

[13 March, 2000]

RAJYA SABHA

SHRI M. VENKAIAH NAIDU : I am not envious at all.

THE VICE-CHAIRMAN (SHRI SHANTAN BISI) : Now, let us take up the Supplementary Demands for Grants (General), 1999-2000.

**Supplementary Demands for grants (General), 1999-2000**

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (General), 1999-2000 (March, 2000).

### SHORT DURATION DISCUSSION

**Role of Governors in discharging their Constitutional responsibilities in the formation of Governments in the States in light of recent events in Bihar**

THE VICE-CHAIRMAN ( SHRI SANATAN BISI): Now, we will take up Short Duration Discussion. Shri Pranab Mukherjee.

श्री रामदेव भंडारी (बिहार) : श्रीमन्, मैं एक सवाल उठाना चाहता हूँ ।

उपसभाध्यक्ष (श्री सनातन बिसि): प्वाइंट ऑफ ऑर्डर का है क्या ? बोलिए-बोलिए ।

श्री रामदेव भंडारी: रूल 170 के तहत बिहार पर बहस के लिए नोटिस दिया गया था और अध्यक्ष जी ने उसका एडमिशन किया था और लीडर ऑफ दि हाउस ने आश्वासन दिया था कि सोमवार को इस पर बहस होगी। मैं आपसे निवेदन करना चाहता हूँ कि उसी रूल 170 के तहत इस पर बहस कराई जाए।

उपसभाध्यक्ष (श्री सनातन बिसि): आपके पास कोई कागज है कि लीडर ऑफ दि हाउस ने कांसेन्ट दिया है ।

श्री रामदेव भंडारी : वह तो प्रोसिडिंग में है ।

THE VICE-CHAIRMAN ( SHRI SANATAN BISI): Let us see the proceedings. लाइये, लाइये ।

श्री रामदेव भंडारी : सोमवार को बहस होनी है ।

उपसभाध्यक्ष (श्री सनातन बिसि): देखिए, मैं देख रहा हूँ ।

**श्री रमाशंकर कौशिक (उत्तर प्रदेश):** श्रीमन्, सवाल यह है कि जब सभापति जी ने 170 में इसे एडमिट कर लिया तो 170 के तहत बहस होनी चाहिए ...

**उपसभाध्यक्ष (श्री सनातन बिसि):** बोलिए, बोलिए ।

**श्री रमाशंकर कौशिक :** श्रीमन्, मैं ...

**उपसभाध्यक्ष (श्री सनातन बिसि):** मैं आगे इसे डिसपोज ऑफ करूँ ।

**श्री रमाशंकर कौशिक :** प्रोसिडिंग वाली बात तो है ही लेकिन मूल बात यह है कि 170 के तहत माननीय सभापति जी ने उसे मंजूर कर लिया तो 170 के तहत बहस क्यों नहीं हो रही है? यह मेरा सवाल है ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** मैं देख रहा हूँ, हम इसे चालू करके बाद में देखकर आपको बोल देंगे ?

**श्री रमाशंकर कौशिक :** यह तो फिर वही बात हो गई श्रीमन् ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** प्रोसिडिंग देखनी पड़ेगी ।

**श्री रमाशंकर कौशिक :** प्रोसिडिंग वाली बात नहीं है श्रीमन् ।

**श्री रामदेव भंडारी :** एडमिशन हुआ था । बहस करने का आश्वासन भी दिया था ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** आप ठहरिए, बैठिए, मैं बोलता हूँ, मैं बोलता हूँ ।

**श्री रामदेव भंडारी :** लीडर ऑफ दि हाउस ने बहस कराने का आश्वासन दिया है सदन में इसका एडमिशन हुआ है । चेयरमैन साहब ने इसका एडमिशन किया था, इस पर बहस कराई जाए ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** एडमिशन किया था, मुझे मालूम है, Those things are there. मैं इंकार नहीं कर रहा हूँ लेकिन बात यह है कि लीडर ऑफ दि हाउस ने कब मोशन के एडमिशन के लिए बोला था ?

**श्री रामदेव भंडारी :** एडमिशन के बाद बोला था कि हाउस में इस पर बहस कराई जाएगी, ऐसा उन्होंने आश्वासन दिया था ।

**श्रीमती सरोज दुबे (बिहार):** कैबिनेट से सलाह करके, प्रधानमंत्री से सलाह करेंगे, तब नियम बनेगा ।

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**उपसभाध्यक्ष (श्री सनातन बिसि):** वह सब मुझे मालूम है कि लीडर ऑफ दि हाउस ने कोन्सेंट दिया था 170 के ऑफर में...

**श्री रामदेव भंडारी :** एडमिशन हुआ था 170 में और लीडर ऑफ दि हाउस का आश्वासन था कि इस पर बहस कराएंगे । इसका यही अर्थ होता है कि जिस रूल के अंतर्गत एडमिशन हुआ है उसी पर बहस होगी ।

**श्रीमती सरोज दुबे :** और यह शार्ट ड्यूरेशन में चला गया, कमाल हो गया भई ।

**उपसभाध्यक्ष(श्री सनातन बिसि) :** 170 का जो बोल रहे हो that the Chairman decides the admissibility. *Doosri baat* the Chairman may, after considering the state of the business in the Council and in consultation with the Leader.. वह तो हम मानते हैं, एक बात। दूसरी बात है 170 के बारे में लीडर ऑफ दि हाउस ने कहां कान्सेंट दिया? कब बोला कि सदन में बहस कराई जाएगी। **Where is that document? Where is that supporting document?**

**श्री रामदेव भंडारी :** हां कहा था, उन्होंने कहा था कि विचार-विमर्श करने के बाद फिर टाइम फिक्स करेंगे ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** मैं आपकी बात मान रहा हूं । मैं देख लूंगा ।

**श्रीमती सरोज दुबे :** लीडर ऑफ दि ओपोजिशन बैठे हैं, उनसे पूछ लीजिए ।

**उपसभाध्यक्ष (श्री सनातन बिसि):** हम वहां नहीं जाएंगे, हाउस में प्रिफरेंस उसकी है । No, no. They are the property of the House. उसको देखकर बोलने का टाइम देंगे।

THE VICE-CHAIRMAN: Now, Shri Pranab Mukherjee.

