]

* Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Shri Arun Jaitley to continue.

SHRI ARUN JAITLEY: Sir, when the House rose for lunch, I was mentioning with regard to the serious challenges which were faced by the State of Gujarat, and how the State administration and the entire machinery geared itself up to face those challenges. I was also mentioning that, pursuant to the unanimous Resolution of this hon. House on 6th May, 2002, there were several steps which the State Government and the Central Government had taken. I had mentioned that there was a time when, on account of the unfortunate developments in the State, as many as 1,35,000 people were in the relief camps. It was an enormous challenge. Some had lost their houses. Some had been injured. Some had lost their near and dear ones. Entire arrangements for rehabilitation had to be made even outside the relief camps. As of today, out of this figure of 1,35,000, only about 12,000 people are in the relief camps. In almost all identified cases, where death took place, compensations have been paid. Injury compensation has also been paid. *(Interruptions)* A question is being raised कहाँ दिए गए। I can give you the actual figures. Death compensation has been paid in 771 cases. Injury compensation has been paid in 2,012 cases. Cash doles have been paid to the victims in 41,694 cases. Compensation for household articles has been paid in 32,000 cases. Compensation has been paid in 13,300 cases to those who lost their earning assets. These are the ones which have already been paid. Insurance claims have been paid in respect of shops and showrooms. Every institution and instrument of the Government has been put into action to make sure that the rehabilitation takes place. Agencies like the Life Insurance Corporation, the GIC, the banks, were all told to expeditiously deal with all the claims. I have the list of all the figures, how each of these agencies have, in the last three-four months, been acting in order to rehabilitate people. Houses are being rebuilt. People are being sent back to their houses. ...*(Interruptions)*...

श्रीमती सराज दुबे (बिहार): चार-चार महीने हो गए वहां मकान नहीं बने हैं, हम लोग देखकर आए हैं। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): The Leader of the Opposition wants to say something.

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): Sir, I think, the hon. Member, when he was a Minister, had quoted similar

figures. I draw his attention to the latest issue of *Business India*, where it has been mentioned how inadequate is the compensation that is being paid, and that there are large number of people -- small hoteliers; small restaurant owners -- who have no insurance claims. I think he should not exaggerate the things in the manner he is trying to do.

SHRI ARUN JAITLEY: Sir, I regret that as far as the information of the Leader of the Opposition is concerned, it is based merely on media reports. If you don't have any other source of information, then I am providing you some. You mentioned those cases where insurance has been done. The GIC companies were told that there were 5655 claims. In the last three months, 2,360 cases have been settled and paid already. Around 72 people had claimed LIC insurance; 66 people have already been covered. I can give you a series of figures in respect of each one of them. NGOs were involved in the process of identifying the widows and orphans who did not get rehabilitated. SEWA was involved in it. Each one of them has been identified, as to the kind of pension that is to be paid to them. These amounts are being paid except in cases where there is a problem with regard to identification. There are various channels. Senior Secretaries of the Government have been attached to each district in the State, in order to identify and decide wherever disputes with regard to identification or other such disputes have arisen.

Sir, I mentioned this, because a campaign was carried out with regard to the conditions in the relief camps, with regard to availability water, sanitation, medicines, etc. Several arrangements were made. In fact, the Leader of the Opposition could verify this, because the Congress Party is in power in the Ahmedabad Municipal Corporation. The Municipal Corporation also had a responsibility with regard to water and sanitation. Various agencies of the State were involved in this whole process.

Sir, I mentioned the figure that only 12,000 people are left in the relief camps, and that people are going home. Some news-item had appeared, saying that problems had arisen in one or two areas. Yes; problems did arise when people went home. But those problems were tackled by the determination of the District Administration. In fact, a large number of people from the villages were organised as I already mentioned to go and bring them back in order to build a sense of confidence. There was a significant problem in the city of Ahmedabad, where tension had continued for an unduly longer period of time. As of today, these 12,000 odd people are only in the city of Ahmedabad; in the rest of the State,

everybody else has gone home and all those relief camps are no longer operating.

At least, 8 - 10 cases were filed in the Gujarat High Court, about the conditions in the relief camps. They wanted to know whether any relief camps were being forcibly closed or not. The courts have already perused the matters, pronounced on them, and given some favourable judgements with regard to the officers of the State Government who were involved in the matter of assisting the people in the relief camps. Most of the relief camps are run by non-Government organisations. The State takes upon itself the responsibility of providing ration, food, medicines, etc. And, each one of them has been scrutinised, as per the courts orders.

Now, what are the other activities of the State? You had Panchayat elections in the State during this period. There was 75 per cent plus polling in the Panchayat elections. Examinations were held. And those who did not want examinations to go through peacefully -- there were calls given by some people to the students to boycott the examinations. ...*(Interruptions)*...

SOME HON. MEMBERS : Shame, shame ...*(Interruptions)*...

SHRI ARUN JAITLEY: The Government no longer. ..*(Interruptions)*...

SHRI RAJU PARMAR: In 88 districts, no Nagar Palika elections were held....*(Interruptions)*...In two districts, no Panchayat elections were held.

श्रीमती सरोज दुबे : सर, माननीय सदस्य जो कुछ बता रहे हैं, वहां पर सब कुछ वैसा नहीं है। हम दस दिन पहले वहां पर देख कर आये हैं। वहां पर राहत कैम्पों की बहुत बुरी हालत है। ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : आप उनको बोलने दीजिए। ...*(व्यवधान)*...

श्रीमती सरोज दुबे : वहां पर जली हुई बिल्डिंगें खड़ी हुई हैं और आप कह रहे हैं कि सब बन गया है। ...*(व्यवधान)*... वहां पर सौ-सौ रुपये लोगों को मुआवजा दिया गया है। ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : जब आपका नम्बर आयेगा तब बोलिएगा। ...*(व्यवधान)*...

श्रीमती सरोज दुबे : जिन लोगों को चेक दिए गए हैं, वे चेक की फोटो कापी लिए घूम रहे हैं। ...*(व्यवधान)*... वहां पर इतनी अच्छी पिक्चरें खींची जा रही हैं जैसे वहां पर ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): आप माननीय सदस्य को बोलने दीजिए। समय कम है, आप बोलने दीजिए, प्लीज आप इंटरेस्ट मत कीजिए।

श्रीमती सरोज दुबे : हम आपको बताना चाह रहे हैं...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): ठीक है। जब आपका नम्बर आयेगा तब बोलिएगा।

SHRI ARUN JAITLEY: Sir, I am grateful to the hon. Member from the Congress Benches for mentioning that in two districts, no elections were held. He is right. In the two districts in respect of which there were court injunctions and pending cases, elections were not held. Otherwise, in the State Panchayat elections, 75 per cent voting had been witnessed.

Despite boycott calls, examinations were held, and there was 98 per cent attendance. Some students from the relief camps complained that they appeared for the examinations even though they were not in a state of mind to prepare for the exams. The State Government told the court that they would give these students in the relief camps another opportunity to appear for exams. The State Government has held even these exams.

Now, I want to mention about political activity. I read today the statement of the Congress Party leaders there. They are going to hold rallies in several districts of the State. They have a full right to do so. But, if you can hold rallies in every district of the State, it means, the situation in the State is normal for political activity. Your leader went there and addressed rallies in the State even when there was curfew in some parts of Ahmedabad town. Your party had organised *dharnas* in Ahmedabad city when half of the city was under curfew. So, rallies could be held, political programmes could be held, *dharnas* could be held, but, at the same time, there is a phobia that let us shy away, as far as elections are concerned, as far as the State is concerned. Mr. Vice-Chairman, Sir, during Muharram, 2,000 processions were taken out event-free. There was a serious doubt expressed, particularly when the members of the minority community had to take out those processions. So, everything, that is, 2,000 processions during Muharram, the Jagannath Rath Yatra, the Ramnavami took place, doubts were raised, but everything passed off peacefully, but somehow an impression was created that there was no normalcy, because somebody wants that elections in the State should not be held. If there is any sense of abnormalcy, it is being felt only by the party which fears the elections. Today, in the morning, an issue was raised by hon. Shri Pranab Mukherjee that this is a case where article 356 should be used. I need not remind him

-- he is a very senior and an eminent Member -- that article 356 is used when there is a breakdown of the constitutional machinery, when the governance of a State cannot be carried on in accordance with the provisions of the Constitution. Is that the suggestion of the Congress Party? Indeed, some months ago, there was tension in the State. All-out efforts have gone in to bring the situation to normal. Now, normalcy has come in. Last three months have been normal or near normal. Should this normal situation be interpreted by the Government as breakdown of the constitutional machinery? In a State where trading activities are normal, business is normal, educational institutions are normal, political activity has started, the victims of the unfortunate riots, over 90 per cent, have gone back home. Once this situation has been achieved, let me say with a deep sense of regret that -- let alone imposition -- even to suggest that this should be construed as a breakdown of constitutional machinery would be something which any student of Constitutional Law would even shudder to suggest. The normalcy has returned, conditions of breakdown do not exist, but they say that it should be treated as a 356 situation. As per the recommendations made by the Justice Sarkaria Commission, law and order is not a breakdown of the constitutional machinery. These are repeated recommendations which have been made by the Sarkaria Commission on Inter-State relations. Merely because some incidents have taken place in a State -- and the machinery of the State strives to bring normalcy-- it is not proper to say that this is a breakdown of constitutional machinery. When we last discussed this issue, prior to 6th of May, issues were raised, as to what will happen to all those criminal cases. The hon. Leader of the Opposition was disputing some of those figures. Well, I have not seen anybody who can effectively dispsute those figures. Some suggestions were made. I stand by every figure I had said in the course of that debate. Five major cases took place. One was Godhra incident and four other incidents took place subsequent to Godhra incident wherein several innocent people died. In each of those cases, despite the pressure on the law and order machinery, within stipulated time period of 90 days, complete or incomplete, chargesheets were filed to make sure that people do not get released on bails.

SHRI KAPIL SIBAL (Bihar) : In fact, the latest report of the Human Rights Commission has commented on all those facts. I hope the hon. Member must have gone through the findings of the Commission. The Human Rights Commission has commented very adversely on what you are saying. Maybe, the findings of the Human Right Commission may not be

correct. Maybe, you would like to criticise the Commission, we do not mind that, but at least, comment on it.

SHRI ARUN JAITLEY: Mr. Vice-Chairman, Sir, I am constrained to say that even during the debate on the last occasion, prior to 6th May, when the hon. Member, Shri Arjun Singhji, had made some suggestions, I had mentioned that the Human Rights Commission had suggested that these cases be referred to the CBI. I stand by the reason which I gave at that point of time, that -- Mr. Sibal is a very eminent lawyer who knows this subject more than anyone of us -- that if anybody suggests that 50 or 60 day after the arrest has been made, you change the investigative agency -- all the leads which the present investigators had made, they have sent the people all around the country -- the documentation was almost entirely in Gujarati. You change it. The possibility of the CBI being able to complete investigation in the balance 20-30 days, and being able to file charge-sheets was almost negligible. And, therefore, I suggested, and, I stand by what I had said that it was imperative for the State Government to continue with the investigation under the agency, and they showed their *bona fides* not only by arresting people, by expeditiously filing charge-sheets, which under 90 days are normally very difficult, particularly when pressures are there, and, each of the five major cases, those charge-sheets have been filed by the investigative agencies. A question, Sir, is being repeatedly raised, "Why do you now need elections?" There has been a tension; there is some element of social tension in the minds of the people, who survived. The entire campaign has been against the State Government and against the Chief Minister. It is said, "Your handling of the situation is absolutely not free from doubt." A strong criticism has been made in every debate, and demands have been made that he must now submit his resignation on moral grounds. Now, the Chief Minister stands up and says, the State Government says, "This is what we have done; and in a democracy we are prepared to go back to the people, and let the people decide whether we must continue or not." He accepts your challenge when you said "Your handling of the situation is without competence; it is not fair, etc." All kinds of allegations have been made. A whole campaign against the State has been carried out at one stage. In his statement, the Chief Minister has very clearly said that it is his prerogative, it is the prerogative of his Council of Ministers. This is not the first time that it has happened. That four or five months before it was actually to be done. It could have been done in November for the purpose of February elections. He does it in the month of July. He said, "Now normalcy has returned. The State is prepared for

elections. I pre-pone the dissolution of the Assembly; and I am prepared to go back to the people because, in a democracy, ultimately, it is the people who are the final arbiters, it is the people who will decide that in view of these unfortunate incidents who should govern the State in future, or, otherwise." And, once he does this, the whole campaign is that 'somehow we must create a situation that the authority to the people to decide, as a sovereign, as to which party should be the Government of the State, who should be the Chief Minister of the State, should for a indefinite period be denied to them.' Sir, this is absolutely unprecedented in a parliamentary democracy, with a federal structure, where elections are a constitutional and a democratic imperative. Elections are not a matter of any expediency. We have had precedence. What has happened in Assam? In the State of Assam, there was tension. My learned friend, Mr. Shourie, has been a great student of that State. You had a miniscule voting percentage. Could we derail Indian democracy and say that Assam is not entitled to elections merely because fourteen per cent of people are coming to vote? You had elections twice over in Punjab in the 80's and in the early 90's, under the shadow of the gun where candidates were killed. There was terrorism in the State. It was an abnormal situation. And, the strength of India's democracy means that it was that democracy which produced a solution in terms of popularly elected governments. Your democracy has produced solutions in the State of Punjab. In 1984 -- the reminder is always embarrassing to my learned friends in the Congress Benches -- you had 3000 people being massacred in Delhi, in one day, and you had polling within 45 days. I won't go into the detail of the kind of campaign that you people carried on. You started your campaign with a kind of an overtone which was against the victims of that unfortunate incident. A past law and order problem, a past tension in the State should be a ground for somehow derailing democracy, and derailing elections! In Kashmir, what is the entire national endeavour today? We must show to the whole world that despite all these insurgencies, cross-border terrorism, infiltration, the shadow of gun, it is our democracy, which is the best answer to Pakistan's tactics as far as Kashmir is concerned. Today, we are trying in the State of Jammu and Kashmir to have a free and fair elections so that, ultimately, elections are going to become an Indian response to the whole world. How proudly we said that in the Panchayat elections in Kashmir or in the local bodies elections in Kashmir, there was over 70 per cent voting! Nobody had questioned the fairness of the Panchayat elections in Kashmir. They were held just one-and-a-half or two years ago. Is a settled law and order

problem that the people have now returned home and life is normal be set as precedent? Do we want to set these as precedents? If these set as precedents, whoever has a political interest in derailing the election process and continue indefinitely, will say that there was a serious problem four months ago and, now, the situation has returned to normal; and this should be used as a ground to continue the Government or even a care-taker Government and not have elections. In a given State, it may be a sitting Chief Minister; and in another State it may be somebody desiring to occupy the seat. Sir, this has never been the case. This argument of political expediency should never be permitted.

Sir, the hon. Member, Shri Pranab Mukherjee, did make a reference to the Constitutional requirement of elections. This is an issue which is being publicly debated. Sir, we have a provision in the Indian Constitution, which is absolutely separate. It is article 356. I have seen examples being mentioned about deferment of elections in Punjab or in Kashmir. They have all been cases of article 356, or, in the case of Kashmir, Section 92 of the Kashmir Constitution, where either President's Rule or Governor's Rule has been imposed; the Assembly is dissolved and the dissolved, Assembly for six months, is extended by another six months and so on. Obviously, during the dissolution of the Assembly, an extraordinary situation, under the Constitution, takes over. The federal structure is somewhat eclipsed and the legislative power of the State comes to the Centre. The Central Legislature legislates on behalf of the State. The Central Government governs the State, because the governance of the State by itself is not possible. And the condition precedent is breakdown of the Constitutional machinery. We are not going to abandon Indian federalism, except when you reach an extreme stage of breakdown of Constitutional machinery.

A reference was made to article 324 of the Constitution. Let me remind the hon. Member that article 324 is only the power of the Election Commission for superintendence of election.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): This is just to remind you that you have only 50 minutes, and you have already taken 30 minutes. I have no problem, but you have got four more speakers. The problem is yours.

SHRI ARUN JAITLEY: I will just complete in the next three or four minutes.

Sir, under article 324, the Election Commission has the power to issue directions. The Election Commission has the power to decide the

dates of elections. But article 324 is never used in derogation or in contravention of the existing law. It can only be used where there is unoccupied space i.e. where there is no legislation. Here, let alone a legislation, article 174 conclusively occupies the legislative space. What is the spirit and rationale behind article 174? Article 174 says three things: Firstly, the Governor has the power to prorogue an Assembly; the Governor has the power to dissolve an Assembly; and, thirdly, the same article, which talks in terms of proroguing and talks in terms of dissolution of the Assembly, also says how an Assembly is to be called. And then it mandates that between the two sessions of an Assembly six months should not elapse. There is a democratic and Constitutional rationale behind it. Unless there is a breakdown of the Constitutional machinery, there Article 356 will govern the field, not in other situations. Yes, Mr. Pranab Mukherjee, you are right, and I borrow your argument, that accountability is to the Legislature. The Chief Ministers are accountable; the Council of Ministers is accountable, to their legislatures. Law-making is done in the Legislatures. The six months situation, which is now being invented through this argument, must relate only to proroguing and not dissolution, which, in simpler words you said, must relate only to the same Assembly and not to the next Assembly. The words "same Assembly" were never put in article 174 by the Constituent Assembly. What the Constituent Assembly very clearly and categorically said was, Governors could prorogue, Governors could dissolve, but between two Sessions, for not more than six months. If more than six months lapse and if I take your argument that it goes on indefinitely, then, why Mr. Modi, with any other Chief Minister, a strange situation will develop. Under article 356, legislative power belongs to the Central Parliament. Under article 174, nobody has the legislative power indefinitely when the State does not have a legislature. Therefore, the rationale is, do not allow more than six months to lapse. Once dissolution takes place, hold elections immediately because, otherwise, nobody has the legislative power and you cannot have a caretaker Chief Minister, who should go on indefinitely. That does not augur well for democracy. And that is the rationale. The rationale is not that you must not have a caretaker Chief Minister going on indefinitely and so, have article 356 even though there is no constitutional breakdown. The answer is, "Therefore, have elections immediately. Don't allow more than six months to elapse." So, when you argue that you must not have unaccountable Chief Ministers, I agree with your argument and that is the reason. In a situation where there is no breakdown of the constitutional machinery, you cannot have

unaccountable Chief Ministers and that is why article 174 has to be given a meaning, which its plain reading gives, that you must hold elections in such a manner that six months between two sessions of the Assembly are not allowed to lapse. This has never happened in India in the last fifty years. And I regret to say that this should not be allowed to happen because if this has happened, it will be an interpretation to article 174 which was not given, which will be a bad precedent. The Election Commission has the power to hold elections. It has the power to fix the dates. But the power is circumscribed by the requirements of article 174. I think a situation in the State has come where people must be allowed to be the eventual arbiters and decide who, for the next five years, must govern the State. The fear of one political group or the other should not be allowed to come in the way, trying to derail the electoral or the democratic process. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Shri C. Ramachandraiah. You have 13 minutes.

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): I will not take that much time. I will take only five minutes.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : Oh, good. Thank you.

SHRI C. RAMACHANDRAIAH: Mr. Vice-Chairman, Sir, the Telugu Desam Party is a Party committed to secularism, harmony and social justice. The Party has been consistently expressing its concern about the events in Gujarat. The unfortunate developments that took place in Gujarat negate the very foundations of our composite society. After the widespread violence in the State, the process of providing relief and rehabilitation to the unfortunate victims needs to be completed in all respects and much needs to be done to restore the confidence and the sense of security among the public. The deep schisms that have developed in Gujarat will take considerable effort and time to heal. And given the significance of the developments in Gujarat, for the country's future, all Parties need to come together for restoring complete normalcy in the State. Dissolution of the Assembly and conduct of elections cannot have the overriding priority in Gujarat at this stage. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Shri Nilotpal Basu. You have also 13 minutes.

SHRI NILOTPAL BASU (West Bengal): I thank you, Mr. Vice-Chairman. I was listening, with rapt attention, to what Mr. Arun Jaitley had to say. Now, that there was not a normal situation in Gujarat for days together is something which was admitted by this very Government by joining hands with the Opposition to pass a unanimous resolution and accepting that an intervention by the Central Government under article 355 of the Constitution is an ample proof of that fact. But the point is, that resolution which all of us together passed in this august House was for restoring normalcy and the responsibility of restoring that was taken by no less a person than the Home Minister himself and who subsequently has been elevated to the post of Deputy Prime Minister. By restoring rule of law, we mean to say that certain responsibilities are required to be discharged by the State Government. Mr. Jaitley was making a number of points, and dishing out certain information about how well the relief and rehabilitation work has been organised by the State Government, with the help of the Central Government. Now, I have before me certain affidavits. I am not depending entirely, as Mr. Jaitley was advising the Leader of the Opposition, on the Press reports. But, these are actual extracts of affidavits filed by the victims in courts of law. One of the affidavits was made by Azgarkhan Babukhan Pathan, aged 30 years, a labourer, formerly resident of Darbarnagar, Nabapur, Batwa, Ahmedabad, residing at the Jehangir Nagar Relief Camp No.9, Batwa. He says: "At present, about 600 people are still taking shelter at the same place, where the camp existed till 1st June." The camp is not there. But, 600 people are living there under the open sky. "No relief is being given to the camp organiser, as the Collectorate has already closed down the camp. All 600 of us are now depending upon the private parties for food. I have not yet received any compensation amount, including the amount of Rs. 1250/- for loss of utensils, which the State Government is required to give, as per the GR. I have received no compensation for the loss of my home, a loss that amounts to Rs. 50,000/-."

I now quote from another affidavit filed in the Gujarat High Court. This is from Rafiq Bhai, s/o Jamal Bhai, Lohar, aged 46 years, a welder by profession, from Iddar, Sabarkanta District, residing at the Muslim Sankalam Samiti Relief Camp, Najirabad, Panpur Chhar Rasta, Ahmedabad. ...*(Interruptions)*...

श्री संघ प्रिय गौतम : एफीडेविट की डेट बता दें और कोर्ट का केस नम्बर।

श्रीमती गुरचरण कौर (पंजाब) : एफीडेविट की डेट बता दें ...*(व्यवधान)*...

श्री संघ प्रिय गौतम : केस नम्बर कोर्ट का और डेट कौन सी है एफीडेविट की जरा यह बता दीजिए ...(व्यवधान)...

श्री नीलोत्पल बसु : अगर हम गलत बोल रहे हैं ...(व्यवधान)...

श्री संघ प्रिय गौतम : यह मैं कब कह रहा हूँ... For the sake of my information, I want the date of the affidavit, case number and the name of the court. ...(Interruptions)...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : उन्हें बोलने दीजिए ...(व्यवधान)...

SHRI SANGH PRIYA GAUTAM: Otherwise, how can we accept it? It is vague. ...(Interruptions)...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : उन्हें बोलने दीजिए ...(व्यवधान)...सुनिए वे भी डिस्टर्ब कर रहे थे ...(व्यवधान)...

SHRI SANGH PRIYA GAUTAM: I am not disturbing. I am asking the date of the affidavit and the name of the court.

श्री लालू प्रसाद (बिहार) : जाइए वहाँ पता करिए।

श्री संघ प्रिय गौतम : हम क्यों पता करें।

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : ठीक है इनकी च्वाइस होगी तो दे देंगे। आपने पूछ लिया है ...(व्यवधान)...

श्री संघ प्रिय गौतम : अभी बताएं

SHRI NILOTPAL BASU: Sir, I am completely aware of the Rules of Procedure of this House. I am saying this with full sense of responsibility, and authenticating the information. If the information given by me is wrong-- I put the Government on challenge-- they can disprove this.