**SHRI PRANAB MUKHERJEE (West Bengal):** Thank you, Mr. Vice-Chairman, Sir. In fact, on this issue, the House has been agitated for a number of days. This is what my colleagues have pointed out. In fact, they wanted to have a discussion under Rule 170. Notice of a substantive motion under Rule 170 was also given. It was admitted by the Chairman of the House. But, as per Rule 172 time has to be allocated by the Leader of the House as it has to be given out of the Government's time. It depends on the Leader of the House. Unfortunately, the Leader of the House refused to give time to have a discussion under Rule 170. As it has now been agreed to have the discussion under Rule 176, where the House cannot

express its opinion, we are having a discussion on this issue, under Rule 176. But this is completely a different motion. That motion had been treated as No-day-yet-named Motion. But it has not been taken up, as in the case of umpteen number of motions which are admitted by the Chair, listed in the Bulletin as No-day-yet-named Motions, but because of paucity of time, they are not taken up.

Perhaps, the fate of the Motion moved by Dr. Manmohan Singh and other colleagues is the same. Sir, the main point is this. We are fully aware of the fact that Governor holds a Constitutional position. When somebody becomes a Governor he takes oath to protect the Constitution. It has never been the practice to discuss the conduct of a Governor on the floor of the House. But in 1967, one of the very distinguished Chairmen of this House gave a ruling that if the question of discussing the conduct of a Governor in connection with discharging his Constitutional responsibility arises, the House has the privilege and right to discuss the conduct of a Governor in discharging his Constitutional responsibility. We are discussing the conduct of the Governor of Bihar in this connection. There is nothing personal. It is only in connection with the discharge of his Constitutional responsibility in forming a Government. So far as Article 163 of the Constitution is concerned, it clearly says that the Governor has the power to appoint a Chief Minister and on the advice of the Chief Minister, he has the power to appoint other Ministers. There is no dispute about that. If there is a clear verdict after elections, no dispute arises. If one party gets a majority, the job of the Governor becomes very easy. He has to ascertain the leader of a majority party and invite him to form a Government. But the problem arises when the Governor has to satisfy himself in case there is a fractured mandate. Why are we agitating? Sir, if you look at the chronological developments that have taken place in Bihar, you yourself would come to a conclusion that the Governor of Bihar has behaved hastily. The election process of the Bihar Legislative Assembly completed on the 27th February. The Notification for composition of the Assembly was issued on 29th February. On the 1st of March, the leaders of two major parties, i.e. NDA and RJD called on the Governor. On 2nd March, the Leader of the RJD had a formal discussion with the Leader of the Congress Party. The Congress Party did not do well in the Assembly elections. We could get only 23 seats. On the night of 2nd March, the President of the Bihar PCC communicated to the Governor over telephone that the Congress

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Party has decided to extend support to the RJD to form a Government in Bihar. It was also pointed out over telephone that the letter will follow soon. He did not say that the letter will not be given. It was only a telephonic commitment. But on 3rd March, the Governor not only invited the Leader of the NDA to form a Government, but also the Leader of the NDA was sworn in as the Chief Minister. Sir, look at the timings. The last result came on 27th February and the entire exercise was over by 3rd March. Heavens were not going to fall. All of us are fully aware that March is a very critical month, but there was time up to 31st March. No doubt, the State Budget has to be passed by the Bihar Assembly. But umpteen number of cases can be stated where the new Governments came to office after 15th March and still they complied with all the Constitutional requirements, and the vote-on-account was passed before 31st March. My first question is: What has prompted the Governor of Bihar to hasten the process with this jet-speed? If somebody comes to the conclusion that the Governor had pre-determined things, and that he made up his mind that he would invite a particular person to form a Government, then, perhaps, he is not wrong. Otherwise, a semblance of completing the entire formality would have been done by the Governor. He did not, formally, consult the Congress Party which had 23 Members. This number is very critical to the strength. I am not going into the aspect whether the Governor has the discretionary power and whether the Governor can appoint anybody as the Chief Minister. I am also not going into the past history. In the very recent years, there have been two clear precedents based on which the Governor could have acted. What had happened in the 1996 Lok Sabha elections? There was no clear mandate. When the Mandate was fractured, the then Rashtrapatiiji accepted the thumb rule. He invited the largest minority party to form the Government and to prove its majority on the floor of the House. He did not go by any other rule. The leader of the largest minority group, Shri Atal Bihari Vajpayee, was invited to form the Government. He formed the Government and after 13 days of his office, while the vote of confidence was being debated on the floor of the House, he said: "I am sorry. I could not prove my majority and I am going to resign, and whatever the President feels necessary, he will do it." There was also another precedent when there was a fractured mandate, and when no clear mandate was available before the President or the Governor. In 1998, hon. President, Shri K.R. Narayanan, wanted to satisfy himself as to who could

command the majority in the Lok Sabha. And, in that process, he consulted all the political parties which had representations, ascertained their views, obtained a written commitment from the leaders of the various political parties, and then he satisfied himself that the person whom he would call upon was likely to enjoy the confidence of the House. There is no denying the fact that the satisfaction of the Governor is important. But satisfaction cannot be arbitrary. Satisfaction cannot be totally irrelevant to the ground reality. Satisfaction can never be a pre-conceived idea. How can the Governor come to this conclusion when the stated positions of the political parties were known to him, when the CPI which have five Members, stated that they would maintain an equi-stand and that they were not going to support the NDA, when the CPI (M) also reiterated its views in the same way, and when the Congress Party, on the 2nd of March, formally communicated to the Governor that their 23 Members were going to support Shri Laloo Prasad Yadav, who, as the leader of the pre-poll alliance, also had an edge over the NDA? Then, what had prompted the Governor to invite the leader of the NDA to form the Government unless he was prejudiced against somebody? How will you interpret the mandate of the people? It is true that the electorate did not give the mandate in favour of the RJD, nor did they give the mandate in favour of the NDA. And, a similar situation, Mr. Vice-Chairman, Sir, comes to my mind. In 1924, the first Labour Government under Ramsay McDonald was constituted in the U.K.

The then Prime Minister, the Conservative Prime Minister, Baldwin, dissolved the House of Commons and went to the electorate. His main election propaganda was protective tariff rate. He lost the election. He did not get majority, but he emerged as the largest party. The Labour Party was the second largest party. The Liberal Party was the third largest party. But considering all aspects, the sovereign, allowed the Labour Government to be constituted, to be formed, because here the sovereign applied his own discretion and it was found that later on he established his majority. Here the stated position of the Congress party, of the CPI, of the CPI(ML) and certain other smaller parties, clearly added to the arithmetic which establishes the majority on the floor of the House. Whether that majority will be tested or not when the actual voting takes place is a different matter. But while satisfying himself, the Governor should have taken note of this fact. The third point, Mr. Vice-Chairman, Sir, is, - it was in the air, it is

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not in isolation - a Union Cabinet Minister is on record that Congress is going to be split. The gentleman received the mandate to form the Government, made it quite clear that yes, we will get the majority after causing a split in the Congress Party. But if the Governor, in a way, without having a semblance of consultation, without having a semblance of looking neutral, tried to implement his own pre-conceived idea, his own desire to install an individual as the Chief Minister and, thereafter, to allow him to cause defection, to indulge in horse-trading, what conclusions one can have from the conduct of the Governor? I am not interested whether he is interested in astrology or things like that. What I am interested in is, as the Head of a State, as a Constitutional functionary, he is to discharge his constitutional responsibility in the letter and spirit of the constitution. He is to satisfy himself; he is to satisfy himself on the basis of certain facts, on the basis of hypothesis, not on the basis of imaginary world. When out of 322 effective Members of the Bihar Legislative Assembly -- I will take 2-3 minutes more Mr. Vice-Chairman, Sir; there is another speaker from my party and he will speak -- the moot, short, point which I am trying to drive at here is that, in this case, the Governor has indulged in misusing his office, in failing to discharge his constitutional responsibility, failing to display neutrality, and has behaved in a blatant, partisan, manner just to help a particular political party. I am not going into his intention or things like that and even if somebody assumes that it is an error of judgment, Mr. Vice-Chairman, Sir, it is a grave error of judgment and for that grave error of judgment, most respectfully, I would like to submit to the Government that he should be recalled. By this conduct, the Governor of Bihar has proved himself to be not worthy of holding a high office like this. It appears from the very beginning that he acted in a blatantly partisan manner; he completely ignored the recent precedents set by the President of the Republic, in case of forming a Government when the mandate is fractured, when there is no effective mandate.

He also completely ignored the fact as to what would be the consequences of his inviting a leader who did not have the majority and who could not even submit a list of more than half the number. The list which the leader of the NDA produced before the Governor of the number of MLAs supporting him, was of 151, while those who were to oppose it, had declared that they had nearly 170. Despite all these facts before him, he thought, perhaps like the Mughal Empire, that he could do whatever he

liked and that he could behave in a manner where simply because of the fact that neither could any court examine it nor was there any provision of impeachment in the State legislature so far as the Governor was concerned; the only remedy was that since the Governor served during the pleasure of the President, he had to be recalled only by the President. That is why, most respectfully I would like to submit, through you, to the Government of India that it should, for God's sake, advise the President to recall the Governor. He is unworthy of occupying this high constitutional position.

SHRI GURUDAS DAS GUPTA (West Bengal): I believe, Sir, this is not an error of judgment. I believe this is a deliberate misconduct committed by the present Governor of Bihar on the specific advice and instruction of the Home Ministry of the Government of India in order to carry on defection and horse-trading to give a false majority...

SHRI B. P. SINGHAL (Uttar Pradesh): This is a charge that he is making.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no.

SHRI GURUDAS DAS GUPTA: Yes, Sir. I am making a charge.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): This is a Short Duration Discussion.

SHRI GURUDAS DAS GUPTA: Yes, I am making a charge because I believe, Sir, the Governor could not have acted on his own without implicit and explicit advice from the Home Minister of the Government of India. *(Interruptions)* I am making that charge, Sir.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : शब्दों का चयन सही होना चाहिए ।

उपसभाध्यक्ष (श्री सनातन बिसि) : गौतम जी आप रनिंग कमेंट्री मत कीजिए।  
No running commentary, please.

श्री संघ प्रिय गौतम : सर, लेकिन शब्दों का चयन तो सही होना चाहिए न ।

उपसभाध्यक्ष (श्री सनातन बिसि) कोई अनपार्लियामेंटरी शब्द है क्या ?

श्री संघ प्रिय गौतम : हां, बिल्कुल। शब्दों का चयन तो सही होना चाहिए ।

SHRI GURUDAS DAS GUPTA: Sir, I know where the shoe pinches. *(Interruptions)* I know how the shoe pinches. *(Interruptions)*



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THE VICE-CHAIRMAN: I have not allowed. You please go on.

SHRI GURUDAS DAS GUPTA: I know where the shoe pinches. The point is that it has been deliberately done to carry on defections, to carry on horse-trading, to give false majority to a person who was never in a position to get the majority in the legislature.

The point is that most unfortunately history is repeating itself. In 1967, it was on the advice of the then Central Government that the legally elected Government of West Bengal, led by Shri Ajoy Mukherjee, was dismissed. History is repeating itself because it was on the advice of the Central Government that the first Communist Government in Kerala was dismissed. History is repeating itself because the horse-trading that the then Chief Minister of Bihar had sought to indulge in was, in fact, an example set by the former Prime Minister, Mr. Narasimha Rao, while he wanted to prove his majority in the Lok Sabha and it is all very clear that horse-trading was done at that point of time. Therefore, I say history is repeating itself.

It is good that Mr. Pranab Mukherjee has understood; it is nice that the Congress Party has understood that the office of Governor is being misused, but let us believe that the office of the Governor was sought to be misused at a point of time when his party was in power.

Sir, today we are discussing this issue after the myth of majority has been exploded; the claim of Mr. Nitish Kumar has been exploded on the floor of the Assembly. Therefore, we are discussing something after the situation has already taken a different turn. Then, why are we discussing it? Not only to demand recall -- that is an essential part -- but also to say that the country has entered into a phase of multi-party government. One-party rule has ended. Hung Parliament and hung Assembly is today a reality, and if it is so, it is for the Parliament, it is for this august House, it is for the system to evolve a firm foundation for the exercise of the so-called power of discretion of the Governor. The Constitution gives the office of the Governor the power to exercise discretion. It is for the country, it is for the Parliament to establish precedents, to establish norms, to establish well-set norms so that the Governor does not indulge in wild discretion in the way it has been done there. What Mr. Romesh Bhandari had done? What Mr. Dharmavira had done? What was done in Kerala in the beginning of 50s? Today it is more so because single party rule has ended, because hung Parliament and hung Assembly is a reality. Therefore, if there are no

well-set norms, there is bound to be an aberration in the way we have seen in Bihar. Sir, therefore, it is not an academic issue; it is a question which has to be sorted out by the Parliamentary system. If the Parliamentary system has to be strengthened in a situation of uncertain mandate of the electorate, there has to be a precedent; there has to be a well established procedure. For that, it may be necessary to look into the question of amending this particular section of the Constitution where it may not be left only to the subjective assessment of the office of the Governor.