श्री संघ प्रिय गौतम : कोर्ट का नाम बताइए।

श्री नीलोत्पल बसु : नहीं बताएंगे।

श्री संघ प्रिय गौतम : क्यों नहीं बता रहे हैं।

श्री नीलोत्पल बसु : हमें जितना बोलना है हम उतना ही बोलेंगे बाकी नहीं बोलेंगे। अगर हम गलत बोल रहे हैं तो सरकार को चुनौती देते हैं कि प्रमाणित कर दें कि यह गलत है...(व्यवधान)...

श्री संघ प्रिय गौतम : महोदय ...(व्यवधान)...

श्री नीलोत्पल बसु : नहीं बताएंगे।

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : सुनिए, कोई जबर्दस्ती नहीं है। आपने अपनी बात कह दी अब उनको सुनिए...(व्यवधान)...वे मंत्री थोड़े हैं कि जबर्दस्ती करेंगे।

श्री नीलोत्पल बसु : नहीं बोलेंगे...(व्यवधान) नहीं बोलेंगे। You cannot decide what I am going to say.

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : गुस्सा मत करिए। बसु जी, गुस्सा मत करिए।

श्री नीलोत्पल बसु : हरगिज नहीं बोलेंगे। अगर गलत बोल रहे हैं तो आप साबित कर दीजिए...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : Mr. Basu, why are you getting angry?...बोलिए।

श्री नीलोत्पल बसु : रफ़ीक भाई बोल रहे हैं ... "Some 260 card holders are still at the camp, and the camp is running. Only a few victims have been given the cheques of a meagre amount towards compensation. I have received Rs. 27,700/- for my home though the loss I suffered was Rs. 4 lakhs. We are residing under the open sky, and victims of inclement weather." Similar is the case with Javed Munna Bhai Sheikh. जॉवेद मुन्ना भाई शेख एफीडेविट में बोलता है "In fact, more than Rs.60,000/- is yet not given by the District Collector to the Camp Organiser for provisions. A cheque, dated May 3, 2002, was handed over to me on June 18, 2002." यह है एफीशिएंसी और एफीडेविट के जरिए यह बात कोर्ट के सामने रख दी गई है। क्या रिलीफ, क्या रीहैबिलिटेशन की बात हुई है।

Mr. Jaitley was very eloquent, but I must concede that he was smart by half because there is an article in the *Times of India* of 22nd July. The caption is "Gujarat Cover-up. Justice Still Light Years Away". This is written by the Editor of the Ahmedabad edition of the *Times of India*, Kingshuk Nag. He quotes from the charge-sheet the Ehsan Jafri case of Gulberg Society. I quote from the charge-sheet.

"The charge-sheet in both the cases virtually begins with a defence of the accused and paints the victims as investigators."

"It was after firing by Jafri on members of the mob (of 20,000) that the mob got violent and attacked the locality", says the charge-sheet in the Gulberg case. Justice Ravani, who was a former Chief Justice of Rajasthan, says:

"In my long career in the profession, I have not seen such charge sheets that show the way to the defence counsel about what line they could possibly take."

There was the same kind of a charge-sheet in the Best Bakery case, on which the National Human Rights Commission had commented adversely.

Now Mr. Jaitley says that handing over the cases to the CBI would have weakened the charge-sheet, would have created a situation where a charge-sheet could never be filed! But what is the answer to this question that you prepared the charge-sheet in a manner which shows the ground for a successful defence of the perpetrators of a crime which has made the people of the whole country to hang their heads in shame. I do not know why. About the Godhra case, the NHRC has recommended that it should be referred to the CBI. You have the report of the forensic agency of the State Government, totally controverting the entire picture. That was given in this very House by this very Jaitley, and by the Home Minister, how the people had attacked the train from outside. Now, the report of the forensic agency gives a completely different picture.

SHRI BALBIR K. PUNJ (Uttar Pradesh): That is not true, Sir. What does the report say?

SHRI NILOTPAL BASU: You please see the records.

SHRI BALBIR K. PUNJ: The report only says, it was not thrown from the window; it was thrown from the other...*(Interruptions)*...

SHRI NILOTPAL BASU: But, in the statements made by the Government and the ruling party Members, vivid descriptions were given to the House, how the attackers came from outside and attacked the train.

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : आप इंटरप्ट मत करिए । आप बीच-बीच में बोलेंगे तो ज्यादा समय लगेगा ।

SHRI BALBIR K. PUNJ: Just one clarification.

SHRI NILOTPAL BASU: Sir, I have not yielded.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : He has not yielded. You can't interrupt. Please sit down. ...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE (West Bengal): Sir, he should raise his objection from his seat. He cannot raise it from somebody else's seat.

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) : आप भी बैठ जाइये । I don't need your help...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: I am speaking from my seat.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): No, no; please don't interrupt. ...*(Interruptions)*... Thank you for helping me, but I don't need it. ...*(Interruptions)*...

SHRI NILOTPAL BASU: Shri Punj does not have the courtesy. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You are right. Please go to your seat, if you want to speak...*(Interruptions)*...

SHRI NILOTPAL BASU: Shri Punj does not have the courtesy of even asking whether I am yielding or not. *(Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : Whatever you speak from there will not go on record.

SHRI NILOTPAL BASU: So much for their parliamentary etiquette. I did not expect these things from them. The point is that within 24 hours of the incident, we heard great conspiracy theories, the involvement of ISI, people attacking the train from outside, etc. Now, the forensic agency report has completely demolished the description, which was authentically dished out by the Government at that point of time. The NHRC had expressly pointed out that these four or five cases, the Godhra incident, the Naroda-Patia massacre, the Gulberg Society massacre and the Best Bakery case in Baroda, should be referred to the CBI. Mr. Jaitley was still defending... *(Time-bell)*. Sir, I may be allowed to speak, because when I just started there was a lot of disturbance. You have to take that into consideration.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You continue.

SHRI NILOTPAL BASU: In the charge-sheet in the Best Bakery case in Vadodara, where 12 persons were killed by a mob of 1,000 people, the police have done one better. They have booked one Muslim, Yasin Alibhai Khokhar, among others and charged him with murder, robbery and arson. The report says, "The Vadodara Police Commissioner says that Yasin had been booked on the testimony of a Muslim girl; but he is nonplussed when told that nobody is likely to buy this". Similar instances are there in other charge-sheets also. After passing of the Resolution by this august House on 6th May, we have seen that almost 500 police and

other civil administration officers, who have been observed by different independent groups, have been functioning in the spirit of the Constitution. I had gone, as part of a Left Front team, which had collected some relief material, to Godhra and Ahmedabad on 8th and 9th June. We had gone there and talked to the relatives of those who were victims of the Godhra tragedy. Everybody was saying that the District Magistrate and the Superintendent of Police of Godhra District had done a commendable work. In Godhra proper there were no riots after the 27th incident. They have been transferred. There are examples galore. Efficient officers, who had ably handled the law and order situation, have been transferred. This is how the spirit of that particular Resolution has been implemented by the Government of Gujarat, with the able assistance and able intervention of the Central Government. Now, Shri Jaitley was talking a lot about accountability. May I ask the Minister of Home Affairs, who will be replying to this debate, why the Gujarat Assembly and the Gujarat Government did not show a semblance of accountability for the last three-and-a-half months by calling a session of the Assembly between 4th April and 19th July? Relief measures had been undertaken. Several controversies were there. Several questions were raised. Many of these issues could have been incontrovertibly refuted by the State Government, had it held the Assembly session. Why should the question of accountability come only after six months, even if it is a new Assembly? When the Assembly is alive for three-and-a-half months, there was no Assembly session. How have the two-and-a-half months become so crucial? We are not asking to hold the Assembly elections on a particular date. But, definitely, we are here to defend the unabridged right of the Election Commission, which has been given the powers of superintending, holding and organising the elections and fixing the dates on which the elections should take place, under article 324 of the Constitution. Whether it will be sooner or later, that is not the question. Whether the situation is right for holding free and fair polls, that is the question. I have quoted from the affidavits how the prosecution has proceeded to allow the culprits to save themselves and go scot-free. Is this the way the investigation and prosecution will continue? Is this how the rule of law and the Constitutional provisions will be observed in that State? Whether absence of violence in itself is peace, whether absence of violent incidents where peace is maintained by the special deployment of 20,000 security forces on the day of Rath Yatra is ample proof for having the right kind of atmosphere for holding the elections, is something which has to be subjected to the independent scrutiny of the Election Commission. Can I

ask the Treasury Benches: "Soon after dissolving the House, what was the Governor supposed to do?" The Governor can only recommend. Why is he actually dissolving the House when he is exercising the powers given under article 174? I would like to know whether he has no responsibility to see to it that his actions do not infringe on the Constitutional rights given to other independent Constitutional bodies elsewhere in the Constitution. Will his action not infringe on the rights of the Election Commission? You do not hold a sitting of the House. Why? If you are a great supporter of accountability, you have to answer it. Why was the Assembly not called in these three-and-a-half months? Why weren't the problems faced by the people of the State discussed in the State Assembly? Is the accountability only for holding the elections and holding a sitting of the assembly within six months after the 4th April? How have you discharged your accountability in the last three-and-a-half months? That is the question.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Please conclude.

SHRI NILOTPAL BASU: I will conclude in two minutes. You have to answer this question of accountability.

SHRI SANGH PRIYA GAUTAM: The Governor has to act on the advice of the Council of Ministers...(Interruptions)...

SHRI NILOTPAL BASU: I know it.

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): अब आप उनको डिस्टर्ब करेंगे ? ...(व्यवधान)...
गौतम जी, प्लीज, डिस्टर्ब मत करिए ।

SHRI NILOTPAL BASU: I know it. I also remember what this Government said in the President's Address in 1999. They said, "We will not appoint any person having a certain political orientation to the office of the Governor. We will make a clean break with the past Congress practices". This was written in the President's Address. I do not want to go into that. I am specifically questioning the constitutional role that is being played by this particular Governor. We have not heard him in between. We heard him when he made this comment suddenly out of the blue that the situation is ripe for holding elections in Gujarat. Before that, in May and June it was the media which brought out reports saying that surveys were being conducted by the State BJP to know what were the electoral prospects where the carnage had taken place.

श्री जयन्ती लाल बरोट (गुजरात) : कांग्रेस पार्टी की, आपकी ही डिमांड थी कि गुजरात में चुनाव कराइए । ...(व्यवधान)...

श्री नीलोत्पल बसु : इलेक्शन तो अब भी होना हैं । आपको अब भी पिटना है, लेकिन सवाल यह है कि चुनाव आयोग का यह अधिकार होगा या नहीं होगा कि वह तय करे कि चुनाव कब होगा । इस बात को लेकर सवाल है कि चुनाव तब होगा, जब चुनाव आयोग स्वतंत्र रूप से तय करेगा । यह हमारा कहना है । What we are saying is that the Government of India has failed miserably in honouring the unanimous Resolution they have adopted, along with the Opposition, in this very House, because what is happening, in the name of investigation, in the name of prosecution, in the name of distribution of relief and rehabilitation work, is all a sham. And people are commenting on that; it is not the Opposition parties, independent constitutional bodies are commenting on that. Different foreign countries are observing them...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Mr. Basu, now, it is over.

SHRI NILOTPAL BASU: Sir, in conclusion, I have to only say that this Government has no right to talk about the Constitution; the constitutional powers of the Election Commission can never be challenged. And, for tackling the present impasse, if President's rule becomes necessary, it should be taken recourse to so as to save the Constitution and the independence of the Election Commission. That is all I wanted to say. Thank you, Sir.

SHRI ARJUN SINGH (Madhya Pradesh): Mr. Vice-Chairman, Sir, I am grateful to you for giving me an opportunity to give my views on this situation that has developed now in Gujarat. Frankly speaking, there is no change in the situation as such; the same old story of terror and suffering and, what we may call, abdication of responsibility by the officers on whom the Constitution has placed responsibility. I tried very much to read into the happenings that took place, since the time the House unanimously adopted a Resolution directing the Central Government to act, in respect of the State Government, under article 355, to see what has happened since then, because this debate itself is in respect of the steps taken by this Government after that Resolution was passed.

[THE VICE-CHAIRMAN, SHRI SURESH PACHOURI, in the Chair.]

We depend on Press reports. We depend on what we see happening here, in the forum of this Government in Delhi. There is nothing else to give us any clue as to what extent the responsibility has been discharged by this Government in terms of the Resolution passed by this House. We did hear of one or two meetings held at the Prime Minister's level regarding relief and rehabilitation works that were to be completed in

Gujarat. Unfortunately, we have not heard anything from the hon. Prime Minister himself, who, somehow, climbed up, after the constitutional coup that took place, and brought into focus the redoubtable Shri Advani as the Deputy Prime Minister. The first we heard of what was in store for Gujarat was from none else than Shri Advani himself, who, during his last tour of the State, had, almost as an afterthought, added that the State was now ready for elections, after the Monsoon. Many of us thought that, perhaps, this was one of those pre-emptory advices that he was accustomed to giving. But this whole drama actually started from that day. In the broader scheme of things, we know how, at every step, the Deputy Prime Minister spoke up for the Government of Gujarat, in trying to protect it, promote it, and also in trying to commend it for what was, in my view, the most distressing and shameful act of any Government in independent India, at the State level. Then, he gives the advice that the elections can now be held.

Since the Resolution was passed, we are not aware of the steps taken by this Government to discharge the responsibilities that article 355 vests in them. We have not heard from anybody of consequence as to how many people are still homeless -- who have not been given any relief -- how many are still in those relief camps, which are nothing but centres of painful existence for men, women and children who, for no fault of theirs, are being subjected to the hardships that are being heaped on them. Obviously, one cannot but come to the conclusion that this is part of the grand design which the Deputy Prime Minister, in his scheme of things, feels that this country deserves. Mr. Modi follows his advice dutifully, gets the Assembly dissolved, and the Governor says that elections have now to be held; and the country is faced with the dilemma that it is faced with today.

Mr. Chairman, Sir, I do not want to accuse anyone of anything in particular. But there is hardly anything left which has not been done in Gujarat, and which should not have been done by any civilised Government in this country. We have to go in for elections. Nobody is afraid of elections, because elections are a part of the constitutional framework of democracy in this country. But when elections are sought to be brought about, under contrived situations -- the Constitution is manipulated; all the basic features of a free and fair election are absent -- the Government wants to proclaim from housetops that it is exercising its most rudimentary responsibility of holding elections.

3.00 p.m.

I could have understood, if Mr. Modi had been removed for his acts of commission and omission in March - April itself and it had been declared that as soon as the situation became peaceful, they would hold elections. That did not happen. Mr. Modi was allowed to go about his work so meticulously. An agenda, which was endorsed by this NDA Government sitting in Delhi, which was quite contrary to the agenda which it assumed for itself, and now, in that agenda, which did not receive any mandate from the people of this country, has brought Gujarat, and the land of Gandhi, to the end of its tether, elections are being brought in; and what for? Not to relieve the people of that State from the sufferings that they are undergoing, not to bring in any new scheme or plan which would give succour and sustenance to the economy there, to the farmers, workers or any segment of society. The elections there are only needed to put the stamp -- and what a stamp of propriety -- on a Government which has violated, vandalised, manipulated and committed utter fraud on the people of Gujarat, under the Constitution of this country. You want that to be formalised by this election because there was no other thing which was brought forward as the reason for it. There was no explanation, either in the statement of Mr. Modi, while resigning or in the statement of the Governor, while dissolving the House. Everything seems to be clockwork for the ultimate objective which is part of a design, I say it very clearly, part of a design to wreck the Constitution of this country, because there are some people who would prefer another kind of dispensation in this country, certainly, not according to the democratic traditions of this House or this country, but as a prelude to usher in a kind of Government, a kind of atmosphere where only fossils breathe.

It is in this context, Sir, that I am appealing to this House. We are reading in the newspapers that tremendous pressure is being brought to bear on a constitutional authority, the Election Commission of India. What, may I ask you, is this pressure for? If the Election Commission, in its own wisdom, expected to do what it should do, where is the need for this pressure? This pressure is not being brought silently, it is being tom-tomed about. Every constitutional authority, the checks and brakes that the Constitution has instituted for the functioning of any Government in this country, the value of all that has been totally undermined. Now, it will be the whim of this Government, expressed in the views of the powers that be. Of course, in a democratic country, Republic, the power is supposed to be

reposed in the Chief Executive, i.e., the Prime Minister of the country. Sadly, the hon. Prime Minister is no longer the focus in this country. He is sidelined, as I said, by a constitutional coup -- nothing less than that -- to sit and look on helplessly on what is taking place in this country.

The House will recollect, Sir, that in the debate held, when the Resolution was under discussion, the Prime Minister had plaintively asked even then, 'tell me what I should do?' हम क्या करें बताइये। हम लोगों ने उस वक्त कहा था कि आप किसी से मत पूछिए, आप अपने दिल से पूछिए। जो आपका दिल कहे उसी के अनुसार आप अपनी जिम्मेदारी निभाने के लिए काम करिए, अपने दिल पर विश्वास करके कार्यवाही करिए। आपके चारों तरफ जो कुछ लोग बैठे हैं, वे आपको पूरी तरह से साइड लाइन करके सत्ता हथियाना चाहते हैं, मुझे आज यह कहते हुए बड़ा खेद है और दुख है कि वही परिस्थितियां आज हमें देखने को मिल रही हैं। ...*(व्यवधान)*... प्रधान मंत्री के स्वयं के लिए मैं कुछ नहीं कहना चाहता हूं। प्रधान मंत्री जी स्वयं में कोई चीज़ नहीं हैं। प्रजातंत्र में प्रधान मंत्री के जो अधिकार हैं, प्रधान मंत्री का जो अस्तित्व है, वह एक संवैधानिक अस्तित्व है और जिस समय प्रधान मंत्री उस संवैधानिक जिम्मेदारी को निभाने के लिए असमर्थ हो जाएं, तब ऐसे प्रधान मंत्री के लिए हम क्या कहें। अब तो वह सब अधिकार माननीय ...*(व्यवधान)*...

श्री जयन्ती लाल बरोट : माननीय उपसभाध्यक्ष जी, जो कुछ बात माननीय सदस्य कह रहे हैं, उसी के संबंध में, उनसे मैं एक बात पूछना चाहता हूं..।

उपसभाध्यक्ष (श्री सुरेश पचीरी) : वह आपको यील्ड नहीं कर रहे हैं। ...*(व्यवधान)*...

श्री जयन्ती लाल बरोट : जब सरकार में थे, उस दिन सरकार ने गुनाह किया था, जो गुनाह सरकार ने किया है, वह सरकार के सिर पर डाला जाता है।

उपसभाध्यक्ष (श्री सुरेश पचीरी) : वह यील्ड नहीं कर रहे हैं। ...*(व्यवधान)*...

श्री जयन्ती लाल बरोट : गुजरात के सभी लोग ऐसे हैं, यह बात कह रहे हैं, गुजरात में कुछ है ही नहीं, ऐसी बात कर रहे हैं। गुजरात में शांति है, माहौल है, गुजरात में सरकार चलती है। ...*(व्यवधान)*...

श्री जीवन राय : गुजरात में बीजेपी ने डिफेंड किया है, इसके बारे में बता रहे हैं। ...*(व्यवधान)*...

प्रो० अलका शत्रिय (गुजरात) : गुजरात में कल तक कथरु था। ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : आप कंटीन्यु करिए।

श्री अर्जुन सिंह : गुजरात केवल आपके लिए महत्वपूर्ण है, गुजरात इस सदन के प्रत्येक सदस्य के लिए महत्वपूर्ण है, देश के प्रत्येक नागरिक के लिए महत्वपूर्ण है और इसलिए नहीं कि वहां पर मोदी साहब की सरकार है। वह इसलिए महत्वपूर्ण है कि उस प्रदेश के अंदर भारत के स्वतंत्रता संग्राम के मूल की कल्पना की गई थी और उस स्वतंत्रता संग्राम को लड़कर देश आजाद हुआ था। सम्बरमती के संत ने कमाल किया था। इसलिए हम गुजरात को याद करते

हैं। आज गुजरात को याद करने के लिए कोई कारण आपने छोड़ा ही नहीं है। उसको एक प्रयोगशाला बना दी आतंकवाद की, एक प्रयोगशाला बना दी उसको एकाधिकार बनाने की प्रक्रिया की। इसलिए आज यह सवाल पूछा जा रहा है कि इस सदन में पास प्रस्ताव के आधार पर आपने गुजरात में क्या किया, क्या यह प्रस्ताव इसलिए पास करवाने की बात कही गई थी ताकि उस समय जो बहुत सी बातें आपके सामने आ रही थीं, उन पर विराम लगाया जा सके, Was it a ploy to silence the House by saying that we all accept what he was saying? उस वक्त कभी संदेह पैदा किया गया था कि सहसा आप इतने रीजनेबल कैसे हो गये हैं। लेकिन जो बात सामने थी उसे हमने स्वीकार किया। आज पता चल रहा है कि वह उस षडयंत्र की शुरुआत थी जो आज निकलकर सामने आया है। इसलिए माननीय उपसभाध्यक्ष जी, मेरा निवेदन है कि यह सदन जो घटनाचक्र ...(व्यवधान)... अमरजेंसी के बाद चुनाव आपने नहीं किया था, कांग्रेस ने किया था। इसके बावजूद ...(व्यवधान)... माननीय उपसभाध्यक्ष महोदय, आंदोलन हम देखना चाहते हैं कि किस हद तक आप इस देश के संविधान से खिलवाड़ करना चाहते हैं। और वह बात अपने आप उभरकर सामने आ जाएगी, जिस दिन इलैक्शन कमीशन कोई भी फैसला करता है। हम किसी प्रकार का दबाव इलैक्शन कमीशन के ऊपर नहीं डालना चाहते। हम केवल इतना ही कहना चाहते हैं कि जो स्थितियाँ स्वतंत्र चुनाव के लिए आवश्यक हैं, उन परिस्थितियों पर विचार करके इलैक्शन कमीशन फैसला करें। अगर आपको इसमें ऐतराज है तो आप उनके ऊपर जितना प्रेशर डाल सकते हैं, डालिए। आप जितना दबाव डालना चाहते हैं, डालिए, हम कोई दबाव नहीं डालना चाहते। इसलिए माननीय उपसभाध्यक्ष महोदय, यह सदन आज चिंतित है कि अब देश की दिशा बदलती हुई दिख रही है और वह दिशा कुछ ऐसी शक्तियों के हाथ में केन्द्रित हो गयी है जो भारत के संविधान, भारत की स्वतंत्रता, भारत के असली स्वरूप को खंडित करने पर भी नहीं हिचकिचाएंगी। इसलिए अगर सदन अपेक्षा करता है कि गुजरात की यह त्रासदी समाप्त हो, जल्दी से जल्दी समाप्त हो और चुनाव हों - लेकिन स्वतंत्र चुनाव के लिए यह नितांत आवश्यक है कि श्री मोदी की सरकार जिसका आज कोई औचित्य नहीं है, कोई मैनडेट नहीं है, वह सरकार किसके प्रति जिम्मेदार है? न तो वहां असेम्बली है, न कुछ और है और सरकार बना दी गयी। वहां प्रेसीडेंट रूल इम्पोज करके, स्थितियाँ काबू में करके वहां चुनाव हों और तब आप देखेंगे कि आज भी प्रजातंत्र की लौ देश के अंदर प्रज्वलित है और गुजरात के अंदर भी है, वह लौ भारत के भविष्य को आलौकित करे, यही हम सबकी इच्छा है। धन्यवाद।

THE VICE CHAIRMAN (SHRI SURESH PACHOURI): Dr. Maitreyan. You please be brief because you have only 8 minutes.