Sir, there are three well established cardinal points on which a Governor is likely to take his decision in such a situation. One is, the largest political party; second is, the largest pre-poll alliance; third is, who is likely to command majority. Sir, these are the three important principles that have evolved in course of the conduct of the President of India in relation to the formation of the Central Government. If Mr. Atal Bihar Vajpayee was not called to form the Government, if Mrs. Sonia Gandhi was called, what would have been the reaction? Because it is not the arithmetic which has given the strength to Mr. Nitish Kumar. It was not the arithmetic of strength, it was the politics of organising defections that was sought to be laid stress on. Therefore, the question is neither Mr. Nitish Kumar led a party which had the largest strength, nor Mr. Nitish Kumar led a pre-poll alliance that had the largest strength -- larger than the RJD -- nor was there any likelihood of his commanding a majority. The arithmetic was clear, but the politics of defection was unclear. That is where the abuse of power is. Why do I charge the Government of giving implicit or explicit suggestion to the Governor that Mr. Nitish Kumar should be called? Why?

Sir, when the Government was being sworn-in, the Government of India was being represented by no less a person than the Finance Minister. It was in the august company of the Finance Minister that this illegal swearing-in-ceremony had taken place. What is the message the country gets? Sir, the presence of the Central Ministers gives rise to the suspicion, well-founded suspicion, that the Government of India had a hand in it. Not only one Minister, it was not the Finance Minister alone; the Defence Minister was also present. What was reported in the Press is that just like in Mr. Narasimha Rao's time, reports were circulated in the Press in Bihar of one crore rupees, one Maruti van and one portfolio in the Ministry. That was being freely talked about. It was there in the Press. The presence of the Central Ministers was an attempt to divide parties by

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giving an open invitation to them to leave their parties in exchange of money. What is the implication, Sir? How can we separate the Governor from the Central Government? How can we say that the discretion, which was exercised, was in line with the Constitutional propriety of the country? The Central Government is in the dock just like the Central Government run by Congress was in the dock in 1957. The Central Government is in the dock just like the same way it was in the dock in 1957. The Central Government is in the dock just in the same way when Mr. Romesh Bhandari did the same thing in Uttar Pradesh. Therefore, Sir, it was a connivance, a silent connivance, which has brought out this drama. But, this drama had ended in a fiasco. Sir, the position is that we are discussing this in order to be able to create or to lay down certain principles. Will the Minister, while replying to the debate, kindly disclose that his Government would like to take a position wherein in future such an aberration does not take place? Will the Home Minister take a stand that they are ready to have dialogue with the Opposition in order to create a Constitutional safeguard against any future aberration of the Constitution? Will the Home Minister categorically state that the Central Government or any of its Ministers was in no way involved in organising defections? Certainly, Sir, we want that in future such an aberration does not take place. There is a danger to the democracy. There is a danger to the multi-party democracy. There is a danger wherein no single party is in a position to form the Government. Let us see what is happening in our neighbouring country, Pakistan - doom of democracy, rape of democracy, assault on democracy - should create a serious concern for the politicians of India. Therefore, Sir, it is necessary to have a safeguard. Thirdly, we would like to know that in view of the misconduct that the Governor has committed, what is going to be the reaction of the Government and how is the Government going to act in a situation like this. What is the Government's reaction? Has the Government advised the President to warn the Governor of Bihar?

Whether the Government proposes to do it like this? Or, whether the Government of India would like to consider the suggestion made here that he should quit his office, keeping in view the dignity of the high position of the Office of the Governor? Sir, this is a serious thing because of the changed political scenario of the country. I hope the Government will rise above petty party considerations and bias to safeguard India's democracy against any future violation by the so-called 'exercise of discretion' by those who occupy the office of the Governor. Thank you.

SHRI M. VENKAIAH NAIDU (Karnataka): Mr. Vice-Chairman, Sir, I am happy that Shri Gurudas Dasji wanted everybody to rise above petty political considerations. I hope, first of all, he and his party would follow the same and then remember what had happened earlier. It is not out of place to mention here as to what had happened in Gujarat. After the Government proved its majority, it was dismissed within the next few minutes. It was hailed by all people, including my friend's party. Sir, the same thing had happened in Uttar Pradesh when Shri Romesh Bhandari, the then Governor of U.P., in spite of the B.J.P. being the single largest party, refused to administer the oath of office to the leader of that party. At that time, the CPI was silent and the CPI (M) was also silent. He has just given an example of 1957. There are umpteen examples like this. I can tell you we, from this side, never want any Governor to act under political pressure. And I am confident that this Governor, about whom some unnecessary remarks have been made in this House, is known to be one of the most honest bureaucrats of this country. The entire country and I myself will vouchsafe for the same. Nobody needs to give any certificate.

About the point that the Ministers being present in the swearing-in-ceremony, I would like to submit that it is a common practice that all Ministers of the main party or the supporting parties normally take part in the swearing-in-ceremony. I was very disappointed when a senior Member like Gurudas Dasji, whom I hold in high esteem for the contribution he has made to Indian Parliament, makes such a sweeping allegation about what had been talked about - offer of Rs. 1 crore, one Maruti Van and a portfolio in the Cabinet - here and there. I do not know. If it was his experience in forming the Central Government here in Delhi, under the leadership of Shri Deve Gowda and Shri Gujral, and if it was the experience of the C.P.I., I am sorry; I have nothing to say. But, let us see, here, in this case, the chronology of events. Shri Pranab Mukherjee has given the chronological order of events that had taken place. Sir, the results had started coming in from 27th February, 2000. The Notification was issued on 29th February, 2000. On 1st March, the various political parties called on the Governor. On 2nd March, 2000, the N.D.A. elects Shri Nitish Kumar as its leader in the Legislature; then he went there to meet the Governor. Shri Pranab Mukherjee was saying as to what was the hurry. I would like to know from him, who is now supporting his favourite party - R.J.D. - in Bihar that even before the results were fully announced and even before the

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Notification was issued, the R.J.D. leadership sought an appointment with the Governor. It is on record. Nobody can deny this. And the Governor said, "No hurry. Wait. Let the Notification be issued; then I will give an opportunity to both of you and then you can come and meet me." I heard it with my own ears on Doordarshan and it was also published widely in the next day's newspapers.

Secondly, the verdict of Bihar is a fractured verdict. No political party was given a clear-cut majority. The pre-poll alliance of either the N.D.A. or the existing incumbent Government - R.J.D. - was given a clear-cut majority. I do not think the R.J.D. and the C.P.I. (M) - of course, the C.P.I. (M) has got only two seats; my friend, Mr. Ramachandran Pillai, may clarify this - had any common programme. They had contested the elections with some understanding. I do admit. After having fought against Shri Laloo Prasadji and the R.J.D. regime for all these years, having gone to town criticising that party, still they had some alliance, for political reasons. I do not want to make any comment on that also because the debate is concerning some important issue. There was no common minimum programme between them. That being the case, you find, in an Assembly of 324 seats, a party that was in power had the support of 165 Members. The message of the electorate was very clear. It was written on the wall. Even today one can understand the message. The message was, a party which was having 165 Members out of 324 Members, was reduced to 122 Members. It was the Government of the day. What was the message? The message was clear: "You have been rejected." The people who were in power at that time and who were in Government at that time were rejected. This is very clear. Nobody can deny this fact. The core message of the elections in Bihar was rejection of the incumbent Government.

I do not think any political party, any person, who has a little wisdom of the political situation in the country, can question this. Sir, you have also seen that the elections were fought on the single issue; the major issue was how to relieve the people of Bihar from the *jungle raj*. That was the core issue. ...*(Interruptions)*...

श्री रामदेव भंडारी: जंगल राज खत्म करके आप चंबल राज ला रहे थे क्या? ...*(व्यवधान)*...

SHRI M. VENKAIAH NAIDU: I am not quoting my manifesto. ...*(Interruptions)*.... सुनिए ना। परमार जी, सुनिए। *(Interruptions)* When you

were speaking, we were hearing patiently. You must also have the patience. *(Interruptions)*

श्रीमती सरोज दुबे : यह उन बातों को बता रहे हैं जब कि सरकार ...*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. This side please. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: At least there should not be a *jungle raj* in this House. *(Interruptions)* Sir, what was the core message of the CPI, the CPI(ML), the Congress Party, the main party, which is now supporting Lalooji--I am sorry, I am sorry, I have taken the name--the RJD? What was the thrust of their campaign? If the Congressmen have forgotten what they had said, may I hand over the copies of net features of their manifesto for the convenience of the leaders who are now defending the same jungle raj? The Congress Party went for the poll with a solemn promise that they will order an enquiry into the ten-years misdeeds of the RJD regime of Lalooji and Rabriji. It is there in the manifesto of the Congress Party. I have a copy of the Congress manifesto with me. The Congress promised to probe corruption cases. Shri Rajesh Pilot, one of the upcoming dynamic leaders of the Congress Party, went to Bihar and told the people that it was a mistake on their part to have supported the revival of Rabri Devi's Government. They were sorry for that. They would never commit that mistake. This is what he said on record, while releasing the manifesto in Phattasar on February 8. *(Interruptions)*

SHRI RAJUBHAI A. PARMAR (Gujarat): Is it the main issue? *(Interruptions)*

SHRI M. VENKAIAH NAIDU: The Congress promised to set up...*(Interruptions)* We are talking about the formation of Government and then the discretion of the Governor. You went to the extent of talking about crores of rupees and Maruti cars and other things because of your previous experience. ...*(Interruptions)*.....

श्री भारतेन्दु प्रकाश सिंहल : अगर इस तरह से टीका-टिप्पणी करेंगे तो इधर से भी होगी । ..*(व्यवधान)*..

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श्री एम. वेंकैया नायडु : ऐसा नहीं होना चाहिए । ऐसा करेंगे तो पूरे देश में जंगल राज हो जाएगा । Sir, the Congress Party promised to set up a commission of inquiry to probe the corruption in the State during the last ten years of Laloo Prasadji and Rabriji's rule. This is what was being said by the Congress party. *(Interruptions)* This is Short Duration Discussion only. *(Interruptions)* Sir, this year, the Congress President called upon the people to dislodge the Rabri Government. This was the election campaign. I am not going into the details. Shrimati Mohisina Kidwai said that it was a mistake. Then, Mr. Salman Khurshid said that it was a mistake. He quoted a hindi proverb 'दूध का जला छाछ भी फूँक-फूँक कर पीता है।' The person who gets himself burnt while drinking hot milk, will always be cautious even while drinking cold buttermilk. I would only like to suggest to my friends, on the other side, that please be careful. You are not drinking even cold buttermilk, or, hot milk. You are going to drink poison. *(Interruptions)* It is neither good for you, nor good for the country. *(Interruptions)* Please bear with me for a while, Madam. Large-scale violence, corruption and growing ... *(Interruptions)*.....had made the lives of the people miserable in the State. This was the statement of the Congress President.

Sir, do you think that the Governor, who is bound by the Constitution, is guided by somebody saying, "We are having a deal in Delhi. Some discussion is going on. We are going to strike a deal." Deal! For what? You were earlier so enthusiastic that that you wanted to meet the Governor and stake your claim. Now you say, "We are striking a deal in Delhi." What is the deal, I do not know. Whether there was a maruti car, or other things were also involved in this. I do not know. What was the price that was offered and accepted, I do not know. I do not make such a charge also. But, at the same time, somebody informs the Governor on telephone. This is what is being quoted. I need not read the statements of the Congress Leaders, including the Leader of the Opposition in the Assembly, because now a days because of electronic media, the politicians cannot escape from what they had said earlier.

That being the case, everybody has gone on record saying, "No, no; we will not accept this, we will not accept this." Sir, that was the situation? I do not want to go into politics further. I am referring to this issue because somebody had referred to this.

Now, coming to the core issue. The core issue is : Who is capable of providing a stable Government? Sir, the Government which was there on the day lost majority. All parties were unanimous on the issue of ending the jungle raj, and I need not quote what Shri Chaturanan Mishraji, another senior leader, had said about Bihar. Our Gurudas Dasji knows about it, but he would not say it. Right from the Patna High Court to the ordinary common man, everybody has spoken about the need to end the jungle raj. The CPI(ML), the CPI, and the CPM have also spoken about it. But subsequently they have changed their stand. Now, there are serious differences between the CPI and the CPM. ...*(Interruptions)*.....

**श्रीमती सरोज दुबे :** अगर जनता को जंगल राज पसंद है तो आप क्या कर सकते हैं? ...*(व्यवधान)*...

**SHRI M. VENKAIAH NAIDU :** The issue is, nobody got majority and no party, even after the elections, could muster the half-way mark. It is a fact. Nobody is denying it. Shri Nitish Kumarji did not say "I have the support of 162 plus MLAs." He went to the Governor and told him, "Sir, I have a support of 146 MLAs. This is my list of 146 MLAs." Then, subsequently, he said, "three more MLAs have come to support me, and it becomes 149." Then he gave ....*(Interruptions)*.....