DR. V. MAITREYAN (Tamil Nadu): Mr. Vice-Chairman, Sir, it is the consistent and considered view of my party, the AIADMK, that in any functioning democracy it is the people's verdict which is ultimate and supreme. Time and again, we have proven that in the State of Tamil Nadu. We also hold very close to our hearts the recommendations of the Sarkaria Commission, *vis-a-vis*, the Centre-States relations, the assertion of rights and powers of the State Governments. Having said so, in a functioning democracy, a democratically-elected Chief Minister of any State

has got every right to decide when to have elections in his State. After all, the elections in Gujarat are supposed to have been held in February. Now probably after the dissolution of the Assembly, the elections are likely to be held in October or November. So, the Government of Gujarat has, in all probability, pre-poned the elections by a few months and nothing more than that. Now, the Assembly has been dissolved, the people of Gujarat should have the opportunity to elect a Government they want, and a Government they deserve. Regarding when to hold elections, only the Election Commission has got the authority to decide based on the assessment of the ground realities existing in that State. Hon. Member, Shri Arun Jaitley mentioned about 12,000 people who are still living in the relief camps. In all probability the Election Commission can and should arrange for special booths in these camps also. This House passed a unanimous resolution two months ago regarding direction by the Union Government to the Gujarat State on the various measures to be taken. I would strongly urge that the hon. Home Minister in his reply may please detail the various steps that the Union Government has taken to see that the Gujarat Government has implemented all those things. The crux of the matter is that the Government should ensure free and fair elections. It should also ensure that all sections of the society in Gujarat actively participate in the election process. Thank you.

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): Mr. Vice-Chairman, Sir, the Motion of today's Short Duration Discussion is to raise a discussion on the steps taken by Government in pursuance of the Motion adopted under Rule 170 by Rajya Sabha on the 6th May, 2002, to intervene in the State of Gujarat under Article 355 of the Constitution of India.

I would like to submit that the three limbs of article 355 of the Constitution are: There should be an external aggression; the second one is, there should be an internal disturbance; and, the third one is the Government is not functioning in accordance with the Constitution. If all the three elements or anyone of the elements are there, the Union Government can invoke article 355 of the Indian Constitution. I would like to say that in Gujarat, definitely, there is no external aggression. As far as the internal disturbance is concerned, I would like to say, as has been pointed out by other hon. Members, that the disturbance was there about four months ago. Now, at present, actually, there is no disturbance. We cannot go on thinking about the disturbance that had happened four months ago in Godhra and say that Gujarat is still on fire.

Another point I would like to say is that a big Ram Navami festival was organised in Gujarat in a peaceful manner. All the people of Gujarat attended the festival. No untoward incident took place, throughout the festival, is a proof that there is no internal disturbance.

Another point, which I would like to submit with respect to that is: As far as Ahmedabad -- your own district -- is concerned, except in some areas, no untoward incident took place in other parts of Gujarat. It passed off peacefully and ended in a conducive atmosphere. So, definitely, there is no internal disturbance as pointed under article 355.

The Government is not functioning in accordance with the Constitution is another element which we have to take into consideration. Further, I would like to submit, the Fundamental Rights are recognised. Every Fundamental Right has been recognised and the parties are going to court and making an appeal before the court. The Fundamental Rights have been upheld by the courts. And the Executive is functioning properly there. As has been stated by the senior hon. Members, the schools are functioning and food is provided to all the people.

Above all, the Foreign Direct Investment, to the tune of Rs. 8,000 crores, has come to Gujarat. The FDI in Gujarat, when compared to other States, has come to the tune of Rs. 8,000 crores only on the ground that we can have more improvement in Gujarat. So, all the elements stipulated under article 355 are lacking and, as I said, we cannot invoke article 355 of the Constitution.

I would like to say that article 163 gives the Chief Minister the power to pass a resolution and present it to the Governor. And, according to that, a Resolution had been passed recommending for the dissolution of Gujarat State Assembly and the same was presented to the Governor; and the Governor passed an order under article 173 of the Constitution and dissolved the Gujarat State Assembly. I would like to submit that this thing has been done as per the Constitution. If it is not done as per the Constitution, then the other parties can say, before this august body, that the dissolution is not in accordance with the Constitution. On the other hand, it has been done as per the provisions of article 163 and as per the provisions of article 174 and in accordance with the Constitution. So, nothing can be said as it is before this House. Then, I would like to submit that there is a fear. Now, the fear is: If the election is held under the caretaker Chief Minister, Mr. Modi, there would not be a free and fair election. I

would like to submit, if, on that ground, President's Rule is invoked in a particular State, we are, totally, violating the principles of the Constitution. If all parties agree, in all the States, in all situations, there should be President Rule, the DMK Party has no objection at all to have President's Rule. But, on the other hand, especially taking the Gujarat State into consideration, I submit that it is not in accordance with law. It should not be done.

Finally, I would like to say that let there be elections in Gujarat, if Mr. Modi is at fault, the people will eliminate him. If Mr. Modi is right, he will be elected again. If Mr. Modi is wrong, definitely, the Congress Party will get elected. So, election should be conducted in the State of Gujarat. Thank you.

श्री रमा शंकर कौशिक (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, यह सही है कि कुछ लोगों को बड़ा आश्चर्य हुआ है इस बयान से, जो मोदी सरकार ने अपना इस्तीफा दिया और वहां की विधान सभा को भंग करा दिया। लेकिन श्रीमन्, ये स्थितियां तो बहुत पहले ही वहां शुरू हो गई थी। गोधरा कांड के बाद अहमदाबाद और गुजरात के दूसरे हिस्सों में जो स्थितियां बनीं और उसके संबंध में वहां की सरकार के बयान, भारतीय जनता पार्टी के बयान, राष्ट्रीय स्वयं सेवक संघ के बयान और विश्व हिन्दू परिषद् के बयानों को देखें तो यह बिल्कुल स्पष्ट हो गया था कि वहां की सरकार और भारतीय जनता पार्टी के संगठन राष्ट्रीय स्वयं सेवक संघ और हिन्दू परिषद निश्चित रूप से गुजरात में हिन्दुत्व की, साम्प्रदायिकता की भावना को भड़का कर ऐसी स्थितियां बनाना चाहती है कि वहां चुनाव हो जाएं और फिर अपना पूरा बहुमत सिद्ध कर सकें। श्रीमन्, कुछ माह पूर्व गोवा में भारतीय जनता पार्टी की कार्य समिति की बैठक हुई। उसमें भी मोदी साहब ने अपना इस्तीफा पेश किया था और उस वक्त भी यही बात हुई थी कि वे उस वक्त भी चुनाव कराना चाहते थे। केन्द्रीय सरकार की निगाह में भी, उस समय की गुजरात की स्थितियां बहुत ही भयानक बनीं हुई थीं। लेकिन उस समय जो एनडीए के सहयोगी दल हैं, भाजपा के जो अतिरिक्त दल हैं, उनका इस पर विरोध हुआ कि इस समय वहां चुनाव की बात नहीं करनी चाहिए। मोदी साहब ने इस्तीफा इस नजरिए से रखा है कि वहां पर चुनाव कराए जाएं, वह मंजूर नहीं किया जाना चाहिए। श्रीमन्, ये स्थितियां तो इन्होंने पहले ही पैदा कर दी थीं, यह बिल्कुल जाहिर था, स्पष्ट रूप से दिखाई पड़ता था कि सांप्रदायिक भावनाओं के साथ वे चुनाव कराएं और इनकी ऐसी कोशिश दूसरी जगहों पर भी बराबर रहती हैं। अभी जेटली साहब ने कश्मीर की मिसाल दी। कश्मीर की मिसाल और गुजरात की स्थिति में बहुत फर्क है। कश्मीर में जो बाहरी ताकत हैं, जो बाहरी देश हैं, उनकी वहां पर घुसपैठ है, जिसके नाते वहां ऐसी स्थितियां हैं। लेकिन अगर हम अपने देश में, अपने ही लोग वैसी स्थितियां पैदा करें और जो यह दावा किया जाता है कि पंचायत के चुनाव वहां 75 फीसदी हुए, आज स्थिति तो यह है कि एक पक्ष, एक कम्युनिटी तो बिल्कुल चुनाव में हिस्सा लेने की सोच ही नहीं सकती है और दूसरी ओर जो ऐसे लोग हैं जो साम्प्रदायिक नहीं हैं बावजूद इसके कि वे बड़ी संख्या के लोग हैं, बहुमत वाले हैं और बहुसंख्यक हैं, लेकिन जो समझदार हैं वे लोग ऐसी स्थिति में चुनाव में हिस्सा नहीं लेंगे। उन्होंने पंचायत के चुनाव में हिस्सा नहीं लिया, जो 75 फीसदी का दावा किया जा रहा है, उसमें कितने लोगों ने हिस्सा लिया है। कश्मीर की मिसाल गुजरात के मामले में देना

बिल्कुल ही अन्याय है। यह इससे बिल्कुल अलग चीज है। हम यह कहते हैं कि चुनाव के लिए कोई विरोधी नहीं है, चुनाव हो। लेकिन जो निष्पक्ष न हो, जो किसी के प्रति उत्तरदायी नहीं है, उस व्यक्ति के अंदर कैसे चुनाव निष्पक्ष होंगे, उस सरकार के चलते हुए? इसके अतिरिक्त उनके जो बयानात एक्शन टू रि-एक्शन संबंधी है। जिस प्रकार गोधरा के बाद अहमदाबाद और गुजरात में जो दंगे हुए, उनके बयान आए, उनको देखकर कैसे यह कहा जा सकता है कि वे वहां निष्पक्ष रूप से चुनाव कराएंगे? श्रीमन्, हमारा कहना यही है कि अगर चुनाव की बात है तो इसमें कोई दो राय नहीं है कि चुनाव निष्पक्ष रूप से होने चाहिए। जो सलाह-मशविरा हम लोग दे रहे हैं उसे सरकार को मानना चाहिए। वहां आर्टिकल 356 के अंतर्गत कार्रवाई करके, राष्ट्रपति शासन लागू करके निष्पक्ष चुनाव कराने की व्यवस्था की जाए। इस सरकार के जरिए इस चुनाव को न कराया जाए। जब तक वहां ऐसी स्थिति न हो कि सब लोगों के पुनर्वास की व्यवस्था हो जाए, लोगों के मन से डर निकल जाए, सभी लोग एक-दूसरे से मिल-जुल जाएं तब तक चुनाव की बात नहीं सोचनी चाहिए। यह अधिकार चुनाव आयोग का है, वह जैसा फैसला ले उस फैसले को मानना चाहिए।

श्री ललितभाई मेहता (गुजरात): उपसभाध्यक्ष जी, गुजरात में गोधरा की जो घटनाएं घटीं और उसके पश्चात् वहां जो वातावरण बना, छह मई को इस सदन ने संविधान की धारा 355 के अंतर्गत जो प्रस्ताव पारित किया, उसे ध्यान में रखते हुए आज केंद्र की सरकार ने जो अपना दायित्व निभाया है, उस पर कई बिंदु हमारे सामने हैं। यहां जो बातें होती रहीं, बताई गई, हमारे वरिष्ठ नेता श्री अर्जुन सिंह जी जब बोल रहे थे तो कह रहे थे कि हम सभी * लोग हैं, देश को * ले जाना चाहते हैं। संविधान में हमारी कोई श्रद्धा नहीं है। हम लोकशाही परंपराओं, संस्थाओं, लोकशाही की निष्ठा में विश्वास नहीं रखते। यह बड़े ताज्जुब की बात है कि देश में गोधरा और गोधरा जैसी जो घटनाएं घटती हैं, उसके पीछे जो मकसद है, कारण है, उस पर हमारा ध्यान नहीं जाता। एक विख्यात पत्रकार ने जो बातें कही हैं, यह आर.एस.एस. का पत्रकार नहीं है, विश्व हिंदू परिषद् का पत्रकार नहीं है, यह फ्रांस का पत्रकार है, फ्रांस का गोतीए है। इन्होंने कहा है कि ग्यारह सितंबर और तेरह दिसंबर के बाद भारत के संदर्भ में पाकिस्तान की नीति में बदलाव आया है। आतंकवाद का रास्ता छोड़ देने के जबर्दस्त अमरीकी दबाव के बाद उन्होंने यहां एक सांप्रदायिक युद्ध की शुरुआत की है। गोधरा नरसंहार इस नई रणनीति का पहला उदाहरण है। जैसे कि रफट है कि पाकिस्तानी असामाजिक तत्व और स्थानीय मुसलमान कांग्रेसी नेता इन बातों में नेतृत्व कर रहे हैं। उपसभाध्यक्ष जी, नरेन्द्र मोदी जी पर यह आरोप लगाया जा रहा है कि उन्होंने सारी लोकशाही व्यवस्था को, संविधान की बातों को बाजू में रखकर जनता का विश्वास गवां दिया है, लेजिस्लेचर का विश्वास गवां दिया है। जनाधिकार समिति नाम से गुजरात में एक समिति है, इसका ताल्लुक हमारे किसी संगठन से नहीं है। जितने भी संगठन हैं, आज हम सभी लोग एक संघ परिवार के नाम से जाने जाते हैं, आपको पता है कि हमारे कितने संगठन हैं, लेकिन जनाधिकार समिति आर.एस.एस. का कोई संगठन नहीं है। यह आर.एस.एस. के साथ जुड़ा कोई संगठन नहीं है। उन्होंने बीस सवाल पूछे थे। इन बीस सवालों कि संबंध में लोगों का जो प्रतिभाव आया है, उसे बहुत संक्षेप में आपके सामने रखना चाहूंगा। उन्होंने पूछा है कि गोधरा के जघन्य हत्याकांड के लिए जिम्मेदार कौन है? 4,040 लोगों में से 3,985 लोगों ने कहा है कि गोधरा के जघन्य हत्याकांड के लिए, इस आतंकवादी

* Expunged as ordered by the Chair

कृत्य में, ज्यादातर जो मुस्लिम आतंकवादी शामिल हैं, वे जवाबदार हैं । गुजरात में अगर यह घटना नहीं हुई होती तो गुजरात में कोई...(व्यवधान)...

SHRI RAJU PARMAR: Sir, can he authenticate this?...(Interruptions)...

SHRI LALITBHAI MEHTA: Yes, I will place it on the Table of the House. (Interruptions) I will place this original document on the Table of the House. ...(Interruptions)...

श्री राजू परमार : क्या तारीख है, किसने दी है ...(व्यवधान)... ऐसे ही बोले जा रहे हैं...(व्यवधान)... ऐसी बात करके भड़काने की बात कर रहे हैं ...(व्यवधान)...भड़काने की बात करते हो...(व्यवधान)...आप क्या कहना चाहते हो...(व्यवधान)...भड़काने वाली बात कर रहे हो आप ...(व्यवधान)...क्या कहना चाहते हो ...(व्यवधान)...यह कोट करके क्या कहना चाहते हो...(व्यवधान)...एक समुदाय को कोट करके क्या कहना चाहते हो ...(व्यवधान)...यह कहकर आप क्या चाहते हैं ...(व्यवधान)...

डा. अखिलेश दास (उत्तर प्रदेश): आप देश को जलाना चाहते हैं ...(व्यवधान)...

श्री राजू परमार : आप क्या कहना चाहते हैं ।

श्री ललितभाई मेहता: अगर गोधरा की घटना नहीं हुई होती तो गुजरात में जो दंगे हुए वे नहीं हुए होते। 3872 लोगों ने कहा कि अगर गोधरा की घटना नहीं हुई होती तो गुजरात में दंगे नहीं हुए होते ...(व्यवधान)...सुनिए, जरा आप धीरज रखिए। लोग क्या कह रहे हैं यह धीरज रखकर सुनिए ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पच्चौरी) : बैठिए ...(व्यवधान)...

श्री ललितभाई मेहता : उपसभाध्यक्ष जी, जो आरोप लगाया जा रहा है ...(व्यवधान)...यह आरोप बार बार लगाया जा रहा है कि गुजरात की घटनाएं ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पच्चौरी): भंडारी जी बैठिए ...(व्यवधान)...सरोज जीPlease take your seat...Please sit down...(Interruptions)...आप बैठिए। I am on my legs.

श्री जीवन राय : गुजरात में जो कुछ हुआ है ...(व्यवधान)...आप सीबीआई की इक्वायरी कराइए ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पच्चौरी): आप बैठिए ...(व्यवधान)...देखिए ललितजी, आप जो भी डाक्यूमेंट्स या दस्तावेज कोट करना चाहते हैं, उनको आप पढ़ सकते हैं लेकिन जैसे कि आपने कहा कि पेपर आप ले कर सकते हैं, उसके विषय में परंपरा यह है कि ...(व्यवधान)...

श्री ललितभाई मेहता : मूल समस्या की ओर मैं जाना चाहता हूं ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी): आप मेरी बात सुनिए। उसके लिए परंपरा यह है कि सभापति को या तो आपको ...(व्यवधान)...

श्री लालू प्रसाद: महोदय, चेयर को, आसन को कुछ पढ़ने से पहले इस तरह की संसदीय बात दिखानी पड़ेगी। अन्यथा अगर यह असत्य हो जाएगा तो इनकी मेम्बरी जा सकती है।

उपसभाध्यक्ष (श्री सुरेश पचौरी): मैं आपको यही कह रहा हूँ कि इस सदन की ...(व्यवधान)...विक्रम जी ...(व्यवधान)...

श्री विक्रम वर्मा (मध्य प्रदेश): यह तो एक प्रकार से सदन के अंदर किसी सदस्य को बोलने से रोकने के लिए धौंस देने वाली बात है ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी): आप बैठिए।

श्री ललितभाई मेहता : मैं सदन के सभापटल पर रखने को तैयार हूँ ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी): आप बैठिए.. Please take your seats...(Interruptions)...

श्री ललितभाई मेहता : आप इसकी जांच करवा लें ...(व्यवधान)...मैं इसे सदन के पटल पर रखने के लिए तैयार हूँ ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी): देखिए ऐसा है कि जो जो भी ...(व्यवधान)...

डा. अखिलेश दास : कौनसी समिति है ? ...(व्यवधान)...

श्री ललितभाई मेहता : एक बात यह बताइए कि गुजरात में यह कौमी तनाव ...(व्यवधान)...या जो भी तनाव था उसको समाप्त करने में मुख्य मंत्री सफल हुए कि नहीं ...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Please take your seats...(Interruptions)... Let him speak...(Interruptions)... Nothing will go on record...(Interruptions)... I am on my legs.....आप बैठिएPlease take your seat ...आप भी बैठिए ...(व्यवधान)...देखिए ललित जी, ऐसा है, मैं यह कह रहा था कि जो भी आप कोट करना चाहते हैं आप पढ़ सकते हैं लेकिन जैसे कि आपने कहा आप टेबुल पर ले कर सकते हैं, तो सदन की परंपरा यह है, कौल एण्ड शकधर का पेज 734 देख लीजिए या 874 देख लीजिए या आप पेज 737 राज्य सभा एट वर्क देख लीजिए, आपको चेयरमैन की उससे पहले अनुमति लेनी होती है, इन्फॉर्म करना होता है, तब आप ले कर सकते हैं। ठीक है। ...(व्यवधान)...आप मत बोलिए। आप उसका रेफरेंस दे सकते हैं ...(व्यवधान)...यह मैं नहीं कह रहा हूँ ...(व्यवधान)...

श्री ललितभाई मेहता : उपसभाध्यक्ष जी, मैं आपको यह बताना चाहूंगा कि गुजरात के मुख्य मंत्री वहां के कौमी तनाव को समाप्त करने में सफल हुए या नहीं हुए। तीन हजार से ज्यादा लोगों ने कहा कि ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : आप बैठिए । ...**(व्यवधान)**...चलिए, अब आप अपनी बात कहिए ।

श्री ललितभाई मेहता : 80 प्रतिशत से ज्यादा लोगों ने यह कहा है कि जल्दी से गुजरात में कौमी तनाव समाप्त करने में मुख्य मंत्री जी सफल हुए हैं । उसमें यह बात भी बताई गई है कि गुजरात में पिछले जितने भी कौमी तनाव हुए उनमें सबसे जल्दी से कौमी तनाव समाप्त करने में जो परिस्थिति रही वह परिस्थिति इस बार के कौमी तनाव समाप्त करने में रही है । इसमें और आगे कहा गया है कि हमारे लिए आंतरिक सुरक्षा का मुद्दा सबसे महत्व का मुद्दा है । आज बार-बार यह आक्षेप लगाए जा रहे हैं कि हमारे कारण या आरएसएस जैसे संगठन कम्युनलिज्म को बढ़ावा दे रहे हैं । चार हजार लोगों में से 3,682 लोगों ने यह कहा है कि ऐसी परिस्थिति बिल्कुल नहीं है कि हमारे कारण या हमारे संगठनों के कारण कोई कौमी तनाव बढ़ेगा । कश्मीर में जो आतंकवाद पनप रहा है, उसके कारण यहां पर परिस्थिति निर्मित हुई है और उसके कारण यह देश में साजिश चल रही है ...**(व्यवधान)**...आईएसआई के एजेंट, आईएसआई के लोग, पाकिस्तान के लोग इस देश में आतंकवाद मचाने के लिए तुले हुए हैं ...**(व्यवधान)**... उपसभाध्यक्ष महोदय, मैं एक बात और ...**(व्यवधान)**...

श्री राजू परमार : कमेटी का बताइये कि क्या है, इसके कौन मैनबर हैं ? ...**(व्यवधान)**...

श्री ललितभाई मेहता : गुजरात में पिछले पांच मुख्य मंत्रियों में सर्वाधिक लोकप्रिय कौन मुख्य मंत्री है, तो इसके जवाब में तीन हजार से ज्यादा लोगों ने यह कहा कि श्री नरेन्द्र मोदी सर्वाधिक लोकप्रिय मुख्य मंत्री हैं । बाकी चार मुख्य मंत्रियों का नाम मैं लेना नहीं चाहूंगा । गुजरात की विधान सभा का विश्वास गुजरात के मुख्य मंत्री को अर्जित है, गुजरात के लोगों का विश्वास मुख्य मंत्री को अर्जित है । उसको ध्यान में रखते हुए जो बातें यहां उठाई जा रही हैं मुझे लगता है कि वे आधारहीन हैं । मैं सदन का ज्यादा समय नहीं लेना चाहता । 355 के तहत प्रधान मंत्री जी ने डेढ़ सौ करोड़ रुपये का राहत का पैकेज दिया, 355 के तहत जो कर्तव्य केन्द्र सरकार को निभाने थे, वे निभाए गए । मिलिट्री भेजी गई, पैरामिलिट्री फोर्सस भेजी गई, दवाइयां भेजी गई, शिक्षा की व्यवस्था की गई, राहत की व्यवस्था की गई, पूरा जो आंतरिक गड़बड़ी का मामला था उस पर काबू पाने के लिए केन्द्र सरकार को 355 के तहत जो भी कदम उठाने चाहिए थे, वे सब कदम उठाए गए हैं । यही देखते हुए मुझे ऐसा लगता है कि आज जो बातें यहां पर लाई गई, उनकी कोई आवश्यकता नहीं थी । धन्यवाद ।

श्री अहमद पटेल (गुजरात) : उपसभाध्यक्ष महोदय, 6 मई को सर्वसम्मति से जो प्रस्ताव पारित हुआ था और उसमें कहा गया था, केन्द्र सरकार को अनुरोध किया था कि वह लोगों के जान-माल की रक्षा के लिए और वहां जो रिलीफ और रीहैबिलिटेशन का काम चल रहा है उसमें प्रभावकारी हस्तक्षेप करे, इफैक्टिव इंटरवेंशन करे । कुछ समय पहले अरुण जी को मैं बहुत ध्यान से सुन रहा था, बहुत ही रोजी-पिक्चर, एक गुलाबी चित्र उन्होंने सदन के सामने रखा और यह कहने की कोशिश की गई कि सब सलामत है । मैं अरुण जी को तो यह नहीं कहूंगा, लेकिन जिनकी तरफ से वह वकालत कर रहे थे, उसके लिए मैं सिर्फ इतना ही कहना चाहूंगा कि "मुकर जाने का कातिल ने बड़ा अच्छा तरीका ढूंढ निकाला है, सभी से पूछता है इसको किसने मार डाला है ।" अगर हम राजनीति में हैं, पब्लिक लाइफ में हैं, सार्वजनिक जीवन में हैं तो सत्ता और

कुर्सी सब कुछ नहीं होती है, लेकिन कभी-कभी सत्ता और कुर्सी हड़पने के लिए ऐसे हथकण्डे अपनाए जाते हैं जिसकी वजह से जिनको न्याय मिलना चाहिए, वह नहीं मिल पाता है ।

उपसभाध्यक्ष महोदय, प्रधान मंत्री जी हमेशा इंसानियत की दुहाई देते हैं, लेकिन आज गुजरात में क्या हो रहा है ?