**श्री रमा शंकर कौशिक :** नीतीश कुमार जी को दोष नहीं दिया जा रहा है। ...*(व्यवधान)*...

**THE VICE-CHAIRMAN (SHRI SANATAN BISI) :** Please, please. ....*(Interruptions)*...

**SHRI M. VENKAIAH NAIDU :** Sir, though, on the one side, the incumbent Government lost the mandate of the people, yet it goes to the Governor and tells him that it cannot give him the required number now. It says that it is in the process of mustering majority and it is making efforts. On the other side, the NDA goes to the Governor and gives him a list of 146 plus three, and then say, "one MLA has given a telegram and the other MLA is also in the process of coming over here. Let us accept this as 151. The other side is having a pre-poll alliance, without a common manifesto. Their list is 122+2 or 123+2, whatever it is. वहां इसमें डबल सीट है। Then in Bihar, on the one side there was the list of 125 or 127 MLAs, and, on the other side, there was the list of 151 or 146 MLAs (assured support),



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the support which was clear and which had been announced also. Now, what has the Governor to do in this? People are saying that the Centre had done something, the Centre had given a direction. What directions the Centre can give. The Centre has no role to play. The Centre has no power to give any directions to the Governor. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री सनातन बिसि) : बैठिए.....बैठिए.....बैठिए.....*(व्यवधान)*  
.....हो गया.....हो गया....*(व्यवधान)*.....

SHRI M. VENKAIAH NAIDU : That may be your experience. You are speaking out of your experience. I am not disputing it. ...*(Interruptions)*.... Here, on this side, we have a long history. ...*(Interruptions)*... We have been sitting in Opposition ...*(Interruptions)*...

श्री रामदेव भंडारी : सारा खेल आप ही ने खेला है । ...*(व्यवधान)*...

श्री राजूभाई ए.परमार : इसीलिए सेंटर के मिनिस्टर वहां पहुंच गए थे ।  
...*(व्यवधान)*...

SHRI M. VENKAIAH NAIDU : Everybody has said the same thing.....*(Interruptions)*.....

श्रीमती सरोज दुबे : रामकृष्ण हेगड़े ने कहा.....चन्द्रबाबू नायडु ने कहा।  
.....*(व्यवधान)*.....

SHRI M. VENKAIAH NAIDU : Everybody has said the same thing. चन्द्रबाबू नायडु के साथ आपने क्या किया ? 1984 में आपने क्या किया ? एन.टी.रामाराव को आपने कैसे बरखास्त किया, सबको मालूम है । यह इतिहास का अंग है, वह भी सबको मालूम है । What happened during the year 1984? Shri N.T. Rama Rao had to go, inspite of having majority, and, subsequently, what happened is a matter of history. ...*(Interruptions)*.....

श्रीमती सरला माहेश्वरी (पश्चिमी बंगाल) : क्या एक गलती को दूसरी गलती से ठीक किया जा सकता है ? ...*(व्यवधान)*...

उपसभाध्यक्ष (श्री सनातन बिसि) : बैठिए ना .....मैडम.....प्लीज़,  
प्लीज़.....*(व्यवधान)*.....

श्री राजूभाई ए.परमार : आपके यादव जी का क्या हुआ ? ...*(व्यवधान)*...

**उपसभाध्यक्ष (श्री सनातन बिसि):** अरे बैठिए ना ...**(व्यवधान)**...प्लीज़...प्लीज़...जब आपकी बारी आएगी तब बोलिएगा।  
....**(व्यवधान)**... आपकी पार्टी को जब बुलाएंगे तब बोलिएगा.....**(व्यवधान)**.....

**SHRI M. VENKAIAH NAIDU :** It would be better if the Congress and the Communists can come to an understanding as to whether we should discuss about Bihar or Andhra Pradesh. I will be happy to have a discussion on Bihar only. I mentioned about Andhra Pradesh because there was a suggestion from the Congress Party; otherwise, I had no intention to refer to Andhra Pradesh. The Communists also have played a good role in 1984 in destroying democracy. ...**(Interruptions)**...

**THE VICE-CHAIRMAN (SHRI SANATAN BISI) :** No, no.

**SHRI M. VENKAIAH NAIDU :** There is no game. We have neither a game nor have we implemented it. My only point is that you need not give me advice. We have seen your position. Babu; please try to understand that your party is losing the national recognition. The only thing now you have got is international recognition here and there.

**SHRI BRATIN SENGUPTA (West Bengal):** The discussion is on Bihar.

**SHRI B. P. SINGHAL:** Sir, is this is the way to conduct the proceedings of the House?... **(Interruptions)** ...

**SHRI M. VENKAIAH NAIDU:** Sir, if you permit me and if they want, I can, as well, give the Congress Party's manifesto which has been written in good Hindi. Of course, I come from a State where Hindi is not the main language. उन्होंने कहा कि गैर कांग्रेसी सरकार विश्व स्तर पर, राजद की सरकार जनकल्याण के बदले एक अंधकार दौरे से हो गया है। अंधकार के दौरे सा हो गया। That means "dark rule." You see the manifesto. I hope that manifestoes still have some relevance in Indian public life. ...**(Interruptions)**...

Coming to criminals and Ministers, you will come to know of the list in a day or two. You have a difficult situation, Babu. Please try to understand it. You will not be able to show your face to the people of Bihar. It will be very difficult. Once upon a time, Bihar was a stronghold of the Congress Party. From the great days of the great Congress leaders, now what is the situation in Bihar? You are 23. Next time even three is difficult. You will not be there even to apologise. ...**(Interruptions)**...

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SHRI BRATIN SENGUPTA: It is only the conduct of the Governor that should be discussed.

उपसभाध्यक्ष (श्री सनातन बिसि): बैठिए-बैठिए, प्लीज, प्लीज।

SHRI M. VENKAIAH NAIDU: I am happy that you have understood that it is not a platform to talk about party politics. If you abide by that, I would be very very happy. ...*(Interruptions)* ...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please sit down. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Where were you when crores of rupees and Marutis were mentioned? Were you on the party platform or on a railway platform?

Sir, there was a judgement by the Allahabad High Court. Subsequently, there was a judgement by the Supreme Court. Mr. Kapil Sibal is looking at me. He knows more about judgements.

SHRI KAPIL SIBAL (Bihar) : Because you have a very pleasant face, I keep on looking at your face.

SHRI M. VENKAIAH NAIDU: Nobody tells me that I have a pleasant face; not even my wife. She always says, "You are angry." ...*(Interruptions)*...

Sir, in U.P., where we had 175 members, and though we were the single largest party, we were not allowed to form the Government.

In 1996, in Maharashtra, Congress was the single largest party, but it was not invited to form the Government there. On the other hand, the Shiv Sena-BJP coalition was installed there, and it proved its majority on the floor of the House. ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat.

SHRI M. VENKAIAH NAIDU: Sir, we are talking of precedents, conventions and all these things. The latest, in the 1999 elections in Maharashtra, the Shiv Sena-BJP combine emerged as the largest pre-poll alliance. Though we could not get to the halfway mark, we were the largest group. We went to the Governor and told him, "We are the largest and we

had a pre-poll alliance. You invite us to form the Government. We will prove our majority." The Governor said, "No. Where are the numbers?" ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Guptaji, please take your seat.