"आज अंधेरो में जो रोशनी दिखाई देती है,

बस्ती अमन की जलती हुई दिखाई देती है,

सिसायत इंसान को कैसे गंदे मोड़ पर ले आई है

कि इंसानियत आज दम तोड़ती दिखाई देती है ।"

महोदय, चुनाव, कुर्सी या सत्ता सब कुछ नहीं है । मैं तो यह कहना चाहूंगा कि,

"दो रंगी छोड़ दे, एक रंगी हो जा,

या तो मोम हो या संग हो जा ।"

महोदय, मैं संघ प्रिय गौतम जी की बात नहीं कर रहा हूं, न मैं संघ परिवार की बात कर रहा हूं, मैं संगमरमर की बात कर रहा हूं । "या तो मोम हो जाइए या पत्थर हो जाइए ।"

महोदय, 15-20 दिन पहले आडवाणी जी गुजरात गए थे । उन्हें जाना भी चाहिए क्योंकि उनका क्षेत्र है और जब वे अपने एक असेंबली सेशन में हार गए, उसी के बाद ये सारी परंपरा शुरू हुई । उन्होंने कहा था कि अभी भी गुजरात में असुरक्षा की भावना है । उन्होंने तब ये बात नहीं कही थी कि चुनाव होने चाहिए । दो दिन बाद, गिल साहब का बयान आता है कि अगर असुरक्षा की भावना को खत्म करना है तो जल्द-से-जल्द चुनाव कराना चाहिए । महोदय, अगर कोई इंसान बीमार है तो उसकी बीमारी का इलाज होना चाहिए, यह नहीं कि बीमारी का इलाज करने के बजाय इंसान को ही मार दिया जाए । फिर आडवाणी जी ने कहा, हां बात तो सही है, जल्दी चुनाव होने चाहिए । अब मुझे नहीं मालूम कि 15 दिनों में जो असुरक्षा की भावना थी, वह कैसे खत्म हो गयी ?

उपसभाध्यक्ष महोदय, वहां तीन चीजों पर ध्यान देने की जरूरत है - रिलीफ, रिहैबिलिटेशन एंड लॉ एंड ऑर्डर । रिलीफ एंड रिहैबिलिटेशन पर मैं बाद में आऊंगा, लेकिन जहां तक लॉ एंड ऑर्डर का सवाल है, ठीक है थोड़ा-बहुत इम्प्रूवमेंट हुआ होगा, लेकिन आज भी अरुण जी आप छोटा उदयपुर जाकर देखिए, देहात में जाकर देखिए, खेड़ा में जाकर देखिए और तीन दिन पहले विरमभाम में क्या हुआ, वह जाकर देखिए । वहां आज भी कर्फ्यू है । हो सकता है, दो रोज पहले खत्म हो गया हो, लेकिन मई, जून से लेकर आज तक deaths in police firing -- 16, injuries in police firing -- 66, deaths in communal violence -- 34, injuries in stabbing -- 43, other injuries in communal violence -- 130, number of policemen injured in communal violence -- 68, people injured in arsons -- 6, police firing -- 726 round. ये मैं सिर्फ दो महीने के आंकड़े दे रहा हूं । खटाऊ जयपुर में एक हफ्ते पहले डेढ़ सौ राउंड फायर किए गए, tear-gas shells -- 2,537, incidents of arsons: houses -- 69, shops -- 43, cabins -- 51, vehicles -- 33, shops

looted -- 12, damage to places of worship -- 8, arrests in crimes -- 5,260, preventive arrests -- 18,217. Loss of property was worth Rs.30 crores or so. Total offences registered under communal violence -- 523. यह लॉ एंड ऑर्डर की स्थिति दो-ढाई महीने पहले जब प्रस्ताव पास किया गया था, उसके 4-5 दिन पहले की है। अब प्रभावशाली हस्तक्षेप की बात आती है। रिलीजियस प्लेसेज को रिवाइव किया जाना है जिनमें दरगाह 263 हैं, मस्जिद 196 हैं, मदरसा 25 हैं, टैम्पल 63 हैं और चर्च 3 हैं, इनमें से कितने रिलीजियस प्लेसेज आपने रिवाइव किए या फिर से बनाए? दली गुजराती, जो गुजरात के शायर और पोट्ट थे, कोशिश की गई कि फिर से उनकी मजार को बनाया जाए, माइनोरिटी कमीशन के मैनबर वहां जाने वाले थे, लेकिन धारा 144 लगा दी गई ताकि मजार बना ही न पाएं।

उपसभाध्यक्ष महोदय, जहां तक रिलीफ का सवाल है। अभी डेढ़ सौ करोड़ की बात हो रही थी। मैं जानना चाहूंगा कि इन डेढ़ सौ करोड़ रुपयों में से कितने रुपए वहां खासतौर से रिलीफ के लिए खर्च किए गए? एक आर्टिफिशियल माहौल बनाने की कोशिश की जा रही है कि सब सही सलामत है। अरुण जी कह रहे थे कि रथ यात्रा ठीक तरह से निकाली गई, मोहर्रम के ताजियों का जुलूस ठीक तरह से निकाला गया, एग्जाम ठीक तरह से खत्म हो गए, चुनाव हो गए। जब सरकार की इच्छा होती है तो सब कुछ कर लेते हैं क्योंकि वह बना भी सकते हैं और बिगाड़ भी सकते हैं। चूंकि चुनाव के लिए आर्टिफिशियल माहौल बनाना था इसलिए सरकार ने ध्यान दिया, इसलिए यह सारा कुछ हो गया। जहां तक चुनाव का सवाल है, 84 म्युनिसिपैलिटी ऐसी हैं, जहां चुनाव नहीं हो पाए। ठीक है, आपने दो जिला परिषद का जिक्र किया, लेकिन 84 म्युनिसिपैलिटी के चुनाव वहां पोस्टपोन कर दिए गए। जहां तक रिलीफ का सवाल है, जिला अधिकार समिति के नाम पर यह बात हो रही थी। मैं कोई कंट्रोवर्शियल रिपोर्ट में नहीं पड़ना चाहता, लेकिन दो डिस्ट्रिक्ट, जहां एजेन्सी ने सर्वे किया, एक-एक फॉर्म हमारे पास मौजूद है, पंचमहल और दाहोद में संभव नहीं था। अभी 8,9,10,11 जुलाई को यह सर्वे खतम हुआ है, जिसमें करीबन 3500 फैमिलीज के हैड्स के साथ इंटरव्यू किए गए और 3200 जो केस थे उनको एनालायस किया गया। मैं आपके सामने सिर्फ समरी रखूंगा।

"Our analyses have revealed that total loss of immovable property was of the order of Rs.478 million, however compensation given to the victims adds up to just 5% of the total loss."

This is effective intervention! प्रभावशाली हस्तक्षेप जिसे कहते हैं।

"The loss of moveable property that the victims suffered was of the order of Rs.270 million. The estimated average loss per family was about Rs.90,244/-. The compensation paid to the victims work out to be just 1% of the total loss of immovable property."

मैं सिर्फ दो जिलों पंचमहल और दाहोद की बात कर रहा हूँ और यह सारे डिटेल हमारे पास मौजूद हैं। This is effective intervention! यह है प्रभावशाली हस्तक्षेप।

"The compensation figures reveal the insincere efforts being made by the State Government agencies in rehabilitating the victims."

उपसभाध्यक्ष महोदय, आपने आंकड़ा दिया कि अभी सिर्फ 11 या 12 हजार लोग ही रिलीफ कैम्प में हैं, लेकिन मैं यह दावे के साथ कह सकता हूँ कि इनकी संख्या इससे अधिक है। हो सकता है कैम्प में न हों क्योंकि कैम्प तो सब बंद कर दिए गए, सिर्फ अहमदाबाद में अभी कैम्प चल रहे हैं, बाकी के लिए तो कह दिया गया, आर्डर दे दिया गया कि वह बंद कर दिए जाएं। यह नहीं सोचा गया कि वह लोग कहां जाएंगे क्योंकि उनके घर तो रहे नहीं, वहां वे जा नहीं सकते। तो वे लोग या तो किसी कम्युनिटी हॉल में रह रहे हैं या किसी के घर में रह रहे हैं और आज भी ऐसे लोगों की फिगर करीब 32 हजार की है, जो रिलीफ कैम्प में हैं, कुछ रिलीफ कैम्प के बाहर हैं, जिनके पास घर नहीं हैं। यह एक आर्टिफिशियल एटमोस्फियर बनाया जा रहा है। आप कैसे कह सकते हैं कि एक ऐसा एटमोस्फियर है, जिसमें इलेक्शन हो सकते हैं।

"Large amount of petrol and other inflammable chemicals were made available to the attackers. This cannot happen without connivance of state machinery. Has the Government made any effort to punish those petrol pumps who supplied inflammable liquid to the attackers. No such action has been reported from anywhere.

Attitude of the police has not changed during the past five months. In some cases, they still refuse to accept any complaint that mentions names of the criminals. Close to 50% of all the victims said that their complaints were not accepted by the police.

The victims reported wherever the police officers had tried to control the mobs, they were transferred and then free hand was given to the attackers."

जो गोधरा के कलेक्टर और एस0पी0 थे, जिन्होंने अच्छा काम किया था, they have been transferred. This is effective intervention!

"44% of the victims said that they still cannot go back to their villages,....". यह सिर्फ दो जिलों के 44 परसेंट लोग हैं, जिनकी मैं बात कर रहा हूँ। Rest of them expressed that during the day, they have started building their houses, but, cannot take the risk of staying at night. Such feelings of terror point out that the conditions are hardly 'normal' for conducting the 'free and fair elections'. और हम कह रहे हैं कि वहां सिक्योरिटी नॉर्मल है, वहां एटमोस्फियर ठीक है। मैं कहना चाहता हूँ कि इस विषय में डिटेल् में जाने की जरूरत है।

जहां तक रिहेबिलिटेशन का सवाल है, 150 करोड़ रुपए का जिक्र किया गया, उसकी बात हो रही थी लेकिन मैं जानना चाहता हूँ कि कितना पैसा खर्च किया गया, कम से कम इसकी जानकारी तो दी जानी चाहिए। किसके मकान बनाए गए? केवल रिपेअरिंग के लिए दिए गए होंगे -- किसी को 300 का चैक मिला है, किसी को 400 का चैक मिला है, किसी को 500 का चैक मिला है। प्रधान मंत्री जी ने 50,000 रुपए देने का वादा किया था, लेकिन किसी को भी

5,000 या 10,000 रुपए से ज्यादा नहीं दिया गया। मैं समझता हूँ कि इन सारी चीजों को भी देखना होगा। मेरे पास कुछ सुझाव हैं जो मैं रिहेबिलिटेशन के लिए, रिलीफ के लिए देना चाहता हूँ, लेकिन मैं सदन का ज्यादा वक्त नहीं लेना चाहूँगा इसलिए मैं जो भी कंसर्न्ड मिनिस्टर हैं, वे सुझाव उनको लिखकर भेज दूँगा कि खासकर के मकान बनाने के लिए, रिलीफ के लिए, जिनके रोज़गार खत्म हो गए हैं, उनके लिए क्या करना चाहिए। सॉफ्ट लोन, इंडस्ट्री लोन आदि ये सारी ऐसी चीजें हैं, जिन पर हम बहुत कुछ कर सकते थे लेकिन अभी तक कुछ नहीं किया गया।

जहां तक पुलिस एक्शन की बात है, मैंने आपके सामने बात की है Now, I come to the point regarding elections in Gujarat. आरग्युमेंट दिया जा रहा है कि काफी अच्छा माहौल है और चुनाव करा लेने चाहिए, लेकिन मैं सदन के सामने रखना चाहूँगा कि One crore voters (36 per cent of the total voters of Gujarat) are yet to receive identity cards. If the Election Commission insists on identity cards and says that the franchise cannot be exercised without it, these one-third voters would lose their right to vote. This cannot be allowed in the larger interest of the democracy.

Three lac people affected in Gujarat are still staying away from their homes--be it in relief camps or with the friends and relatives. लेकिन बाकी जो लोग हैं कई तो स्टेट से बाहर जाकर रह रहे हैं, महाराष्ट्र में भी कई लोग जाकर रह रहे हैं, राजस्थान में भी कई लोग हैं। The progress of rehabilitation and distribution of compensation has been less than satisfactory. The hasty closure of relief camps does not denote the return of normalcy, as claimed by the State Government, and an atmosphere of fear and distrust continues to prevail, with certain sections of the local media playing an unhelpful role. This is certainly far from conducive to free and fair elections.

मैं जानना चाहता हूँ कि कांफिडेंस बिल्डिंग के लिए हम लोगों ने क्या किया है? हमने 5,000 पीस कमेटी फारमुलेट कर दीं, लेकिन क्या हुआ? जहां कुछ लोग अपने गांव में जा भी पाए, वहां उन्हें कुछ लोगों के साथ कम्प्रोमाइस या सरेंडर करना पड़ा कि 'आपके खिलाफ जो केसिस हैं, उन्हें हम विदद्वा कर लेते हैं, अब हम कुछ नहीं करेंगे, हमें यहां पर रहने दीजिए', यह दयाजनक स्थिति है। आज वहां पर यह हो रहा है। तो मैं जानना चाहता हूँ कि कांफिडेंस बिल्डिंग के लिए हमने क्या किया है? मैं नहीं समझता कि इस बारे में कोई इनिशियेटिव लिया गया। जैसा मैंने कहा कि वहां 84 लोकल म्युनिसिपेलिटीज हैं, जहां अभी तक चुनाव नहीं हो पाए, पोस्टपोन किए गए। The monsoon is far from normal. In some parts, the farmers are yet to start sowing because of lack of rain. Sixty-eight per cent of the total cultivated land has received some rainfall. But, they are also facing an acute shortage of water, and the overall situation in the State is nearing drought. The State Government has already started sending tankers with drinking water to many areas. Power shortage is also bothering the agriculturists. How can these people be involved in the election process? यह ऐटमॉसफियर है। सिर्फ आर्टिफिशियल ऐटमॉसफियर बनाने की कोशिश की जा रही है। वहां

पर जो बच्चे हैं, कुछ लोगों के बच्चों का सर्वे किया गया, लेकिन उनके लिए हमने क्या किया है The survey shows that out of 375 students, 90 per cent want textbooks, 89 per cent want school fees, 98 per cent need school uniforms, shoes and ribbons, while 100 per cent need notebooks, 99 per cent wants school bags, water bottles and compass boxes, 92 per cent want sketch books, while three per cent wants concession passes for their school travelling. तो क्या किया गया ? कोई इनिशियेटिव नहीं लिया गया । There is no effective intervention. तो रिलीफ, रिहेबिलिटेशन और लॉ एंड आर्डर, इन तीनों चीजों के बारे में जिस तरह से प्रभावशाली हस्तक्षेप होना चाहिए था, नहीं हो पाया । महोदय, मेरे पास कुछ सजेशनस हैं जिनको मैं सदन के सामने रखना चाहूंगा । बाकी सजेशनस मैं डिटेल में भेजूंगा ।

"That the expeditious survey of the left-out cases and resurveys for unjust compensation should immediately start. Review of the relief packages....."

रिलीफ पैकेज की बात हो रही है, पता नहीं क्या है, क्या नहीं, किसका मकान बना ।

"Review of the relief packages with fixation of minimum relief amount of Rs. 15,000/- for the partial damage and Rs.50,000/- for the full damages towards the household article relief and house repair relief. वह देना चाहिए ।

"Redress of the miscellaneous relief issues, the condition of the camps, review and monitoring of the sale funding assets assistance and its issue, direction by the Finance Ministry for policy guidelines on the issue of bank loans and insurances claims for rehabilitation in line with the earthquake, alternate sites for the houses and repair of the places of worship. The Government must make arrangements for transitory accommodation for those families----जो भी 30-32 हजार लोग हैं,

"who need to be relocated to different areas because of serious security issues surrounding their return, as for example, families from Ahmedabad, Narora Patia, Gulberg Society and other areas..... "

मैं समझता हूं कि ये सारी चीजें करने की जरूरत है । हम आज चुनाव की बात कर रहे हैं । मैं सिर्फ इतना ही कहना चाहूंगा कि चुनाव अगर हुए तो भी ये जीत नहीं पाएंगे ।

श्री जयन्ती लाल बरोट : अरे, फिगर्स तो ठीक बोलिए ...(व्यवधान) ...

श्री अहमद पटेल : जो भी फिगर्स हैं, उन्हें आप चैलेंज कर लीजिएगा ।

उपसभाध्यक्ष (श्री सुरेश पचौरी) : बरोट जी, बैठिए । एक लेवल का डिस्कशन यहां होने दीजिए । आप हर बार टोकाटाकी करते हैं । जब आपका टर्न आएगा तो अपने स्पीकर को दे दीजिएगा ।

4.00 p.m.

SHRI AHMED PATEL: There is a serious issue. .../(Interruptions)...

उपसभाध्यक्ष (श्री सुरेश पटवारी): यहां सीरियस डिस्कशन हो रहा है ।

श्री अहमद पटेल : मैं इस ओर गृह राज्य मंत्री जी का ध्यान आकर्षित करना चाहूंगा । मैं चाहूंगा कि मैं गलत साबित होऊं लेकिन अगर यह बात सच है तो मैं समझता हूं कि जो हिडन अजेंडा की बात थी, उसका इंप्लीमेंटेशन शुरू हो गया है ... (व्यवधान) ... गृह राज्य मंत्री जी कम से कम इसके बारे में जानकारी तो दें कि यह बात सही है या गलत है । जो इन्फॉर्मेशन हमारे पास है, मैं उसे उनके सामने रखना चाहता हूं । मैंने कहा है कि मैं अगर गलत साबित होऊंगा तो मुझे बहुत खुशी होगी ।

The Gujarat Police, under instructions from the Government, instituted a cell to monitor inter-community marriages; a step that is a gross violation of the Indian Constitution. I do not know how far it is true. There is a policy decision, under the Home Guards Scheme to create a post like a "Shikshak Sahayak" called a "Suraksha Sahayak". Under this scheme, policemen are hired at Rs.2,500/- for four years. Their recruitment procedure is *ad hoc*. It does not follow the normal Rules; the intention is obviously to make them permanent after four years. The present Government has already created health, education 'sahayaks'; now there is a strong move to follow the same pattern for the police force. At present, there are 4,000 vacancies of policemen in Gujarat. Recruitment through the normal route, like GPSC, is a procedure not easily prone to manipulation since there are other procedures to be followed. However, now this novel idea is being pushed through to introduce the police *sahayak* at Rs.1,500-2,000 per month. After six months of this induction in an *ad hoc* way, and through which active infiltration has been attempted, political bosses pushing to regularise their employment under the permanent category, through the backdoor, then, cadres are being recruited. After four years of *ad hoc* service, they are inducted directly into the force. The recruitment procedure to the police *sahayaks* is deliberately lax. CC learns that nearly 4000 persons--I do not want to name them--यह अखबार में भी आ चुका है कि कहां के, किसके लोगों को भर्ती किया होगा --have already been inducted as police *sahayaks*. मेरे ख्याल से इस बारे में जानकारी आनी चाहिए । अगर यह बात सही है तो यह बहुत ही सीरियस मामला है ।

महोदय, आखिर मैं मैं इतना ही कहूंगा कि हम आज चुनाव की बात कर रहे हैं । चाहे कुछ भी हो जाए, ये चुनाव जीतने वाले नहीं हैं । अगर गड़बड़ी की, अगर चुनाव जीते तो यह जीत आपकी नहीं होगी, यह सांप्रदायिकता और फिरकापरस्ती की जीत होगी और अगर शिकस्त की स्थिति होगी तो यह इंसानियत की शिकस्त होगी । अगर शिकस्त की स्थिति होगी तो यह उन

मासूम बच्चों और महिलाओं की शिकस्त होगी चाहे वे ट्रेन के डिब्बे में जलाए गए हों, चाहे वे बाद में जला दिए गए हों, यह उन बेवाओं की शिकस्त होगी जिन्होंने अपने हस्बैंड्स को खोया है। इसीलिए मैं कहना चाहूंगा कि खास तौर पर जब आप चुनाव की बात करें तो मेरे ख्याल से सोच-समझकर बात करने की जरूरत है। आज जो माहौल वहां है, उस माहौल को ठीक करने की जरूरत है।

भूल जाइए कांग्रेस, भूल जाइए बाकी विरोधी दल को।

"मेरे आशियां का तू गम न कर, वह जलता है तो जलता रहे,

लेकिन उस फिजा को तो रोक, जो घमन को बरबाद करे।"

हमेशा व्यक्ति के ऊपर समाज और समाज के ऊपर राष्ट्र और राष्ट्र के ऊपर मानव कल्याण को रखना है। राष्ट्र का हित और मानव कल्याण को मद्देनजर रखते हुए मैं समझता हूं कि आपको फैसला करना चाहिए और जिस तरह से पहले प्रस्ताव पारित किया गया है खास तौर पर रिलीफ, रिहेबिलिटेशन और लॉ एंड आर्डर के बारे में, अभी वक्त है सेंट्रल गवर्नमेंट प्रभावशाली हस्तक्षेप करे, यह बहुत ही जरूरी है। धन्यवाद।

श्री लालू प्रसाद : महोदय, गुजरात के मामले में संसद में जिस दिन चर्चा हो रही थी उस दिन और उससे पहले राष्ट्रीय जनता दल ने, हम लोगों ने और सभी एमपीज ने महामहिम राष्ट्रपति जी को मिलकर के गुजरात के मामले में और गोधरा के विशेष मामले पर लिख करके दिया था कि गोधरा की जो घटना है इसमें हमारे दल को पूरी आशंका है कि संघ परिवार ने इस घटना को किया है to blame the minority community और हम लोगों ने जो आशंका व्यक्त की थी वह आज सच बात निकल रही है। जो फारेंसिक जांच हुई है उसमें यह बात प्रमाणित हो गई है। हम लोगों ने महामहिम राष्ट्रपति जी को कहा था, आग्रह किया था और इस सदन में भी मजबूती के साथ हमने इस बात को दोहराया था कि सुप्रीम कोर्ट के सिटिंग जज से आप इसकी जांच कराएं। तब बात को टाल दिया गया और हम जैसे लोगों की बात को दरकिनार किया गया। सच सच होता है और यह बात देश और दुनिया के सामने सब बात आ रही है जो सच्ची बात है। गुजरात के मामले में प्रधान मंत्री जी ने देश और दुनिया में सार्वजनिक रूप से कहा था कि इस घटना ने पूरे भारत के सिर को झुका दिया है और उस पर वह जरूर कोई कार्रवाई करेंगे। हम लोगों ने जब इस सवाल को यहां पर उठाया था, हम इस विचार के नहीं थे, हम इनको जानते हैं, संघ परिवार को जानते हैं, बीजेपी को हम लोग जानते हैं। जिस तरह से सदन को उस दिन विश्वास में लिया गया, हम लोगों को उम्मीद थी और हमने कहा था। आज फिर मैं कहता हूं कि सत्ता के संरक्षण में, नरेन्द्र मोदी की सरकार के संरक्षण में एकाएक नहीं वर्षों से वहां तैयारी हो रही थी और स्पेशल ब्रांच के उस सक्चूरल को भी हमने पढ़ कर सुनाया था कि किस तरह की तैयारी में यह संघ परिवार के लोग वहां लगे हुए थे। गुजरात जैसी पवित्र भूमि, बापू की उस भूमि पर वर्षों से यह सारी तैयारियां हुईं और एक प्रयोगशाला के रूप में वहां यह सारा कांड किया गया और चुन-चुन कर हजारों लोगों को मौत के घाट उतारा गया। सेना का सही इस्तेमाल नहीं किया गया, वहां पुलिस मूकदर्शक बनी रही। हमने उस दिन भी यह कहा था कि नरेन्द्र मोदी * और जगजाहिर है कि वहां के जो गवर्नर

* Expunged as ordered by the Chair.

साहब हैं...(व्यवधान) ...

प्रो० रामबख्श सिंह वर्मा (उत्तर प्रदेश) : माननीय, क्या गवर्नर के बारे में बोला जा सकता है? ...(व्यवधान) ...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : जहां तक गवर्नर की संवैधानिक जिम्मेदारी है, संवैधानिक दायित्व हैं उसके संवैधानिक कर्तव्य का निर्वहन है। उसके बारे में ...(व्यवधान) ...

श्री लालू प्रसाद : संवैधानिक जिम्मेदारी है, क्या यह भी उनकी जिम्मेदारी नहीं थी कि इतनी बड़ी घटना होती रही और राष्ट्रपति को एक भी रिपोर्ट नहीं दी ? क्या उन्होंने गवर्नर की जिम्मेदारी का निर्वहन किया? देश जल रहा था, गुजरात में दंगे कराये जा रहे थे, लोगों को बुलडोज किया जा रहा था, एक भी रिपोर्ट ...(व्यवधान)... महोदय, उन्होंने अपने संवैधानिक दायित्व का निर्वहन नहीं किया। एक वास्तविकता बताता हूँ। महोदय, आप पता कर लीजिएगा, राष्ट्रपति भवन में एक भी कगज उनका वहां के मामले में आया हो।

महोदय, संघ परिवार का भाजपा तो एक मुखौटा है। इसके पीछे संघ परिवार है। इस संघ परिवार ने देश में हिन्दू कार्ड खेलना शुरू किया चाँही तरफ से हर फ्रंट पर जब ये विफल हुए, तो गुजरात में दंगा कलम हिन्दू कार्ड खेलना शुरू किया। देश के प्रधान मंत्री जी ने उत्तर प्रदेश के चुनाव में कहा, सार्वजनिक रूप से आम सभा में कहा कि मुसलमान वोट की जरूरत नहीं है, बिना वोट के भी हमारी सरकार वहां बनेगी। यह देश के प्रधान मंत्री का इस तरह का बयान है। ...(व्यवधान)...

कोयला और खान मंत्रालय में राज्य मंत्री तथा विधि और न्याय मंत्रालय में राज्य मंत्री (श्री रवि शंकर प्रसाद) : महोदय, प्रधान मंत्री जी इसके बारे में पहले ही स्पष्टीकरण दे चुके हैं। ...(व्यवधान)...

श्री भारतेन्दु प्रकाश सिंहल (उत्तर प्रदेश) : महोदय, माननीय सदस्य अपना स्टेटमेंट वापस लें। ...(व्यवधान)...

श्री प्रेम गुप्ता (बिहार) : मंत्री जी आप बैठ जाइये, बड़ी मुश्किल से आपको मंत्रालय मिला है। आप मंत्री हैं। आप बैठ जाइये। ...(व्यवधान)...

श्री टी०एन० चतुर्वेदी : उपसभाध्यक्ष महोदय, यह स्टेटमेंट रिकार्ड में नहीं आना चाहिए। इसको दोहराना उचित नहीं है। ...(व्यवधान)...

मौलाना अबैदुल्ला खान आजमी (मध्य प्रदेश) : बनारस की मीटिंग में प्रधान मंत्री जी ने ऐसा बयान दिया था। ...(व्यवधान)...

श्री लालू प्रसाद : उपसभाध्यक्ष महोदय, हमने मांग की थी ...(व्यवधान)... बनारस में तकरीर दी थी ...(व्यवधान)... जब देश भर में लोगों ने आपत्ति जतायी, तो प्रधान मंत्री जी ने अपनी बातों को बदल दिया ...(व्यवधान)...

श्री रवि शंकर प्रसाद : आप सही नहीं कह रहे हैं। ...(व्यवधान) ...

श्री लालू प्रसाद : बयान को बदल दिया। ...(व्यवधान) ...

श्री टी०एन० चतुर्वेदी : महोदय, बदलने की बात ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : आपने बता दिया। ...(व्यवधान)...

श्री प्रेम गुप्ता : उपसभाध्यक्ष महोदय,...(व्यवधान).... उपसभाध्यक्ष महोदय, ...(व्यवधान)

उपसभाध्यक्ष (श्री सुरेश पचौरी) : इस विषय में आपने अपनी बात कह दी है।
...(व्यवधान).... इस विषय में ये लोग बता रहे हैं कि प्रधान मंत्री जी का स्पष्टीकरण आ गया है।
...(व्यवधान)....

श्री जनेश्वर मिश्र (उत्तर प्रदेश) : यह पहले भारत के प्रधान मंत्री हैं जिन्होंने कम से कम पच्चीस बार अपना बयान बदला है। ...(व्यवधान)....

श्री रवि शंकर प्रसाद : यह भी गलत है। ...(व्यवधान)....

श्री भारतेन्दु प्रकाश सिंहल : आप कुछ तो सच बोलिए। ...(व्यवधान)....

उपसभाध्यक्ष (श्री सुरेश पचौरी) : आप सब बैठ जाइये। ...(व्यवधान).... आप बैठ जाइये।
...(व्यवधान).... देखिए समय बीतता जा रहा है, आप बीच में हस्तक्षेप मत करिए।

श्री लालू प्रसाद : महोदय, हमारी व्यक्तिगत बात को छोड़ दीजिए। सारे देश के लोग जानते हैं। पत्र-पत्रिकाओं से लेकर सबको मालूम है कि ऐसे परिवार का शासन देश में हो गया है कि शाम को कुछ बोलेंगे और सवेरे पलट जाते हैं। ...(व्यवधान).... महोदय, ये संविधान की बात कर रहे हैं। महोदय, यह कल के अखबार हिन्दुस्तान टाइम्स में निकला है, ये बोलेंगे कि इसे भी लालू यादव ने छपा दिया। ...(व्यवधान).... महोदय, ...(व्यवधान).... जेटली जी चले गये क्या ? अच्छी परफोरमेंस की वजह से उनको हटा दिया। महोदय, कल ये आकर बोलेंगे कि कहां छपा है ? यह भी बोलेंगे कि हम बिहार से लेकर चले आए हैं। यह दिल्ली के "हिन्दुस्तान टाइम्स" में छपा है। आप लोग अखबार पढ़ते हो या नहीं ? आपको अखबार पढ़ना चाहिए।

श्री विक्रम वर्मा (मध्य प्रदेश) : दिल्ली के सारे अखबार केवल लालू जी ही पढ़ते हैं, बाकी कोई नहीं पढ़ता। ...(व्यवधान)....

श्री लालू प्रसाद : महोदय, चुनाव के संबंध में हमने आशंका व्यक्त की है। केवल मैंने ही नहीं, देश और दुनिया भर में आशंका व्यक्त हुई है। हमारे राष्ट्रपति जी हैं, जिनके विदाई समारोह में हम लोग कल शरीक हुए और जो नये राष्ट्रपति चुने गये हैं तथा देश और दुनिया भर के लोगों ने, पत्र पत्रिकाओं ने, सारे मैगजीन्स ने, सारे पत्रकारों ने, यूमैन राइट्स कमीशन से लेकर माइनोंरिटी कमीशन तक कोई भी ऐसी संस्था नहीं है जो नरेन्द्र मोदी और उनकी सरकार को दोषी नहीं मानती हो। ...(व्यवधान)....

श्री टी.एन.चतुर्वेदी : श्रीमन्, वर्तमान राष्ट्रपति या जो राष्ट्रपति चुने गये हैं, उनका किसी विवाद में और एक मुख्य मंत्री के संबंध में नाम लेना मैं समझता हूं कि हमारी जो मर्यादा है, उसके विपरीत है। कृपया करके इसको तुरंत ऐक्सपेंज कराइए। ...(व्यवधान).... अगर आप ऐसा नहीं करेंगे तो लालू जी इसी तरह से और बातें भी कहते रहेंगे। ...(व्यवधान)....

श्री लालू प्रसाद : महोदय, यह मेरी बात को ध्यान से नहीं सुन रहे हैं। जो नये राष्ट्रपति जी हैं, उन्होंने अपने इंटरव्यू में कहा है कि गुजरात के साम्प्रदायिक दंगे
...(व्यवधान)....

श्री भारतेन्दु प्रकाश सिंहल : इसको ऐक्सपंज करने की जरूरत है । ... (व्यवधान)...

श्री लालू प्रसाद : नये राष्ट्रपति जी ने एक इंटरव्यू में कहा है कि हम लोग उसे भूल नहीं सकते हैं । ... (व्यवधान) ... देश इसे अलाऊ नहीं करता । यह कहा है । अगर नहीं कहा है तो फिर बाद में उसको क्लैरीफाई कर दीजिए । ... (व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : कृपया आप लोग सब बैठ जाइए । ... (व्यवधान)...

श्री लालू प्रसाद : यह इस अखबार में है । इसको मैं बाद में पढ़कर सुनाउंगा । अभी हमारे माननीय श्री अहमद पटेल जी बोल रहे थे । बाकी के भी जो लोग बोले हैं, उनसे मैं शत प्रतिशत सहमत हूँ लेकिन आप किनके पास गुहार कर रहे हैं ? किनके पास हम फरियाद करने जा रहे हैं ? हम लोगों के यहां देहात में एक कहावत है कि "मैस के आगे बाजे बीन और मैस चले पबुराय ।" ... (व्यवधान) ... मैस के आगे बीन बजाएंगे तो मैस को समझ में नहीं आता, वह तो पाबुर करती चलती जाती है । ... (व्यवधान) ... महोदय, इस देश में न तो इस संविधान ... (व्यवधान)...

एक माननीय सदस्य : मैस के आगे बीन ... (व्यवधान)...

श्री लालू प्रसाद : बैठ जाइए, आपको समझ में नहीं आएगा । ... (व्यवधान)...

श्री प्रेम गुप्ता : अगर मैस मर गयी तो तुम जिंदा कैसे हो ? ... (व्यवधान) ... पांव लटक रहे हैं कब्र में और बात कर रहे हो मैस की । ... (व्यवधान)...

श्री लालू प्रसाद : आप रुकिए न । हम हैं न यहां । ... (व्यवधान) ... महोदय, न तो यह संविधान को मानते हैं, न यह न्यायपालिका को मानते हैं । ये दोमुंहे सांप हैं, इनके दो मुंह हैं । अभी कुरुक्षेत्र में आर.एस.एस. के चुने हुए लोगों का एक सम्मेलन हुआ और जम्मू कश्मीर के तीन टुकड़ों में बंटवारे के लिए एक फ्रंट बना है - जम्मू कश्मीर नेशनल फ्रंट । आर.एस.एस. ने उस मीटिंग में यह तय किया है कि वहां पर चुनाव में आर.एस.एस. भाग लेगी । एक तरफ जम्मू कश्मीर में ये बोल रहे हैं कि राष्ट्रपति जी के शासन की देखरेख में वहां चुनाव होना चाहिए, वहां राष्ट्रपति शासन होना चाहिए, दूसरी तरफ गुजरात में किनके सामने, किनके संरक्षण में चुनाव होने की बात की जा रही है ? * ... (व्यवधान) ... यह बिल्कुल गलत बात है । ... (व्यवधान) ... हम लोगों ने पोटा का विरोध किया था लेकिन इनकी समझ में नहीं आया । अब वह इनके गले की हड्डी बन गया और उसी पोटा में वाइको को जेल में जाना पड़ा । तो आप घबराइए नहीं । बहुत जल्दी सबको पोटा में जाना पड़ेगा जो आप लाए हैं, जो आपने कानून बनाया है । तो दोहरा इनका मापदंड है और न तो ये संविधान को मानते हैं और न किसी कानून को मानते हैं । महोदय, अभी इनके संगठन और सरकार में हेरफेर हुआ है जो बहुत खतरनाक है । ये पूरे देश में दंगा कराना चाहते हैं । चुनाव नहीं, ये रेफ्रेंडम कराना चाहते हैं गुजरात में । समाज को बांट कर लाखों लोग जो देघर हुए हैं, आधी दीवारें, आधी मजारें, आधे स्कूल, आधे कब्रिस्तान, बिना सत्ता के संरक्षण के क्या यह संभव था ? इनको ध्वस्त किया गया है, आज पुकार-पुकार कर ये इस बात की गवाही देते हैं । सारे देशों ने, अमेरिका ने भी, जिस अमेरिका से ये ज्ञान प्राप्त करते हैं, उसने भी अपने लोगों को, यात्रियों को कह दिया, टूरिस्ट्स को कह दिया कि गुजरात में मत जाना, जम्मू-कश्मीर में मत जाना । अगर यह बात असत्य है तो जब जवाब आए तो जवाब

* Expunged as ordered by the Chair.

साफ-साफ आना चाहिए । जहां से इनको ज्ञान मिलता है, अमेरिका जैसे देश से, ये और मुशर्रफ साहब, दोनों ज्ञान के लिए नए शिष्य बने हैं, यह बताइए कि क्या वहां शांति बहाल है? बहाल नहीं है महोदय । शासन के साए में, आतंक के साए में, ठीक कहा अहमद भाई ने कि आई.कार्ड नहीं, किसी भी गरीब को, किसी भी माइनॉरिटी को, पिछड़े वर्गों को, कमजोर वर्गों को ये लोग वोट नहीं डालने देंगे। फ्री एंड फेयर इलेक्शन होना चाहिए । निडर और निर्विघ्न होकर कैम्पेन करने का हर नागरिक को अधिकार है लेकिन हमारे बी.जे.पी. के जो नए अध्यक्ष बने हैं वेंकटैया जी, ये बोल रहे हैं...(व्यवधान) ...

कुछ माननीय सदस्य : वेंकैया जी.... वेंकैया जी....

श्री लालू प्रसाद : ठीक है, वह सब्जेक्ट टू करेक्शन है । ...(व्यवधान) ...

श्री भारतेन्दु प्रकाश सिंहल : यह गलत बात है.....महोदय, यह गलत बात है ।

श्री लालू प्रसाद : आप बैठ जाइए । ...(व्यवधान) ...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : वे हमारे सदन के सम्मानित सदस्य हैं ।

श्री लालू प्रसाद : महोदय, मैं उनका नाम आदर के साथ ले रहा हूं । अब कोई नाम सही नहीं बोला जाएगा, इसका मतलब अपमान नहीं है । हमने उनको देखा महोदय..... देखिए, डी.जी.पुलिस अभी भी हमको सलाम करता है और आप हमारे सांसद हैं, बैठिए । महोदय, उन्होंने कल टी.वी. में कहा कि चुनाव होगा । अध्यक्ष जी बोल रहे हैं, चुनाव होगा और कांग्रेस के लोग नर्वस हो गए हैं, ऐसा बोलते हैं । नर्वस हो गए हैं, इस तरह की ज़बान, इस तरह की बात? महोदय, संघ और संगठन में बराबर एक तालमेल हुआ है कि दंगे की फसल काटो, जबरदस्ती काटो । हिंदू भी इनके साथ नहीं हैं, मुस्लिम भी इनके साथ नहीं हैं, क्रिश्चियन भी इनके साथ नहीं हैं, सिख भी इनके साथ नहीं हैं । इसलिए महोदय, वहां इन्होंने कहा कि इलेक्शन कमीशन हमारा संवैधानिक ऑर्गेनाइजेशन है । यह कहा इन्होंने और यह "जनसत्ता" में भी ऐडीटोरियल छपा है । हम अन्य सदस्यों के समय का नुकसान नहीं करना चाहते, इसमें लिखा है ऐडीटोरियल में कि जो चुनाव की बात करता है, * जो स्थिति है वहां अभी । कल के "हिन्दुस्तान टाइम्स" में आप पूरी बात पढ़ लीजिए, "The Election Commission should not shut its eyes to crimes against humanity in Gujarat." उपसभाध्यक्ष महोदय, थोड़ा इधर ध्यान देने की जरूरत है । इसमें किसने लिखा है, हमारे रिलीफ कैम्प के, माइनोरिटी के बच्चे और महिलाएं किस अवस्था में हैं? फोटो भी हैं । किसने लिखा? देश के सबसे बड़े न्यायवेत्ता, कानूनवेत्ता हैं जिनकी रेस्पेक्ट है, ए.जी. नूरानी ने लिखा है । क्या आप इलेक्शन कमीशन को श्रेट कर रहे हैं, चुनाव कराओ, कराने पड़ेंगे? वहां कई तरह की खामियां हैं । The Chief Election Commissioner, Shri G.M. Lyngdoh, rightly asserted that the people who talk of early election in Gujarat have no authority. It belongs entirely to the Election Commission. It is not open to the Government of a State to dissolve the State Assembly ahead of time and ask the Election Commission to hold the election. इन सारी संस्थाओं को क्या कहा है? जम्हूरियत हमारा

* Expunged as ordered by the Chair.

लोकतंत्र है, जो हमारे पुरखों ने दी है और हिन्दुस्तान की जम्हूरियत में चाहे रानी हो या मेहतरानी हो, सबको निर्भीक होकर प्रतिनिधि चुनने का अधिकार दिया। उसमें ये प्रश्न चिन्ह लगा रहे हैं। * के लिए जिम्मेदार हैं। ये * लोग हैं, देश के, लोकतंत्र के, टुकड़े-टुकड़े करना चाहते हैं। इनको कोई तकलीफ नहीं है, कोई दर्द नहीं है, इनको सत्ता चाहिए इसलिए इलैक्शन कराएंगे। आप वहां के गवर्नर को रीकाल करिए, *रीकाल करिए। दोनों को वहां से रीकाल करिए। दूसरे आदमी को तय करके वहां राष्ट्रपति शासन लगाएं तो आपको पता चल जाएगा। यह निश्चितरूप से आपका अहम है और आप अहंकार में डूबे हुए हैं। वहां जम्हूरियत और धर्मनिरपेक्षता जीतेगी। चुनाव से कोई पलायन नहीं करता लेकिन किनके सहारे, किनकी देखरेख में आप चुनाव कराना चाहते हैं? *उनकी देखरेख में चुनाव होगा, हम और हमारा दल इसका डटकर विरोध करता है।

प्रो. रामबख्श सिंह वर्मा : सर...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी) : आप दो मिनट बैठिए। दो शब्द असंसदीय हैं, * और * ये दोनों ही कार्यवाही से निकाल दिए जाएंगे। जो गुजरात के गवर्नर का नाम लिया गया है, वे इस सदन में मौजूद नहीं हैं इसलिए उनका नाम नहीं लिया जा सकता। केवल...(व्यवधान)...

श्री लालू प्रसाद : अगर ये असंसदीय हैं, जो हमने कोट किया है तो जनसत्ता को चिट्ठी लिख दीजिए कि *शब्द असंसदीय है।

उपसभाध्यक्ष (श्री सुरेश पचौरी) : जो नाम बोला गया है, वह कार्यवाही से निकाल दीजिए, पद भर रहे।

SHRI J. CHITHARANJAN (Kerala): Mr. Vice-Chairman, Sir, I am grateful to you for having given me an opportunity to participate in this discussion. Sir, on May 6, all the Members of this House, those who are sitting on the Treasury Benches and in the Opposition, unanimously passed the Resolution.

[THE VICE-CHAIRMAN (SHRI RAMA SHANKER KAUSHIK) in the Chair]

The House passed this Resolution, because the situation in Gujarat was very serious and several developments were taking place there. There were not only communal tensions and communal riots in Gujarat, but, in fact, there were serious incidents which could be compared with genocides. In such a situation, most of the opposition parties, even some parties which are the constituents of the NDA and several NGOs had demanded that Mr. Narendra Modi, the Chief Minister of Gujarat, should be ousted from his post. It is not because of any animosity towards him, but, because, there were genuine feelings that Mr. Modi had failed in discharging his Constitutional responsibilities. So, it is in such a situation that the demand

* Expunged as ordered by the Chair.

came up. In that situation, we demanded that such a Motion be moved and discussed in this House. For about a week, the Government refused to discuss that, but, finally, towards the end of the week, they agreed to discuss this and also agreed to pass this Motion unanimously.

Sir, when the Motion was passed, the Government had a responsibility to report to this House, in this Session, what it has done to implement the contents of the Motion, in letter and spirit. Unfortunately, they have not done that; they have not given that report. Not only that, now it is declared that the elections are going to be held in the near future. There is even an argument put forward by them that they have already succeeded in bringing about normalcy. Mr. Jaitley has given statistics to prove that normalcy has been restored. Apparently, violence is not taking place, at the moment. But, at the same time, it is a fact--he himself has admitted--that 12,000-13,000 people are still in the relief camps. What does it mean? The people who were driven out of their homes and had taken shelter in the relief camps, are even now not in a position to go back to their places and live there. They may not be having their houses. They may be afraid of going back to their places, thinking they might be attacked once again.

In fact, such incidents have taken place and it is reported in the Press. Some people who had left the relief camps and had gone to their residence, were killed there. That is the situation.

With regard to the condition in the relief camps, neither the Gujarat Government nor the Central Government nor the Prime Minister can be proud of them. In fact, it is a shame to call them relief camps. There were large-scale complaints every day. This is not a secret. Leaders of various political parties, leaders of various mass organisations, leaders of NGOs, and several retired judges, have visited those places and have submitted their reports. In all these reports, it has been stated that the relief camps were not given sufficient food, they were not having sufficient number of lavatories, there was no sufficient water. All those complaints were there. Those complaints were reported to be true by so many bodies, including Constitutional bodies. That is the situation with regard to relief. With regard to compensation that has to be given, there are reports of a large scale discrimination. Some people who are really eligible were not given compensation and some of them have been given a meagre amount which would not help in rehabilitating them. Such complaints have been there. There are complaints about the voters' list. The identity cards are not being given to a considerable section of the population. In such a situation if you

feel that there is a peaceful atmosphere, it cannot be believed. It is not true. They claim that the *Rathiyatra* was carried out peacefully. Yes, it was carried out peacefully. But various reports in the national dailies suggest that it was undertaken under a very heavy security, not only by the police but by para-military forces and even the Army. In such a tight security, this Rathiyatra was undertaken. In such a situation can anyone believe that a peaceful atmosphere is there? Can people be assured that there will be peace and the lives of the people will be secure? No, it cannot be. Now, the elections have come. For holding elections, the people should have identity cards. This is number one. They should have a right to exercise their franchise, as they like without being threatened or without being intimidated. The various political parties should have a right to conduct public meetings and propaganda. Of course, Mr. Jaitley has said that the Congress Party had already announced that several meetings would be held. In a way, it can be said that meetings can take place or meetings can be conducted. What will happen after the meetings are conducted, say, in a situation which has been there in Gujarat, and keeping in view what has happened there in the last three months? One cannot be sure about it. *(Time-bell)* Therefore, if the Government believes in democracy and if they consider that through elections solutions have to be found -- of course, we agree in principle -- then the elections should be held in a free and fair atmosphere. Sir, in this case, Mr. Modi is there. Of course, our Home Minister and our Deputy Prime Minister has given him a very good certificate. The other Members of the Government may also give him a good certificate. But unfortunately, most of the people in Gujarat, most of the people in India, most of the political parties in India, not only in India but the world over do not believe in the credibility of this man. People do not believe that he will behave in a just and fair manner. Therefore, it is highly necessary that he should be dropped and President's Rule should be imposed in the State. The elections in the State should be conducted only when the State is under President's Rule. With these words, I conclude. Thank you.