गुप्ता जी, बैठिए, बैठिए, वे बोलेंगे, कपिल सिब्बल जी बोलेंगे, आपकी पार्टी को टाइम दिया हुआ है बोलने का ।

SHRI BRATIN SENGUPTA: He is talking about everything except Bihar.

SHRI B. P. SINGHAL: Sir, have those parties been allotted any time or not? I want to know this because they are finding opportunities to butt in every now and then.

SHRI VAYALAR RAVI (Kerala): Sir, I am on a point of order. ...*(Interruptions)* ...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): What is it? Mr. Naidu, he is on a point of order.

SHRI VAYALAR RAVI: When hon. Members speak, they cannot make any aggressive expression against people in high authority. This debate is on the specific issue of the Bihar Governor's conduct. ...*(Interruptions)*...

The hon. Member has, in the course of his speech, referred to the Governor of Maharashtra, and he has made an allegation.

SHRI M. VENKAIAH NAIDU: No allegation. ...*(Interruptions)*...

SHRI VAYALAR RAVI: The hon. Member has said that the pre-poll combination of the Shiv Sena-BJP, which would have a larger number, went to the Governor and staked a claim to form a Government there. The Governor said: "No, I cannot invite you. Give me the numbers." Sir, I have a different view on what was conspired there. The facts stated also are not correct. So, how can the hon. Member bring the conduct of the Maharashtra Governor into question? He can say what happened there. That is a different matter. But, he cannot say anything on

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the conduct of the Governor. The hon. Member can very well say the Maharashtra Governor did not invite, but he cannot put the words in the mouth of the Governor. He said that the Governor had said: No, I cannot invite you." The Governor never said so. (*Interruptions*) He cannot say that.

SHRI M. VENKAIAH NAIDU: Sir, if one goes by my friend's argument, you cannot discuss anything in the House, including the conduct of the Governor in Bihar.

SHRI VAYALAR RAVI: Sir, the hon. Member is very well within his right to quote an example of Maharashtra. I have no quarrel with him on that point. But, when he started quoting the Governor, that amounts to the conduct of the Governor. He cannot say the Governor said: "No, I cannot invite you." You cannot make an allegation against the Governor.

SHRI M. VENKAIAH NAIDU: Sir, I have not taken the name of the Governor. I have not made any comment with regard to his conduct. I have only quoted precedents. Precedents were quoted by Shri Gurudas Das Gupta also. Precedents, including of 1957 formation of the Kerala Government, were also quoted. (*Interruptions*) ओवर क्या है ? वह कैसे ओवर होता है, कैसे नहीं होता है, आप ओवर रूलिंग मत कीजिये, रूलिंग तो चेयरमैन देंगे। ... (व्यवधान)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): You now come to the subject.

SHRI M. VENKAIAH NAIDU: My point is, when we were the largest pre-poll alliance, the argument that was given to us was: simply because you are the largest party, simply because you are a pre-poll alliance, simply because you have got the mandate to this extent, you cannot be invited to form Government. I have given two recent examples: One of UP and another of Maharashtra, and then you have an example before you of Bihar, where the Governor using his Constitutional power in his own wisdom, after assessing the situation, had called Shri Nitish Kumar, who had commanded a larger support than the other combinations, and then invited him to form the Government. He had formed the Government. He could not muster the needed majority because of the immoral, politically bankrupt stand taken by certain political parties. They have the right to have their own line of action. I am not questioning that.

SHRI VAYALAR RAVI: The people of Bihar...

श्री एम. वेंकैया नायडु : पीपल आफ बिहार कहां से आएगा ? जब आप बिहार गये तो आपको मालूम होगा कि वहां की स्थिति क्या है ? ... (व्यवधान)

That being the case, now, if the Governor calls 151 or 146, people are now saying... (Interruptions).....

देखिये, यह कह रहे हैं \*... (व्यवधान)

SHRI T.N. CHATURVEDI (Uttar Pradesh): This kind of a thing cannot go on record.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I will remove that.

SHRI T.N. CHATURVEDI: No, Sir. The hon. Member should express his apology. (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I will remove it.

SHRI B.P. SINGHAL: The hon. Member must apologise.

SHRI M. VENKAIAH NAIDU: Sir, the other day the leader of the party had declared from the house-top that he does not want to see the Governor's face. And yesterday his entire family went to the Governor and told him: Please administer the oath. So, I am not taking them seriously, because I know...

SHRI B.P. SINGHAL: Sir, I am on a point of order. This point is very clear. It is the prestige of the entire House. It is the House that has been offended, not the Governor.

उपसभाध्यक्ष (श्री सनातन बिसि) : आप बैठिये, आपकी पार्टी के सदस्य बोल रहे हैं ।.. (व्यवधान)

SHRI M. VENKAIAH NAIDU : Sir, if he really wants to uphold the dignity of the House, he will withdraw it. If he does not want to do it, I cannot help it. I leave it to the Chair.

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\*Expunged, as ordered by the chair.

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I have seen statements in newspapers that the Governor will not be allowed to stay in Bihar. He doesn't want to see his face. Even for a minute, he does not want to see the face of the Governor. This has come in newspapers. So far, it has not been contradicted. In the same breath, the next day, the same people go to the same Governor and then say, "namaskar". This is what has happened.

श्री रामदेव भंडारी : हम शिष्टाचार और मर्यादा का पालन करने वाले हैं।

उपसभाध्यक्ष (श्री सनातन बिसि) : बैठिए ...आपकी तरफ से बोलने वाले हैं  
..(व्यवधान)

श्री टी. एन. चतुर्वेदी : यह शिष्टाचार और मर्यादा के साथ मजाक है  
..(व्यवधान)

श्री रामदेव भंडारी : वे गवर्नर साहब इसका पालन नहीं कर रहे हैं...(व्यवधान)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Are you concluding?

SHRI \*M. VENKAIAH NAIDU: I have not been allowed even to make out my case.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is all. The points are there. Now, you have to conclude.

SHRI M. VENKAIAH NAIDU: Sir, I have to quote from two or three judgements, then make my point and then I will stop. I don't want to do anything else except this. There are other senior leaders from this side and that side who will also make their points. My only appeal is, let us not try to score political points. As Gurudas Guptaji said, if the House, the Parliament, in its collective wisdom, or, all the political parties in the country, come to an understanding and then come to a conclusion that there is a need to define as to who should be called to form a Government, we are with him.

SHRI GURUDAS DAS GUPTA : What is the basis?