SHRI KAPIL SIBAL : I consider it a privilege, Mr. Vice-Chairman, Sir, to participate in this Short Duration Discussion. Before I really come to some of the issues raised by the hon. Members of this House, I would like to make some genuine comments. Sir, two historic elections are going to take place in this country which will have far-reaching implications on the roadmap that this country is going to take in the next decade or so. So, the issue today is not when elections in Gujarat should take place because

that is something which the Election Commission will decide. The issue is: The manner in which this whole process has started and the way in which the political establishment has manoeuvred the polity in a direction which seeks to destroy what we have stood for in the last fifty years. And, in that sense, both the elections in Kashmir and the elections that are going to take place in Gujarat will be historic events. But, when I look at Kashmir and Gujarat, it amazes me as to how this very party, the BJP, has taken up a position in Kashmir which is entirely opposite to its position in Gujarat. If you look at the Kashmir election and the international community, which is looking at it with great eagerness and when we look at the autonomy proposals that are being made, the trifurcation of the State -- the position of the BJP is laudable. The BJP says, "Look, we are a secular country. And in a secular country, Muslims have a place. So, how can we think in terms of trifurcation of the State? It destroys the very basis of secularism." That is a laudable stand that the BJP has taken. But look at that very stand in Gujarat. Test that stand in Gujarat. A party that seeks to extol the virtues of secularism in Kashmir is seeking to destroy that very secularism in Gujarat. When you look at another aspect of Kashmir, they say, "how can elections take place?" They have been saying so. In an atmosphere of fear, the militants from outside are creating a sense of fear and they are blaming the militants for that and telling the international community that they will disturb the peace in Kashmir and yet that very fear is the basis of going for the polls in Gujarat! Because it is that very fear being perpetrated within Gujarat, not by the militants from outside but by the militants from inside. The third aspect of the two elections is that we have rejected the two-nation theory as a nation. All communities and all races can live in this country in peace. And that is our position in Kashmir. We don't accept the two-nation theory. But look at the public statements of the leaders of the Sangh Parivar in Gujarat. The very two-nation theory we seek to reject in Kashmir, we seek to perpetrate in Gujarat. And who are the targets in Kashmir -- the innocents. The innocent people of Kashmir are the targets of the militants. But the militants are from outside. The innocents in Gujarat are the targets of militants from inside. And, in that sense, Mr. Vice-Chairman, Sir, this is a very important election and we should not think of it in terms of who will win in Kashmir. We should think in terms of what ideology will ultimately prevail in this country in the decades to come. And that is why Gujarat assumes greater importance. Having said that, I was a bit amazed at my learned friend's erudition on the floor of this House when he started giving us facts and figures about the normality of the election in

Kashmir. He painted a picture as if Mr. Modi is a messiah, as if Mr. Modi has brought liberation to a State and as if Mr. Modi is the next leader of the nation which will take us deep into the 21st Century. I am grateful to my learned friend to say that it is that which is an issue. They want to cash on the carnage in Gujarat. Just look at the facts. The incident happened on February 27 and 28. As soon as the incident happened, surveys were made by Modi Government within Gujarat. He opened his election office at Surat. He had a meeting in Morvi. They sent their people around the district to find out as to what would be the impact of this elections on Gujarat. They decided that the wave was in their favour. They created a communal divide. Then, on 12th April, at Panaji, everybody decided to go for elections in Gujarat. It is not something that has happened in July, that Mr. Modi decided to dissolve the House. No, it started from February, 27, and thereafter. The Assembly met for the last time on the 5th April. After that they never called the Assembly. On 12th April, they decided to go for elections, but they did a miscalculation. They realised that if they dissolved the House then and called for elections, the Presidential elections which was to come, they would have no vote from Gujarat and they might not get their nominee elected to the office of the President of India. So, they did not dissolve the House immediately after 12th April. They decided to wait. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : आप कृपया संक्षेप में अपनी बात कहें ।

श्री कपिल सिब्बल : मैं संक्षेप में ही कह रहा हूँ । I am just trying to trace the events. It is not something that has happened in July. It was decided far back in March or April, because they wanted to cash on the carnage, to which everybody was an eyewitness. There is not even a single newspaper in this country that had supported Mr. Narendra Modi. ...*(Interruptions)*...

SHRI B.P. SINGHAL: There are dozens of local dailies of Gujarat. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Yes; local dailies. ...*(Interruptions)*... I am very happy. Let that go on record. ...*(Interruptions)*... Let that go on record that there were only local dailies that had supported Narendra Modi. ...*(Interruptions)*... I am glad that...*(Interruptions)*... I am glad that a Member, who is on the Treasury Benches, has, at least, admitted that the only support came from some local newspapers in Gujarat. That must be put on record.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : वह बात रिकॉर्ड में आ गयी ।

SHRI KAPIL SIBAL: Now, Mr. Vice-Chairman, Sir, let me come back to some of the points that my learned colleague has raised. He has said that as far as article 355 is concerned, the Central Government had taken action. In that context, he said, "Look, we provided aid. We sent the police force. The Army went there. We asked them to control the situation. We have given them a rehabilitation package." The hon. Member of this House, my learned colleague, has already mentioned what kind of package that is. But I just want to mention a few things. There is a report given by the Human Rights Commission in this regard, which relates to the kind of investigation that is going on in Gujarat, in respect of the cases that have been registered. The Human Rights Commission has said, "Five major cases must be taken over by the CBI." The Human Rights Commission had set up a Committee, and met on 1st April. They had sent a confidential report to the State of Gujarat. The State of Gujarat had to reply to it. But till date the State of Gujarat has not even replied to the confidential report of the Human Rights Commission. They met again on 12th April and 1st May. They said that they would give a time of two more weeks to the State to reply. Even then the State Government did not reply. Then, the NHRC made the confidential report public. And when they made the confidential report public, this is what they recommended. They said, "We, therefore, recommend that certain critical cases, including these five, be entrusted to the CBI." Now, Mr. Jaitley asks, "How can they be entrusted to the CBI? If the CBI has to take up the cases, there would be no chargesheets. There would not be enough time. Under the Constitution and the CBI Act, permission has to be taken from the State Government." I quote what the Commission says on Article 355. It says, "In the light of the unanimously Resolution, adopted in the Rajya Sabha on 6th May, 2002, urging the Central Government to intervene, under Article 355 of the Constitution, to protect the lives and properties of citizens, the Commission is emphatically of the view that the role of the Central Government in respect of the investigation of the cases, identified by the Commission, should go beyond the mere invocation of the existing rules in respect of the CBI. When the CBI can take up a case for investigation, with a statement to that effect, is it not possible for it direct the CBI to take up the investigation of these cases, given the position taken by the State Government." The Human Rights Commission said, 'We entirely disagree with the position of the Central Government and the State Government in this regard.' Why then has this Government not directed the CBI to take up those cases? The point is clear. The Human Rights Commission answers it. It says, 'The reason why

this was done is this.' I quote from the Report of the Human Rights Commission. Shri Namboothri, who is a special emissary of the Human Rights Commission, said, 'Almost 90 per cent of those arrested even in heinous offences like murder, arson etc. have managed to get bail almost as soon as they were arrested.' This is what the Human Rights Commission has said.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : अब आप समाप्त करें ।

SHRI KAPIL SIBAL: Sir, just give me a few more minutes because I want to deal with the legal issue of article 174. I will finish in a minute. The Commission's representative, however, has stated that in most of the sensational cases, in the FIRs registered on behalf of the State by the police officers concerned, the accused persons are shown as "unknown". The accused persons in most of the sensational cases are shown as "unknown". So, Mr. Jaitley is trying to make this House believe that everything is right in the State of Gujarat, and that investigation is going on in a proper fashion.

Now, let me come to the legal issue that Mr. Jaitley has talked about. He said, 'Under article 174, there is an embargo.' In other words, the Constitution requires that six months must not lapse between the last sitting in one session and the date appointed for the first sitting in the next session. He further says, 'Therefore, that embargo has to be complied with by the Election Commission.' I have before me, Mr. Vice-Chairman, a report on 'President's rule in the States and Union Territories,' a 1996 publication. It is very interesting. In Uttar Pradesh, the Assembly, as you remember, was suspended on 18th October, 1995. And it was dissolved on the 27th October, 1995. No elections were held, after the dissolution of the Assembly, for one whole year. The elections in U.P. took place in October, 1996. Is that right?

SOME HON. MEMBERS: Yes.

SHRI KAPIL SIBAL: If the elections in Uttar Pradesh took place in October, 1996, where was article 174 then? Article 174 is a part of the Constitution. It applies to prorogation of the House and dissolution of the House. And, yet, in the State of Uttar Pradesh, because they did not want the elections to take place, they took one whole year. Where was accountability then? So, why do have double standards? You say that article 174 is an embargo. It is not an embargo for U.P., but it is an embargo for Gujarat! Then, he says, 'Don't take the case of article 356 because that is a case of President's rule. Don't apply article 174 to 356?'

Where does the Constitution say that? Does article 174 say that you can't apply it to article 356? Does article 356 say that it is subject to article 174? Article 174 talks of both prorogation of the House and dissolution of the House. What is sauce for the goose is sauce for the 'gander. It cannot possibly be that you will apply that rule in Gujarat, but you will not apply it under article 356. I expect my learned friend, at least, to place the correct legal position. The fact of the matter is that, under article 326, which is not subject to any other provision of the Constitution, the Election Commission has free play.

I gave a small example the other day. Supposing, for five months the Assembly has not met, and at the end of the fifth month, the Chief Minister recommends dissolution of the House. Is it then Mr. Jaitley's case or this Government's case that elections must be held, come what may, in the next one month, because the six months period will expire? Supposing, at the end of five months, there is a huge earthquake which destabilizes the State. Is it Mr. Jaitley's case that elections must take place, despite the earthquake? Supposing, half the State is flooded, is it Mr. Jaitley's case that, despite the floods, elections must be held, because of article 174? ...*(Interruptions)*...

AN HON. MEMBER: Sir, things are being imagined. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Don't panic when you hear a legal argument in response, because there is no answer to this. Let me read to you article 324 of the Constitution. It says, "The superintendence, direction and control of the preparation of the electoral rolls, for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission referred to in this Constitution as the Election Commission." This is the absolute power of the Election Commission. It is not subject to the Constitution. There are other provisions in Part XV of the Constitution which are subject to the provisions of the Constitution. Article 328 is subject to the provisions of the Constitution, article 327 is subject to the provisions of the Constitution, but article 324 is not subject to the provisions of the Constitution, I am not saying that elections should not be held in six months. That is not our intention. Let me make it clear. If the Election Commission comes to the conclusion that, in the prevailing atmosphere, a free and fair poll is possible, it should hold the polls. We have no objection to that. But the BJP cannot say that even if the Election

Commission thinks that a free and fair poll is not possible, article 174 will stand in the way. Let us not subvert the Constitution.

The last point which I would like to make is about the situation prevailing today. Mr. Jaitley talked about it at length. The other day, he said on the TV that the situation was absolutely normal. What are the facts? I will give some facts, and that too, very recent events. On 12th July, 2002, on the day of Rath Yatra, a huge cache of arms and ammunition was seized from Ahmedabad. According to the official version of the State Government, "There was a conspiracy hatched to kill a large number of people. If the police had not unearthed this conspiracy, at least, 1500 people would have been killed." This is the version of the State Government, not of any Party. This was on 12th July, 2002. And, this cache was worth crores of rupees. Thirty per cent of those arms and ammunition are not found today. Then, on 15th of July, "a very big racket of ISI has been unearthed by the police, which, if not unearthed in time, would have rocked the entire Saurashtra region." This happened on 15th July. On 16th July, "a bomb blast took place in Panchmahal District, of which Godhra is the capital, in which three persons died." On 18th July, "communal riots, on a large scale, broke out at Viramgam, very near to Ahmedabad, in which three persons lost their lives." On 20th July, "a huge consignment of arms and ammunition was seized from Juhupura in Ahmedabad." सामान्य स्थिति है। I am not talking about the last one week. यह सामान्य स्थिति है जेटली साहब के हिसाब से। हम नहीं कहते, हम कुछ नहीं कह रहे, अगर इलेक्शन कमीशन जांच करके यह फैसला करे कि वहां सामान्य स्थिति नहीं है, वहां प्री एंड फेअर चुनाव नहीं हो सकता, तो इस बारे में इलेक्शन कमीशन फैसला करेगा। जहां तक कांग्रेस पार्टी का सवाल है, हम तैयार हैं, कभी भी तैयार हैं, जब भी इलेक्शन कमीशन कहेगा। At least, this kind of a misinformation or disinformation coming from a person who was a Minister in this Government earlier, without stating correct facts, pains me. Thank you.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : माननीय श्री संजय निरुपम। संजय जी, आपके लिए 4 मिनट का समय है, आप पांच मिनट बोल लीजिए।

श्री संजय निरुपम (महाराष्ट्र) : अगर बीच में टोका-टाकी न की गई तो मैं 4 मिनट में ही समाप्त कर दूंगा।

उपसभाध्यक्ष महोदय, गुजरात के विषय पर जो पिछले चार-पांच महीने से चर्चा चल रही है, जब से वहां पर गोधरा कांड के रिएक्शन में दंगे हुए, उसके बाद आज इस सदन में वह चर्चा अपने एक दूसरे मुकाम पर आकर पहुंची है, चुनाव से जुड़े हुए वातावरण पर। चुनाव का जो विरोध है, वह एक खास पक्ष की तरफ से हो रहा है और उसके पीछे दो-तीन कारण मैं देख रहा हूँ। विरोध के जो दो-तीन कारण मैं देख रहा हूँ, मोटे तौर पर ...(व्यवधान)...

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : इन्हें बोलने दीजिए ।

श्री संजय निरुपम : कपिल सिब्बल अभी क्यों अपने गले को तकलीफ दे रहे थे? ...**(व्यवधान)**...आप इलेक्शन कमीशन को बोलने वाले कौन होते हैं कि तैयार है या नहीं है? आप यह सब बोल-बोल कर इलेक्शन कमीशन को इन्फाल्युएंस कर रहे हैं । इलेक्शन कमीशन एक कांस्टिट्यूशनल बॉडी है, उसको डिस्मिज़न लेने दीजिए । उपसभाध्यक्ष महोदय, इस धर्चा में तीन पहलू निकलकर आ रहे हैं । पहला ऐतराज यह कहकर किया जा रहा है कि वहां अभी तक वातावरण सही नहीं हुआ । दूसरी बात यह कही जा रही है कि लाशों के ऊपर राजनीतिक पार्टियां राजनीति कर रही हैं । हमेशा भारतीय जनता पार्टी और शिव सेना के ऊपर भी कमेंट किया जाता है । तीसरी आशंका यह व्यक्त की जा रही है कि शायद मोदी जी के रहते हुए फ्री एंड फेयर इलेक्शन नहीं हो पाएंगे । मैं इन तीनों विषयों पर अपने तर्कों के आधार पर अपना पक्ष आपके सामने रखना चाहूंगा । अभी जुलाई महीने की दो-तीन घटनाओं की याद दिलाते हुए कपिल सिब्बल जी ने यह साबित करने की कोशिश की कि आज भी गुजरात में वातावरण सही नहीं है । मैं उनको बता देना चाहता हूं कि 1970 से लेकर अब तक गुजरात में 440 दंगे हो चुके हैं और उन दंगों में मरने वालों की संख्या गिनी जाए तो 3,000 से ऊपर है । इसके बावजूद वहां इलेक्शन तो हुए ।

महोदय, वातावरण सुधरने का जो सबसे बड़ा आरग्यूमेंट दिख रहा है वह यह है कि अप्रैल-मई महीने में गुजरात के 1700 गांवों में पंचायत इलेक्शन हुए, शांतिपूर्वक हुए । उस समय इनके हिसाब से वातावरण और भी खराब था । इसके बावजूद इलेक्शन कमीशन ने चुनाव तो कराए और जब इलेक्शन कमीशन ने चुनाव कराए तो वे चुनाव शांतिपूर्वक हुए, उन चुनावों के नतीजे भी आए और उन गांवों में आज पंचायत की बॉडी बैठी हुई है । यानी अगर अप्रैल-मई में चुनाव हो सकते हैं, उन गांवों में चुनाव हो सकते हैं जिन 18,000 गांवों के बारे में यह कहा गया कि पूरा गुजरात जल रहा है, पूरे गुजरात की जनता बरबाद हो गई है, 5 करोड़ जनता दर्द में है, उन लोगों ने ...**(व्यवधान)**...

SHRI OSCAR FERNANDES (Karnataka) : Sir, the municipal elections were put off on this ground alone.

श्री संजय निरुपम : बार-बार यही तो कहा जा रहा है ...**(व्यवधान)**...आप ग्लास आधा भरा है या आधा खाली है, इस पर बहस कर रहे हैं ।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : चुनाव आयोग के मामले में भी आप राज्य चुनाव आयोग कहिए तो ज्यादा ठीक है ।

श्री संजय निरुपम : महोदय, राज्य चुनाव आयोग भी तो इस चुनाव आयोग के अंतर्गत ही काम करता है । चुनाव अधिकारी किसके अंतर्गत काम करते हैं ? राज्य का चुनाव अधिकारी, चुनाव आयोग के अंतर्गत काम करता है ...**(व्यवधान)**...

5.00 p.m.

खैर, मैं इस विवाद में नहीं पड़ना चाहता हूँ। मेरे कहने का आशय यह है कि वातावरण कितना भी खराब रहा हो, उसके बावजूद चुनाव हुए और चुनाव शांतिपूर्वक हुए और नतीजे आए।

महोदय, दूसरा सबसे बड़ा सबूत है रथ यात्रा। यहां पर कपिल सिब्बल जी ने 12 जुलाई की रथयात्रा के बारे में याद दिलाया। महोदय, गुजरात में हर साल रथयात्रा पर दंगे होते हैं लेकिन यह वर्ष ऐसा था जब इस रथयात्रा पर दंगे-फसाद नहीं हुए और शांतिपूर्वक रथयात्रा निकली...(व्यवधान)...

प्रो. अलका क्षत्रिय : गुजरात में हर साल रथयात्रा पर दंगे नहीं होते...(व्यवधान)...

श्री संजय निरुपम : अमूमन होते हैं...(व्यवधान)...अमूमन गुजरात में जब भी रथयात्रा निकलती है तो गांधीनगर और अहमदाबाद में तनावपूर्ण वातावरण रहता है और दंगे की स्थिति बनती है। कई बार दंगे भी हुए और लोग इनमें मारे भी गए। इसलिए इतना ज्यादा उत्तेजित होने की जरूरत नहीं है। मेरे कहने का आशय यह है कि आपके हिसाब से जब वातावरण सही नहीं है, लोग तकलीफ में हैं, दर्द में हैं, तब जो रथयात्रा निकली वह शांतिपूर्वक निकली। उसके बाद मुख्यमंत्री नरेन्द्र मोदी जी का एक स्टेटमेंट आता है कि यह जो रथयात्रा थी, वह हम लोगों ने बड़ी मुश्किल से शांतिपूर्वक होने दी। उस रथयात्रा को खराब करने के लिए, बिगाड़ने के लिए, वातावरण को दूषित करने के लिए और दंगाई वातावरण तैयार करने के लिए लोगों ने तैयारी की थी। इस तरह का बाकायदा एक षड्यंत्र था। सरकार ने इसको रोकने के लिए ऐक्शन लिया। सरकार ने इस तरह की संभावित घटनाओं में जो लोग शामिल रहते हैं, उनको गिरफ्तार किया, बहुत सारे हथियार ज़ब्त किए, अभी कपिल सिब्बल जी ने डिटेल में यह बताया। यानी सरकारी मशीनरी इस समय बहुत ही सचेत है और कोई भी ऐसी ताकतें जो दंगा भड़का सकती हैं और पूरे वातावरण को और भी दूषित कर सकती हैं, उनके खिलाफ कार्यवाही की जा रही है।

इसलिए मेरा आपसे यह निवेदन है कि यह जो तर्क है कि वातावरण और सुधर जाना चाहिए, वातावरण खराब है इसलिए वहां चुनाव नहीं होना चाहिए, इस तर्क को वापस लिया जाए। ऐसा देखने को मिल रहा है कि आज गुजरात का वातावरण सुधर रहा है। दूसरा बार-बार कहा जाता है कि भारतीय जनता पार्टी और शिव सेना का जो ग्रुप है, जिसको लालू जी फासिस्ट कह रहे थे...(व्यवधान)...

श्री राजू परमार : आपका नाम किसी ने नहीं लिया है...(व्यवधान)...

श्री संजय निरुपम : मेरा नाम क्यों नहीं लिया जा रहा है, मैं बताता हूँ। बार-बार यह कहा जा रहा है कि ये जो पार्टियां हैं, ये जो नत्व हैं, ये सब लाशों की राजनीति कर रहे हैं। अगर आप देखें तो इस देश में पिछले बीस वर्षों में तीन बड़े हादसे हुए और तीनों हादसों के बाद चुनाव हुए। एक तो 1984 में अक्टूबर महीने में श्रीमती इंदिरा गांधी की जघन्य हत्या के

बाद चुनाव हुआ। उस समय किसी ने ऑब्जेक्शन नहीं किया, किसी ने ऐतराज नहीं किया। वह चुनाव भी प्रीपोन हुआ था। ठीक अक्टूबर, 1984 के तत्काल बाद जब श्री राजीव गांधी जी कार्यवाहक प्रधानमंत्री बने थे तो उसके बाद चुनाव हुआ था, तब किसी ने ऑब्जेक्शन नहीं किया। हमने कभी नहीं कहा कि आप लाशों की राजनीति कर रहे हैं और ऐसा हो भी नहीं सकता कि इतने बड़े पैमाने पर सिखों की हत्या करने के बाद कोई चुनाव जीत कर आ जाए। कुछ और कारण थे। वह कारण श्रीमती इंदिरा गांधी की हत्या के बाद एक सहानुभूति लहर थी जिससे राजीव गांधी को सत्ता इतनी बड़ी ताकत के साथ मिली। दूसरा जो दर्दनाक कांड हमारे देश में हुआ है वह मुम्बई के दंगे थे। मुम्बई में 1992-93 में दंगे हुए। ... (व्यवधान)...

श्री जीवन राय : कुछ बातों में तो आप कांग्रेस को फोलो करते हैं।

श्री संजय निरुपम : आप बार-बार डिस्टर्ब करेंगे तो बात नहीं होगी, उसके बाद फिर मैं डिरेल हो जाऊंगा, कुछ भी बोलूंगा फिर आपका हाउस एडजोर्न हो जाएगा। मैं यह करना नहीं चाह रहा हूँ। मैं इमानदारी से समझदारी के साथ बोलना चाह रहा हूँ उसको सुन लीजिए।

उसके बाद 1992-93 में मुम्बई में दंगे हुए। उस समय हमारी सरकार नहीं थी, वहां पर कांग्रेस की सरकार थी। 1995 में चुनाव हुए, विधान सभा के चुनाव हुए। मुम्बई की 34 विधान सभा सीटों में से शिव सेना और भारतीय जनता पार्टी के पास 30 सीटें आईं। उन्होंने कहा कि आप दंगा भड़काते हैं, दंगा भड़का इसलिए लोगों ने आपको वोट दिया। इसलिए मैं शिव सेना का जिक्र कर रहा था। आप जो बोले कि आपको किसी ने कुछ नहीं बोला। तो लाशों की राजनीति का कोई प्रश्न नहीं है इसमें। दंगे हुए हैं और दंगों के दो साल बाद चुनाव हुए और चुनाव के बाद लोगों ने अपना एक तरह से जनादेश दिया। लेकिन उसमें सिर्फ दंगों की भूमिका थी यह नहीं कहा जा सकता। उस समय की सरकार बदनाम हो गई थी, उस समय की सरकार एनरॉन की वजह से बदनाम हो गई थी, गावली हत्याकांड हो गया था। यह सब बहुत सारी चीजें थीं। उस समय के जो मुख्य मंत्री थे उनके एक माफिया सरगना से रिलेशन की बात निकल कर आई थी, यानी जब चुनाव होते हैं तो बहुत सारे इश्यू होते हैं। लेकिन जब हम जीत कर आते हैं तो कहते हैं कि उन्होंने टू नेशन थ्योरी फिर से रिपीट किया, देश को दो हिस्सों में बांट दिया, हिन्दुओं की भावनाएं भड़का दी इसलिए चुनाव जीत कर आ गए। इसी वजह से आज गुजरात चुनाव का विरोध हो रहा है और इनको ऐसा लग रहा है कि लाशों की राजनीति होगी और गुजरात चुनाव में इस बार भारतीय जनता पार्टी बड़े पैमाने पर चुनकर आ जाएगी। हो सकता है कि मान लो भारतीय जनता पार्टी बड़े पैमाने पर चुनकर आ जाएगी और गुजरात की जो 5 करोड़ जनता है वह जनता खुल करके भारतीय जनता पार्टी के पक्ष में वोट दे और फिर से नरेन्द्र मोदी की सरकार बन जाए। हो सकता है कि ऐसा हो। लेकिन सबसे महत्वपूर्ण बात यह है कि एक तरफ सत्ता पक्ष और दूसरी तरफ विपक्ष, इन दो पक्षों के बीच में एक तीसरा पक्ष भी है। उस तीसरे पक्ष के बारे में तो सोचना पड़ेगा और वह तीसरा पक्ष जनता है, पब्लिक है। आप एक जनतांत्रिक व्यवस्था में जीते हैं और आप ही बार-बार जनतंत्र की दुहाई देते हैं। जो भी फैसला हो वह जनता फैसला करेगी। वह फैसला न तो मुख्य मंत्री नरेन्द्र मोदी करेंगे और न ही कांग्रेस कर सकती है। नरेन्द्र मोदी ने चुनाव की घोषणा की है, बिल्कुल चुनाव होना चाहिए, चुनाव होंगे। लोगों को मौका दीजिए आ करके उसमें वोट डालने के लिए, उसके बाद लोगों का जो फैसला है उस फैसले को स्वीकार करिए। क्या लोगों ने कभी इस बात का विरोध किया? क्या वहां की आम जनता ने इस बात का विरोध किया?

उपसभाध्यक्ष जी, मैं एक मिनट और लूंगा। इसलिए मेरा ऐसा कहने का आशय यह है कि लाशों की राजनीति करने की बात आप कहने के बजाए यह देखें कि गुजरात सरकार ने पिछले 5 वर्षों में क्या-क्या किया। भूकम्प हो या वहां पर सूखे की समस्या हो, बाढ़ की समस्या हो पूरी तरह से जो वहां पर प्रशासनिक कामकाज है उस मुद्दे पर लोगों से वोट मांगिए, कोई भी दंगों के नाम पर वोट नहीं मांग रहा है। कोई भी हिन्दुओं के नाम पर वोट नहीं मांग रहा है। लोग अपने कामकाज के आधार पर, परफार्मेंस के आधार पर वोट मांगना चाह रहे हैं। लोग वोट मांगेंगे, आप भी वोट मांगिए कि यह निकम्मी सरकार है, इस सरकार ने कुछ काम नहीं किया और उसके बाद आपको वोट मिलते हैं और चुनकर आते हैं और आप अपनी सरकार बनाइए। लेकिन चुनाव होने से पहले ही किसी भी पक्ष को और लोगों को इस तरह बदनाम करने का जो कार्यक्रम चल रहा है, उस कार्यक्रम को यहां बंद किया जाना चाहिए। तीसरा जो इनको एतराज है वह फ्री एंड फेयर इलेक्शन का है।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : अब समाप्त करें।

श्री संजय निरुपम : मैं समाप्त कर रहा हूँ। अभी चुनाव भी नहीं हुए और कहा जा रहा है कि फ्री एंड फेयर इलेक्शन नहीं हो रहा है। मैं बताना चाहता हूँ कि जब गुजरात में पंचायत चुनाव हुए तो फ्री एंड फेयर इलेक्शन था। अगर वह फ्री एंड फेयर इलेक्शन नहीं था, साफ-सुथरा चुनाव नहीं हुआ तो क्या कोई नेता किसी अदालत में जाकर चुनौती देकर आया कि यह जो चुनाव हुए इसमें नरेन्द्र मोदी ने रिगिंग की है और इस रिगिंग के खिलाफ हम कोर्ट में जा रहे हैं और कोर्ट में हम निवेदन लेकर जा रहे हैं कि हमको आप सुरक्षा दीजिए। आज तक कोई क्यों नहीं गया। इसलिए आने वाले चुनावों में अगर फ्री एंड फेयर इलेक्शन नहीं होगा तो आपको पूरी जिम्मेदारी है अदालत में जाने की और इस सरकार और इसकी प्रशासनिक व्यवस्था को चुनौती देने की। फ्री एंड फेयर इलेक्शन कराने की जिम्मेदारी न तो नरेन्द्र मोदी की है और न कांग्रेस की है, यह जिम्मेदारी चुनाव आयोग की है। अगर आप कहते हैं कि वहां फ्री एंड फेयर इलेक्शन नहीं होगा तो इसका मतलब चुनाव आयोग के ऊपर आप शक कर रहे हैं। चुनाव आयोग एक संवैधानिक संस्था है, एक संवैधानिक बॉडी है। कम से कम उसके ऊपर शक नहीं किया जाए। अगर कुछ गलत हो रहा है तो चुनाव आयोग में शिकायत करने का आपको पूरा अधिकार है। इसलिए उपसभाध्यक्ष जी, मेरा निवेदन है कि गुजरात असेंबली भंग करने के बाद चुनाव का जो वातावरण बन रहा है उस वातावरण को और भी प्रदूषित करने के बजाए चुपचाप शांति से बगैर साम्प्रदायिक और सो-काल्ड सूडो-सेक्युलरिज्म की जो बातें हैं, वह बातें किए बगैर चुनाव में दोनों पक्षों को हिस्सा लेने का पूरा अधिकार है। वह गुजरात का वातावरण और भी दूषित न करें। धन्यवाद।

SHRI M.P. ABDUSSAMAD SAMADANI (Kerala): Sir. Everybody knows and everybody agrees, without any difference of opinion, that a highly communally charged situation is existing in the State of Gujarat.

AN HON. MEMBER: Not everybody.

SHRI M.P. ABDUSSAMAD SAMADANI: 'Everybody' means everybody with some sense'.

In such an atmosphere, it will be unfortunate to go for elections. So, Sir, I would like to add to this discussion by expressing my sentiments that the decision to go for election is not legally, constitutionally, politically and morally correct. From all these angles, this decision is wrong. This decision is guided by narrow political calculations and considerations.

Sir, in a very latest statement, the Gujarat Chief Minister has stated that those people who are the victims of the genocide there, have lost their properties and documents, not their citizenship. This is the statement of the Gujarat Chief Minister! He says that the citizenship is not lost. In such a condition, how can we guarantee that even the citizenship will be safe under such a Chief Minister, when the citizens who are the victims go for voting?

Eight more months are there for the existing Ministry there. The practice of advancing the elections before their due time should be discouraged. It is not a good tendency in a democracy to advance the elections before the term is completed. In some other foreign countries, there are certain laws existing to prevent this kind of advancement of elections so that gaining political mileage using this kind of a phenomenon can be prevented.

The speakers here were referring to the Jagannath Rath Yatra. Everybody knows that the Rath Yatra was conducted under tight security. The vicious brand of politics is a dangerous trend. If that politics is allowed to get mileage and to cash in on the carnage, the effects will be very serious upon the society and the polity. When the Chief Minister of Gujarat is speaking of defending the five-crore people of Gujarat, actually he means only a certain community, indeed a group or section of that community. The situation existing in Gujarat is already explained in detail. Curfew is there. Even two days ago, two persons were killed. An unprecedented phenomena of protecting of culprits can be seen under this Gujarat Government.

IAS officers are transferred. IPS officers are transferred. A collector has been transferred. His only crime was that he put behind the bars 400 Party workers who indulged in rioting. For that purpose, a 'bandh' was called to bring pressure upon the governmental machinery and finally, the collector was transferred!

Sir, as per the official figures, 12524 people are still living in 10 relief camps. This is the official figure--12524 people! Hon. Member, Mr. Arun Jaitley was saying that people were returning home. I am just referring to

that aspect of 'returning home'. Not one single family has returned to Gulberg Society. Not one single family has returned from the relief camp! In Pandrawada in Panchmahal only 200 out of 400 Muslims have returned. In Panvad, only 50 persons out of the total 300 Muslims staying in that area!

Regarding compensation, Sir, there are very unfortunate conditions prevailing there. Even Rs.100/- are paid to some of the victims! That is the condition. In such a situation, free and fair elections will be only a lip-service. That may not be practical. Communal polarization is there in the State. If you allow it to be misused by the interested parties, not only the electioneering process, but the entire political process of the country will be made target.

Sir, as already specified here, absence of violence cannot be equated with peace. The climate of fear is still existing there. And the government machinery is even now protecting the culprits! They are going away from discharging their constitutional duty of bringing them to books. What I would like to submit is that the normalcy has to return there, the peace has to be restored, then only the election process can be started in the State. In order to hold elections, the election reforms will be necessary; and the electoral rolls will have to be modified. Due to riots, a change in residential addresses has taken place. For that purpose, enough time will have to be devoted. Even Mr. K.P.S. Gill, who was sent there, has said that the police cannot bring peace and it can only stop incidents. So, for the restoration of peace, something else has to be done there.

Sir, a news-item has appeared in the newspapers that the Amnesty International, which has applied for a visa to visit Gujarat to take stock of the situation there, has been denied visa. Sir, the Amnesty International is not a communal organisation. It does not belong to any group or society. It is a very reputed international organisation, which is devoted to the protection of human rights. I would like to know from the Government as to why there is a fear of the international survey. In this electronic age, nobody can hide anything. Everything is disseminated like anything by the news media. Nobody can hide such events. The refusal of visa to the Amnesty International goes to prove that there is still something in the State. So, I request the Government to dismiss the Chief Minister of Gujarat and impose a President's rule there. I am putting one question to my hon. friends who are sitting on the other side of the House. Whom are you approaching for the electioneering purpose with slogans and processions in the State of Gujarat? You have to approach the orphans, whose fathers have died; you

have to approach the fatherless children, you have to approach the widows who have lost their husbands. At the moment, keeping in view the situation which is prevailing in the State, the future is a big question mark for all these people. I would like to lay stress on this thing that what Gujarat needs at present, is not elections, but, human touch of love and affection, humanitarian help and generation of humanitarian values. I would expect the Government to come forward with such proposals which may ensure safety and security of the people there. Thank you.

श्रीमती सविता शारदा (गुजरात) : धन्यवाद उपसभाध्यक्ष महोदय, भारत के संविधान के अनुच्छेद 355 के अधीन गुजरात राज्य में हस्तक्षेप हेतु नियम 170 के अधीन जो चर्चा करवाने का निर्णय लिया गया है, मैं उसका स्वागत करती हूँ क्योंकि यह गुजरात की पांच करोड़ जनता के हित में है। उपसभाध्यक्ष महोदय, 27 फरवरी से लेकर आज 23 जुलाई तक अर्थात् आज तक जो गुजरात का मुद्दा लोक सभा एवं राज्य सभा में चर्चा का विषय रहा है, आज उसका पटाक्षेप होना ही चाहिए और यह आवश्यक भी है। विरोध पक्ष द्वारा राष्ट्रपति शासन लगाने की बात हो रही है। अरुण जी ने अपनी बातों में काफी विस्तार से इस पर प्रकाश डाला है तथा मेरे पूर्व वक्ताओं ने भी इस पर काफी प्रकाश डाला है इसलिए मेरे लिए इस पर कुछ अधिक बोलना उचित भी नहीं है। गुजरात के इतिहास में समय समय पर कम्यूनल इंसीडेंट्स होते रहे हैं, चाहे वह रथ यात्रा हो, पतंग उड़ाने का कार्यक्रम हो, ताजिया हो, दांडिया हो, कहीं न कहीं कुछ न कुछ हिंसा यहां होती रही है। कुछ आंकड़े मेरे पास हैं। 1969 में यहां 660 लोग मारे गये, 1985 में 208 लोग मारे गये, 1990 में 219 लोग मारे गये और 1992 में 441 लोग मारे गये। लेकिन इस समय के गोधरा कांड को केवल एक दुखद घटना मानकर भुला देना क्या काफी होगा? कदापि नहीं। प्रचार एवं प्रसार द्वारा जो बार-बार एक ही राग अलापा गया एवं लोकल और इंगलिश मीडिया द्वारा अलग अलग न्यूज देना गुजरात के लिए ही नहीं, बल्कि इस देश के लिए भी घातक सिद्ध हुआ। गुजरात को गोडसे की संतान और न जाने क्या क्या कहा गया जिसे गांधी जी और सरदार का गुजरात कहा जाता था। इतनी बदनामी सहनी पड़ी। 26 जनवरी का भूकंप या 27 फरवरी की जो घटना घटित हुई, उसके कारण हमारा गुजरात काफी बदनाम हुआ है। बदनाम ही नहीं बल्कि पूरे संसार में इसके ऊपर जो भी बातें कही गयीं, कलंक के रूप में कही गयीं। इसके लिए हमें हमेशा शर्मनाक कहा जाता रहा है, ऐसा मैं मानती हूँ। लेकिन 80 के दशक में क्या हुआ? कई बातें अभी मुझे पीछे से भी बताई जा रही थीं, मैं आपको भी बताना चाहती हूँ। सन् 1984 में अल्पसंख्यकों की हत्या के तुरंत बाद इलेक्शन करवाए गये। यहां दिल्ली में क्या हुआ था लेकिन फिर भी इलेक्शन करवाए गए। क्या किसी से पूछा गया कि इलेक्शन करवाने चाहिए या नहीं लेकिन इलेक्शन हुए। जम्मू और कश्मीर में हजारों की संख्या में रिफ्यूजी यहां रह रहे हैं फिर भी इलेक्शन हो रहे हैं और इलेक्शन का वोट वे यहां से डालेंगे, बहुत सालों के बाद उनको अपना वोट डालने का मौका मिला है।

महोदय, यहां पर बहुत सारी बातें हुईं। किसी ने पुनर्वसन के बारे में बात की, किसी ने किसी और संबंध में बात की लेकिन कुछ हमारे माननीय सदस्य तो ऐसे हैं जिन्होंने एक बार भी गुजरात जाकर नहीं देखा कि गुजरात में क्या हुआ? वे सिर्फ अखबार ही पढ़ते हैं और उनमें जो लिखा जाता है, उसके आधार पर ही उन्होंने यहां बातें कही हैं। वे कभी गुजरात गए ही

नहीं और गुजरात से उनका कभी नाता ही नहीं रहा। जिनका गुजरात के साथ नाता रहा है, वे बहुत अच्छा बोले, उनकी मैं प्रशंसा करती हूँ।

महोदय, यहां पर मैं एक बात कहना चाहती हूँ कि कांग्रेस ने एक मेमोरेण्डम दिया था सरकार को। जो बार-बार सी.एम. का रेजिगनेशन मांगते थे, आज वे ही विधान सभा भंग होने पर चुनाव की परिस्थिति तो कराना चाहते हैं लेकिन चुनाव अभी नहीं करवाना चाह रहे हैं। वे क्यों वहां पर राष्ट्रपति शासन लगवाना चाहते हैं? क्या केयर टेकर सरकार अच्छी तरह से फ्री और फेयर इलेक्शन नहीं करवा सकती है? बहुत हल्ला मचाया जा रहा है लेकिन महोदय, कभी-कभी संविधान से ही नहीं बल्कि प्रैक्टिकल होकर दिलों की बात भी सुनी जानी चाहिए। यहां सब लोग अपनी-अपनी रोटियां सेंकने में लगे हुए हैं लेकिन गुजरात के लोग क्या चाहते हैं, वहां का जनादेश क्या है, वह कोई नहीं सुनना चाहता।

उपसभाध्यक्ष महोदय, यहां जो मुद्दे उठाए गए थे मेमोरेण्डम में, मैं उनके बारे में बताना चाहती हूँ कि The justification put forth by the Chief Minister, Shri Narendra Modi for his Government's resignation is not justiciable and acceptable. क्यों एक्सेप्टेबल नहीं है? महोदय, आप देखिए कि ये रेजिगनेशन मांग रहे हैं लेकिन वहां पर विकास के सभी काम हो रहे हैं। नर्मदा प्रोजेक्ट हो, जनजाति की योजनाएं हों, सभी काम, सभी कुछ वहां हो रहा है। सिर्फ एक-दो शहरों को छोड़कर, अहमदाबाद और कुछेक छोटे-छोटे गांवों को छोड़कर सभी जगह पर नॉर्मलसी है, सभी लोग नॉर्मल ज़िंदगी जी रहे हैं। ... (व्यवधान)...

श्री नीलोत्पल बसु : असेम्बली सिटिंग भी नहीं होती है।

श्रीमती सविता शारदा : क्यों नहीं हुई? 3 अप्रैल को हुई थी। देखिए, जब आप बोल रहे थे, तब मैंने कुछ नहीं कहा तो जब मैं बोल रही हूँ तो आप अब सुनिए।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : आप शांत रहिए। अब कृपया समाप्त करें सविता जी।

श्रीमती सविता शारदा : उपसभाध्यक्ष महोदय, बहुत सारी बातें हैं जो थोड़े समय में नहीं कही जा सकतीं लेकिन कुछ बातें ऐसी हैं जो मैं यहां पर कहना चाहती हूँ। कुछ ऐसे सी.एम. भी थे जिनकी मेजॉरिटी नहीं थी लेकिन फिर भी उन्होंने केयर टेकर का काम किया। इस्तीफा-इस्तीफा चिल्ला कर जो कांग्रेस पार्टी हल्ला मचा रही थी, उनका हाल तो वही हो रहा था जैसे "जल बिन मछली"। क्योंकि वे सत्ता में नहीं हैं इसलिए वे चाहते हैं कि यह काम अभी नहीं होना चाहिए।

महोदय, अभी 355 और 356 के बारे में अरुण जी ने बहुत अच्छी तरह से बताया, इसलिए मैं उसके बारे में नहीं कहना चाहती। ट्रांसफर के बारे में एक महोदय अभी बोल रहे थे। मुझे यह कहना बहुत अच्छा लग रहा है कि हमारे मुख्य मंत्री जब से वहां गए हैं, उन्होंने एक भी ट्रांसफर वहां नहीं कराया है। मेरे पास पूरे आंकड़े हैं, भले ही वह पुलिस डिपार्टमेंट हो, आई.ए.एस. ऑफिसर्स हों, गैस के ऑफिसर्स हों, किसी का भी उन्होंने ट्रांसफर नहीं कराया है और जितने भी इलेक्शन हुए हैं, वे टोटल कंट्रोल में हुए हैं। उन्होंने कभी भी किसी के फॉर्म में कि यह कांग्रेस का है या किसी और का है, सभी फॉर्मों को उन्होंने अपनी गाइडेंस में देखा है। (समय की घंटी) महोदय, अब सिर्फ रीहैबिलिटेशन के बारे में कहकर मैं अपनी बात समाप्त

करूंगी। मेरे साथ और कई बहनें वहां रिलीफ कैंपों में गई थीं। (समय की घंटी) उपसभाध्यक्ष महोदय, मैं सिर्फ तीन-चार मिनट और लूंगी।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : तीन-चार मिनट नहीं। आप एक मिनट में खत्म कीजिए।

श्री संघ प्रिय गौतम : शॉर्ट कर दीजिए। हम दो और हैं बोलने वाले, हम पर रहम कीजिए।

श्रीमती सविता शारदा : ठीक है। देखिए, हम गुजरात पर नहीं बोलेंगे तो दूसरों को बोलने का समय कैसे देंगे? उपसभाध्यक्ष महोदय, मेरे साथ बहुत सारी बहनें कैंप देखने के लिए गईं। वहां पर अधिकतर सभी कैंप बंद कर दिए गए हैं, सिर्फ दो या तीन कैंप बाकी रह गए हैं जिनमें बहनें, भाई और बच्चे हैं। हमने वहां जाकर एक-एक बच्चे से पूछा कि आपको किसी भी तरह की कोई मुश्किल है, सभी ने कहा, हमको कोई मुश्किल नहीं है। क्योंकि मेरे साथ बहनें सिर्फ यहां की नहीं गई थीं, बल्कि वीमेन इम्पावरमेंट की बहनें गई थीं। प्रचार-प्रसार के माध्यम से दिखाया जाता है कि हमें कुछ नहीं मिला। हमने उनसे जाकर पूछा कि तुम्हें क्यों नहीं कुछ मिला? वे कहती हैं कि हमारे ससुर को मिला है, हमको नहीं मिला। ससुर को मिला है, वह तो हेड आफ दि डिपार्टमेंट है। उसको अगर सब कुछ मिल गया है और एक-एक को नहीं मिला तो यह कैसे संभव हो सकता है कि सास को मिल गया, बहू को नहीं मिला। बहू को मिल गया, सास को नहीं मिला, यह कैसे संभव है। प्रति व्यक्ति 15 रुपए, इसके अलावा कैश टोल साढ़े बारह सौ रुपए, इसके अलावा पांच रुपए प्रति व्यक्ति, मसाले वगैरह, गेहूं, अनाज सभी फ्री मिलते हैं। इसके अलावा संचालक बंद नहीं करना चाहते हैं। उपसभाध्यक्ष महोदय, मैं आपको यह बात बताना चाहती हूँ कि वे बंद नहीं करना चाहते क्योंकि उनसे उनको आमदनी होती है। बहनों को वहां से वापस बुलाया गया कि वापस आओ क्योंकि हम लोग विजिट करने वाले थे। कितनी बहनों और बच्चों को बुलाया गया। जब हम उनसे पूछते थे कि बोलो क्या तकलीफ है, पीछे से उनको बोला जाता था कि तुम ऐसे बोलो। क्या उनको सिखाया गया कि तुम बोलो, तुम बोलो। महोदय, यह बात उचित नहीं है। यहां पर बार-बार राग अलापा जा रहा है, मैं कहना चाहती हूँ कि इमरजेंसी में क्या हुआ था, इमरजेंसी में तुरन्त इलैक्शन हो गए थे। ये सारी बातें क्यों उठीं? जब एक अंगुली किसी की तरफ उठती है तो तीन अंगुलियां हमारी तरफ भी होती हैं। लेकिन जिनके घर कांच के होते हैं, वे कभी पत्थर नहीं फेंकते, इस पर ध्यान देना चाहिए।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : आप कृपया समाप्त करें। आप आसन ग्रहण करें।

श्रीमती सविता शारदा : सिर्फ एक मिनट, मैं और कुछ नहीं बोलूंगी। मैं यहां यह कहना चाहती हूँ कि इलैक्शन कमीशन का यह अधिकार है। जनादेश के लिए कांग्रेस क्यों घबरा रही है, मतदान सूचियां तैयार हो रही हैं, तैयार हो चुकी हैं और कितने इलैक्शन्स हो चुके हैं। मुख्य मंत्री ने जो विधान सभा भंग करने का काम किया है, मंत्रिमंडल ने इसको उचित ठहराया है। आतंकवाद नाम देना बहुत गलत बात होगी क्योंकि आतंकवाद के नाम से चुनाव न हों, यह गलत बात है। चुनाव होंगे, हम और आप मिलकर अगर नार्मलसी लाना चाहते हैं, इसका तो गिल साहब ने भी सर्टिफिकेट दे दिया है कि अब नार्मलसी है, आप चुनाव करवा सकते हैं। मैं आपसे यही कहना चाहती हूँ कि चुनाव होने चाहिए। वहां राष्ट्रपति शासन की कोई जरूरत नहीं है और

जो पांच करोड़ जनता है, उसका जो जनादेश हम सबको मिलेगा, वह सिर आंखों पर है। इसलिए मेरा आपसे विनम्र निवेदन है कि जो बार-बार कहा जा रहा है कि राष्ट्रपति शासन लगाया जाए, वह न लगाएं, चुनाव कराएं। जितनी जल्दी चुनाव होंगे, उतनी जल्दी गुजरात अपनी विकास गाथा को और आगे बढ़ा सकता है। इन्हीं शब्दों के साथ, आपका बहुत-बहुत धन्यवाद।

प्रो. अलका क्षत्रिय : महोदय, शारदा जी मेरी बड़ी बहन हैं। जब वे बोल रही थी तो इन्होंने कहा कि बीच में इन्टरफेयर न करें, इसलिए मैंने इन्टरफेयर नहीं की थी। लेकिन इन्होंने जो बात कही, इनकी गलती को सुधारने का मुझे अवसर देना चाहिए। इन्होंने कहा कि मोदी सरकार ने कोई ट्रांसफर नहीं किया, लेकिन आप यह "हिन्दू" अखबार देखिए जिसमें यह लिखा है, "Spate of Transfers in Gujarat in Three Months". पांच सौ ट्रांसफर किए हैं और विधान सभा विसर्जन होने से दो दिन पहले भी ट्रांसफर की गई है। यह बात इनको स्वीकार करना चाहिए।

SHRI CHO S. RAMASWAMY (Nominated): Mr. Vice-Chairman, Sir, leaving the political issues and the debate aside, and looking at other things, there are a few questions which remain to be answered. They are simple straightforward questions. The first question is: Have the Chief Minister of a State, who commands the majority support in the Assembly, and his Cabinet the right to advise the Governor to dissolve the Assembly? The answer is: Yes, they have the right. The second question is: Is the Governor bound by their advice? The answer is: Yes, he is bound by their advice. The third question is: Can article 356 be invoked in a State for ensuring fair elections? The answer is: No, it cannot be done. The Constitution does not provide for it. If article 356 is invoked and President's Rule is imposed on a State in the hope that it will ensure fair elections, then it will be setting a very bad precedent. That is not envisaged by the Constitution.

[THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) in the Chair.]

Can the Election Commission refuse to be restrained by article 174 which says that there should not be more than six months between the last sitting of the session and the first sitting of the next session? My opinion is, the Election Commission cannot ignore it. If it is held that the Election Commission is not bound by this restriction, the State can go on without elections because the Election Commission can go on saying that the situation is not ripe for elections and we are not confident of holding free and fair elections. How long can this go on? How long can President's rule be invoked again and again with new proclamations? It would lead to absurdities. Shri Kapil Sibal put a question, "What happens if the Chief Minister advises dissolution five months after the last session of the

Assembly? The Election Commission will have no time to organise the next elections and comply with article 174." The answer is this. The Governor in such a situation will tell the Chief Minister, "I am convening the Assembly to ensure that there is not an interregnum which is more than six months because the Election Commission will not be able to hold elections in time. You have left very little time for him. The Election Commission would require at least 40 days and you have given them less than 30 days. So I am convening the Assembly." That would be the function of the Governor. But here in the case of Gujarat, three months time is there. The Election Commission can very well hold the elections. The other question which Shri Kapil Sibal put was, "What happens if there is a flood? How can the elections be held? Then article 174 stands violated." Yes, it stands violated by an act of God. When an act of God intervenes, the transgression of law committed by an individual or an institution because of the act of God, absolves them of the responsibility. That is what will happen if there is a flood. But the designs of certain politicians or the demands of political parties cannot become acts of God and they cannot absolve the responsibility of the Election Commission to be restricted by article 174. The situation in Kashmir was also referred to here. Well, almost all the political parties, in my opinion, are having double standards as regards Kashmir and Gujarat. In Kashmir also thousands of persons have been displaced and many persons have been disenfranchised. Nobody knows where they are living. There are terrorist attacks everyday. People are losing their lives. There is no peace in the State. Still everyone is for holding elections there. Nobody is against holding elections there. On the other hand, all the political parties seem to say with one voice that holding of elections is the only possible step to ensure peace in the Valley. Then, why should we deny this opportunity to the people of Gujarat? Shri Nilotpal Basu said, "The fact that heavy protection was required for the Jagannath Yatra is enough proof that there is no peace in the State and there is no law and order in the State." Well, during every election, in all the States, battalions after battalions are imported from other States to ensure law and order. Every election is held under heavy police protection. Does it mean that every election is proof enough that there is no law and order in this country, there is no peace in this country? Can elections be invalidated on that ground? Can elections be set-aside on that ground? On the other hand, I think the State Government has shown that peace has returned to the State by the peaceful conduct of the Jagannath Yatra.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Mr. Ramaswamy, I am afraid, I cannot defend Nilotpall Basu from the Chair. The time allotted to you is five minutes.

SHRI CHO S. RAMASWAMY: Sir, I don't think I have taken five minutes.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): You have already taken five minutes.

SHRI CHO S. RAMASWAMY: Sir, I will conclude in one minute. I do not want more time than what is allowed to me.

Well, if we say that there should be no elections in Gujarat now, then, we would be saying that the people should not be allowed to say what they want to say, because we are concerned that they may not say what we want them to say. Let us not say that. Sir, I have had my say. Thank you.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Shri Shankar Roy Chowdhury...*(Interruptions)*...

SHRI KAPIL SIBAL: Sir, I just want to point out something, because my name was taken. I am grateful to the hon. Member for saying that the Governor, at the end of five months, can, in fact, convene the Assembly. This is precisely the point that we have been making. At the time when he recommended dissolution, the Governor should have convened the Assembly so that the six months' period would have ended in January, 2003.

SHRI CHO S. RAMASWAMY: My argument is that the Governor did not do it, because the Election Commission has enough time to hold the elections. It is not as if it is being done in the last moment, giving them, say, just a fortnight or a month's time.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Sir, I wish to confine myself just to one issue which has come up during the discussion both on Gujarat as well as on Jammu and Kashmir, and it is about the precedent, which we are trying to set, of holding elections in a State under President's rule. My colleagues here, in the Opposition, have described the situation in Gujarat very well and in the case of Gujarat, it is the Opposition which is demanding imposition of President's rule for ensuring free and fair elections. As far as Jammu and Kashmir is concerned, in contrast, it is the

Government which has recommended imposition of President's rule for holding free and fair elections...*(Interruptions)*... People rather, personalities, who are well-known in the Government have said that in order to ensure free and fair elections in Jammu and Kashmir, we should have President's rule. However, in my view, we are setting a precedent which is likely to be repeated in future, whenever elections are due in any State. If President's rule is imposed now, either in Gujarat or in Jammu and Kashmir, then, citing the precedent of Gujarat or, for that matter, Jammu and Kashmir, they can, I think, demand, with a great deal of justification that President's rule must be imposed so that we can have a free and fair election. This is an issue which, I think, the Opposition as well as the Government should take note of. So, what is the answer for this? Of course, the situation in Gujarat is that there has been a general loss of confidence in the Government. But is the imposition of President's rule the answer? Are we prepared to set a precedent which will be cited by other States where elections are due to take place soon? I think, next year, we are going to have elections in five States. In my view, the answer to the dilemma which is facing us in Gujarat is that if we had to impose President's rule in Gujarat, it should have been done right at the outset and we should have gone ahead and held a free and fair elections, under President's rule. Due to political compulsions within the Government, this was not done though there was an overwhelming demand for it, not only within both Houses of Parliament, but also amongst the general public. Be that as it may. That stage is gone now. I think the alternative that is open to us now -- if we are not to have President's rule in Gujarat, if we are not to have President's rule in Jammu and Kashmir -- is to ensure that the Election Commission steps in a very strong manner in both these States, to induct Police and paramilitary forces well before the election time, to ensure that -- in the absence of President's rule, and with the presence of a Government, in which, rightly or wrongly, people may have lost confidence -- free and fair elections are held in both these States. I do believe that if we make it a precedent -- by imposing President's rule in either of these States -- we are opening up the Pandora's box, over which there will be many such heated debates in future, whenever elections come up in any State.

SHRI H. K. JAVARE GOWDA (Karnataka): Sir, many of our colleagues have mentioned about the condition prevailing in the States of Gujarat and Jammu and Kashmir. Everyone knows the pain and suffering that the people of Gujarat have undergone, and the threat perception that is there in their minds. The decision of the Gujarat Government to dissolve

the Assembly and to go in for early elections indicates that they want to take advantage of this threat perception and retain power. They want to ensure that the elections are not free and fair. Every citizen of this country knows that BJP has made up its mind that whatever may be the views of the Opposition and the common people, they want to win the elections at any cost taking advantage of this threat perception. I want to ask the Treasury Benches, particularly the Home Minister, when, in March, April, and even in May, this year, this House and the Lok Sabha had demanded the resignation of the Gujarat Government, and imposition of President's rule, why did not the Central Government act then. They had not acted because they wanted to retain power and continue till this day. Now, they thought, if the BJP were allowed for another nine months, the people would not vote for them. That is why they have dissolved the Assembly, and the Governor has accepted it right away, under the garb of the Constitution, to show to the world that they are acting under the Constitution. Many of our friends mentioned that you are having one yardstick for the State of Jammu and Kashmir, and another yardstick for the State of Gujarat. I am not going to speak about Hindutva and other things. But, as a common citizen, I can say that, without the support of the RSS, the BJP will not be able to come to power in future. That is why they said that they were detaching themselves from the BJP, that they were going to field their own candidates, and that they wanted the trifurcation of the State of Jammu and Kashmir. It was only to put up a show before the world that they were not supporting the RSS on the Kashmir issue. If you are really honest, if you are true to your conscience, suspend Modi's Government, impose President's rule, allow it to be there for nine months, and then go in for elections. Let the people decide. If they really want a BJP Government, if they vote for BJP, we have no objection. But, under the present circumstances, you are misusing the Constitutional power. There is another pitiable condition. Forget the BJP. The BJP leaders are not opening their mouth. I don't know whether it is their power game or they are doing so to retain their power. They are not opening their mouth. It is not a good development. I think the Prime Minister has not applied his mind on this issue. It is said that throughout his career, the Prime Minister has stood for principles. I don't know under what circumstances he has yielded to the pressure of agreeing to the dissolution of the State Assembly. Without the advice of the Central Government, the Governor would not have dissolved the Assembly. Under these circumstances, I appeal to the Treasury Benches not to insist on holding early elections. You should allow the wounds to heal. This is the

feeling of the common man. It is known to all that the common man in Gujarat is living under a threat. Therefore, I request the Government to allow the Election Commission to hold the elections in the way it decides, and don't pressurise the Election Commission.

SHRI R.S. GAVAI (Maharashtra): Sir, I thank you very much for giving me an opportunity to speak on this subject. I will be very brief, and that too, within the framework of the subject-matter of the Motion. The discussion relates to what? It relates to the earlier Motion which was discussed by the Rajya Sabha on 6th May, 2002, under rule 170. Sir, today's discussion is regarding the steps taken by the Government, in pursuance of the Motion adopted by the House earlier and to intervene in the State of Gujarat, under article 355 of the Constitution of India. Sir, I am of the opinion that even though two-and-a-half months have passed, the Government has not complied with the spirit of article 355 of the Constitution. As the time at my disposal is very short, I don't want to quote the provisions in article 355.

Sir, I don't claim it as an afterthought. Probably, the Members of the House who had heard my earlier speech would recall that, even at that time, I had said, "Some are counting the dead bodies and some are counting the votes." This is not a new statement. Sir, I don't understand the logic of Mr. Narendra Modi taking a decision to go in for early elections. No doubt, Mr. Modi, the Chief Minister of Gujarat, is having the majority support in the Assembly, and it is his prerogative to make such a recommendation. Also, no doubt, it is binding on the Governor to act on the advice of the Chief Minister. But, does it mean that the decision taken by the Chief Minister of Gujarat, Mr. Narendra Modi, is based on sound morality? On the contrary, it shows that the decision is guided by crude political considerations. Why do I say so? Where was the urgency of advancing the elections before they were due? Was there any demand from the people of that State? Was there any Constitutional deadlock? He was having a majority in the Assembly. I think the only logic for dissolving the Assembly and going in for early elections was that, it was done out of crude political considerations. Again, I put forth a question. Is the situation in Gujarat conducive for holding elections and is there normalcy in the State? The reply is in the negative. It means, Modi Government is trying to thrust elections on the State, which is still reeling under the impact of communal violence; people are still in the relief camps and there is a fresh violence after the recent Rath Yatra. Mr. Modi has started music and he has to hear

it now. If we demand for President's rule, it is because he has started the music. He has created it. His decision has created a situation where the Election Commission may have to interpret article 174, to interpret article 324. That is why, we now demand that if the head of the State has demanded for an early election, it is but natural that such a State should come under President's rule. Therefore, it is because of Mr. Modi that we are demanding President's rule. He has started the music and he must hear it.

Sir, in conclusion, I once again demand President's rule in that State. Thank you very much for the time given to me.

SHRI N.K. PREMACHANDRAN (Kerala): Mr. Vice-Chairman, Sir, I thank you for giving me an opportunity to intervene in the Short Duration Discussion arising out of the Motion passed by this House on 6th May, 2002. Sir, we, in the Rajya Sabha, have expressed anguish, grave concern and protest on the brutal killings, arson and communal violence that have taken place in the State of Gujarat, and had passed a Motion unanimously under the Rule 170 of the Rules of Procedure, on 6th May, 2002.

Sir, when the Motion was moved from the Opposition's side, even the Treasury Benches too accepted the contents of the Motion and it was passed unanimously. That meant, even the Government, at the Centre, also has admitted the real fact that the State Government of Gujarat had totally failed in containing the violence, in maintaining law and order in that State. That is why the Government had joined hands with the Opposition in passing the Motion unanimously. What was the content of the Motion? It was a Motion seeking direction from the Union Government to the State Government under article 355 of the Constitution, to intervene in the matter, because there was a failure on the part of the State Government.

When the Government had accepted that content and joined hands in passing the Motion unanimously in the House, I would like to know what steps did the Government take after passing that Motion? Sir, we are discussing this matter today, on 23rd July, after a long gap. According to me, the Union Government has miserably failed to honour the Motion passed by this House. I say this because the Treasury Benches have accepted it and the House had passed the Motion unanimously. After passing the Motion, the Government has taken some hasty decision, to enact all this political drama and to have elections at the earliest so that another carnage can be re-enacted at the instance of communal violence or

communal tension. That means, the Government has not honoured the Motion passed by this House. That is my first submission.

Coming to the Government's claim regarding normalcy, it has been elaborately discussed in this House. What does it mean by 'normalcy'? After February 27, we knew about the incidents which took place--tension, arson, looting, robbery and killing of innocent people in that State, especially, on the basis of religion. After February 27, I would like to know, whether you were able to restore peace, normalcy, brotherhood, and communal harmony in that State.

The former Law Minister was vehemently arguing that they were able to bring normalcy. 'Normalcy' means, the state of affairs has to be brought back to the days of pre-February 27. Has it been possible? The day, the Motion was passed, looting took place and two people were killed. I am not going to narrate all these facts. In the month of July itself so many incidents have taken place. It specifically proves the fact that communal harmony, peace, maintenance of law and order have not been restored and still the tension and violence are existing there. In such a situation, whether it is a good decision to dissolve the Assembly and go in for election, we have to discuss it. The latest decision of the Government of Gujarat is to dissolve the Assembly and to have a caretaker Government in the State for conducting elections. My point is that this is a misuse of the Constitutional provisions for narrow political gains and narrow political means and nothing else because no Government will do this. We are creating a precedent in the political history of this country. After having a communal divide between the majority and the minority community, when communal tension is prevailing in a particular State and a Government which is directly or indirectly part and parcel of that incident which has totally failed to contain the violence, the same Government is taking advantage of the communal tension in that particular State to win elections or to woo the voters in the State, this has never happened in this country. Suppose elections take place and the Modi Government ...*(Time-bell)*.. I am concluding, Sir. Suppose the Modi Government wins the majority, what would be the consequences for this country in future? This type of political experiment will be done in almost all the States. There is no doubt about it. This is going to happen in this country because communal divide and religious emotions can be used in such circumstances. If this communal divide is able to get the vote bank, then this political doctrine can be described as Modi Doctrine, a doctrine of political strategy in the country in

the new century. Is it good for a secular country like ours? This will have evil consequences in future also. So, holding of elections in Gujarat is not proper at this juncture. Sir, I am not going into the Constitutional provisions. The arguments put forward by Mr. Arun Jaitley have been very well negated by Mr. Kapil Sibal. Therefore, I want to stress only on one point. Sir, article 174 (1) is regarding prorogation and dissolution of any State Assembly. We accept that as far as prorogation and dissolution are concerned. But the fact is that there should not be a gap of more than 180 days between one Session and the other Session. I would particularly like to stress on article 174 which says, "The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene, between its last sitting in one session and the date appointed for its first sitting in the next session." Now, when is a Legislature constituted? The House is constituted or comes into existence after the promulgation by the Governor or the President, as the case may be. But, there is no House. Even in 1996, hon. Kapil Sibal has already pointed out that, there was no election for one year in U.P. What was the affidavit submitted by the then Attorney-General? The then Attorney-General very specifically mentioned in his affidavit that article 174 was not applicable in the case of dissolution of State Assemblies. There you had a separate standard and here you have a separate standard. It can be understood even on a plain reading. Mr. Jaitley was arguing that the dissolution and prorogation of State Assemblies are there in that article. It has to be read together because clause 1 and clause 2 are very distinct. The Governor, having the power to prorogue or dissolve the Assembly is another thing. *(Time-bell)* So, my submission is that this is misuse of the Constitutional provision for getting some political advantage in order to encash on the carnage of communal violence and to get back to power. This is a political doctrine or a political strategy based on the communal divide which has been adopted by the BJP. It has to be condemned. I urge upon the Government of India to think again and invoke President's Rule in the State so that peace and communal harmony can be restored in the State and free and fair elections can be conducted in the State. If President's Rule is imposed in the State, then we can think of elections and other political processes. With these words, I conclude. Thank you.

SHRI B.S. GNANADESIKAN (Tamil Nadu): Mr. Vice-Chairman, I thank you for having given me this opportunity to speak. Sir, only two months back this august House discussed the situation in Gujarat because

of Modi's actions, now again we are compelled to speak about the same Gujarat in this House.

Sir, when a person moves an application for bail in a court, one of the considerations for granting bail by the court is the antecedent of the accused. Even if the case is good, even if he is entitled for a bail, but if the antecedents are bad, the bail will not be granted. I want to apply the same logic to the Modi Government and if we are to consider the request of the Modi Government whether it is justified or not, we have to go into the antecedents of this Government. If the antecedents of the Government are bad, whatever may be the Constitutional provision, the request has to be negated. Therefore, I am not going into the articles of the Constitution, the power of the Election Commission, the power of the Government, the role of the Governor and the prerogative of the Chief Minister. All these things have no relevance when the antecedents of a Government are bad because politically it cannot be accepted. Sir, if I apply the same theory, what happened in Gujarat, here is a Government which deliberately encouraged communal violence, not only encouraged communal violence but sustained it for the purpose of carving out a constituency for the BJP in Gujarat. This is number one.

Secondly, in the last 50 years, no Government in this country whether Congress or non-Congress has ever thought of dividing the people on communal lines, divide them permanently and then force elections, to take political advantage of that divide. It has not happened in the last 50 years. No Government has done it. But here the Modi Government has done it.

Thirdly, here the Modi Government is not alone. He was blessed in Goa by the National Executive of the BJP which gave a green signal to him for a snap poll. But because of the Presidential elections and other considerations, it was not done.

Fourthly, after the Goa signal, as you, Mr. Vice-Chairman, also pointed out this morning, five hundred transfers have been done. These transfers were started three months back. They continued till even a week before. All the Collectors, Deputy Collectors and other officials have been transferred. IAS officers have been transferred, IPS officers have been transferred, Gujarat Administrative Service officials have been transferred in order to enable the election process to be rigged.

Fifthly, if a situation exists like this, then a democratic Government will see that the offenders are prosecuted and the riot victims are rehabilitated and the process of peace is restored in the State. But here is a Government which instead of engaging itself in that task is very seriously considering to take advantage of this situation and force election on the people to take political advantage of it.

Sixthly, the National Human Rights Commission, all the major newspapers in their editorials have criticised the functioning of the Modi Government in relation to the Gujarat carnage. But the Government of India headed by the BJP and its allies never acted to control the State Government. Sir, Advaniji in an interview to *India Today* said that for free and fair election in Jammu and Kashmir President's Rule must be imposed. If problem of terrorism is there, then Abdullah's Government must be sent out and President's Rule must be imposed in J and K. May I put one question: Why not in Gujarat? In the same way, Modi has to go out. Should President's Rule not be imposed in Gujarat? Sir, Mr. Ahmed Patel has elaborately catalogued various statistics regarding the various relief measures and other aspects. The answer is simple. If the Government comes out with the statistics that what he said is wrong, then it is a different story. If the answer is, yes, then there cannot be election, but there should be President's Rule. First of all, they should remove those deficiencies completely. If this is done, then we can accept the proposal for elections. Therefore, Sir, this request has to be rejected. No elections can be held in this situation. Not only President's Rule should be imposed, but I demand that the Governor of the State should also be transferred so that free and fair elections can take place there. Thank you.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Hon. Members, it is 6 o' clock and still six speakers have to participate in the discussion.

SOME HON. MEMBERS: Sir, we can continue the discussion tomorrow.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI O. RAJAGOPAL): Sir, we have to complete it today itself...(Interruptions)...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Then, the Minister also has to reply...(Interruptions)...The sense of the House is that we should adjourn the House...(Interruptions)...

SHRI B.P. SINGHAL: Sir, there are other subjects slated for tomorrow.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): I know that there are other subjects. I think the sense of the House, as I understand, is to continue the discussion tomorrow. As I understand, it is not always fair to have a division on small things. As per my understanding, the sense of the House is that we should adjourn the House for the day and continue with the discussion tomorrow and have the reply tomorrow.

SHRI B.P. SINGHAL: Sir, tomorrow, we have other business.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): That we will see as to how we can organise the business in the coming days. I would also like to point out to Mr. Singhal, that last Friday we had a situation where we had to adjourn the House one hour before the normal time of the House, because there was no business before the House. Therefore, if we are sincere, time can be found out to transact all the Government's Business.

With this, I am adjourning the House till 11.00 a.m. tomorrow.

The House then adjourned at one minute past six of the clock till eleven of the clock on Wednesday, the 24th July, 2002.