SHRI M. VENKAIAH NAIDU: Should it be the single largest party so that it is not left to the ..(interruptions)..

SHRI GURUDAS DAS GUPTA : Discretion.

SHRI M. VENKAIAH NAIDU: I agree.

Sir, the Sarkaria Commission has made certain recommendations. Some courts also have given judgements. We have, before us, certain precedents set by different Governors during different regimes, the Congress regime, the United Front regime, or, the NDA regime. We have these precedents. We have the Sarkaria Commission recommendations before us. We have also the actions of some of the Governors in the past to make us understand the situation in the proper perspective.

Sir, Honourable Justice Brajesh Kumar of the High Court of Allahabad said something on this subject. This is a book written by Mr. Romesh Bhandari, former Governor. ...*(Interruptions)*... A great democrat of your choice. "The tug of war begins. The BJP goes to court." That is the title of the book. I want to quote from page 119, "The next point for consideration is as to whether it was or not, incumbent upon the Governor to invite the leader of the Bharatiya Janata Party (BJP) to form the Government, being the largest single party." Justice Brajesh Kumar says, "We have not developed any such convention in this country. That is the reason perhaps that no convention could develop so far to act, in a particular manner or that largest party, though in minority, in all eventualities must be called to form the Government. No such convention could be pointed out on behalf of the petitioners from the British Parliamentary history or otherwise." This is what he has said. "The single largest party must satisfy the Governor or the President, as the case may be, at least *prima facie*, that it would be in position to win the confidence of the House." "Therefore, in the absence of any established convention and perhaps rightly so, the petitioners cannot claim that they must have been called to form the Government. It is to be found in one of the reports of the Governor that according to him, he would have called the single largest party, namely, the BJP to form the Government, had it been nearer to a clear majority. According to him, a gap of 35 seats to gain the majority was not a small gap." Therefore, he has decided not to call the single largest party. About 122 MLAs plus two CPM MLAs would make 124 MLAs; and the required number is 163 or 164 MLAs. The gap is more than 35 MLAs. This is my assessment of the situation.

Now, I will come to Justice Lal's judgement. He says, "Normally, and not invariably, the largest party has to be invited. But the largest party



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has not been necessarily invited. Governor can refuse to invite the largest party, in case, in his discretionary judgement, it has no majority in the House and, therefore, the BJP is not invited to form the Government under the present situation." "That the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State, meaning thereby *prima facie*, it must be convinced to the Governor that in whom he is reposing confidence of appointing Chief Minister and the Council of Ministers, must have a majority in the Assembly.

Then, I will quote what Justice Shatju has said. "In my opinion, under the Constitution, it is not incumbent upon the Governor to invite the leader of the largest party which has no majority in the House, unless Members of the House of some other party or groups either form alliance or with outside support the Ministry will be able to survive..." "I have already referred above to the Sarkaria Commission's report as well as the report of the Committee of Governors of 1971 which have both mentioned that the Governor, while going through the process of selection described above, should select the leader in his judgement is most likely to command majority in the Assembly."

Here is a Governor who came to the conclusion that a party which has got 146 plus is nearer the majority than a party which has got 122 plus, a party which has been rejected by the people, a party against which all political parties have brought their action by putting, in black and white, in their political manifesto. It was nowhere near a position to form the government. That was the assessment reached by the Governor. And now, the Governor has administered the oath. One party could not prove its majority. The other party, though also in minority, has been called to form the government. They are yet to prove their majority. Let us wait for what will happen. If the fate of Bihar people is that they have to go by political machinations, this sort of opportunistic politics, that is a different matter. We have to fight a battle in the street, we have to fight a battle among the people. That means we have to go for a public opinion, educating the people. But, here, in this House, how can political parties or hon. Members of this House come to a conclusion simply because the Governor did not act according to their whims and fancies, which they have changed suddenly, after the election, after giving an assurance, after giving an apology, to the people that they will never change it? They change their stand now and expect the Governor also to toe their line and go unconstitutional! How do

you expect this? In one way it is good that by having this discussion we are discussing and people are remembering what has happened in the past, including what has happened during their regime. At the same time, we should rise above party politics and come to a conclusion, have a meaningful and healthy debate and then wait. Also support the move of the Government to go for a constitutional reform. One of the subjects that we have referred to that Committee, in the collective wisdom of the House, is: Can we lay down certain parameters as guidelines for Governors? The Sarkaria Commission recommendations have no legal teeth. I have no time and so I do not want to quote the President's Address to the Governors' Conference. It is very clear on this matter. The Supreme Court is also very clear. You cannot find fault with the Governor. As I told you, he is one of the most honest bureaucrats of this country. He has got an unblemished image also. Let us not use this forum to make any unnecessary allegations against the Governor who has acted as per the provisions of the Constitution. He was legally correct; he was constitutionally correct; and he was well within his own powers. If you are not able to prove the majority, how do you find fault with the Governor? In 1996, we could not prove our majority! We went back to the people. What has happened in 1998, you all know. In 1997-98, we had the horrible experience of taking support from a party which is not dependable. Now, again, you are going in for the same experience. I leave it to you. But, as far as we are concerned, we feel that whatever the Governor of Bihar did is absolutely constitutional, legally correct and beyond question also. This is my submission. Thank you.

SHRI S. RAMACHANDRAN PILLAI (Kerala): Mr. Vice-Chairman, Sir, my hon. friend, Shri Pranab Mukherjee, has raised an important issue before this august House. He has initiated a discussion on the role of Governors in discharging their constitutional responsibility in the formation of governments in the States, in the light of the recent events in Bihar. Sir, this is an important issue intimately connected to the democratic polity of our country. A Governor is a constitutional authority. He has to act on the basis of the Constitution, on the basis of the law established in this country and also on the basis of conventions and precedents well established in this country. As per the provisions of the Constitution, Sir, a Governor has to take oath when joining as Governor. His responsibility is to preserve, protect and defend the Constitution and the law. So, he is duty-bound to preserve, protect and defend the Constitution and the law. Here, the

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Governor of Bihar has violated the provisions of the Constitution, violated the democratic conventions and precedents well established in this country.

Sir, I agree that the Chief Minister is appointed by the Governor as per the provisions of article 164 of the Constitution of India. But article 164 of the Constitution does not give him arbitrary powers. He has to act on the basis of certain principles, democratic principles. Of course, this issue was discussed at length by the Sarkaria Commission. All political parties submitted their views with regard to the role of the Governor before the Sarkaria Commission. My party the Congress party, the Bhartiya Janata Party and the other political parties submitted their views before the Sarkaria Commission and the Sarkaria Commission discussed those views. The Sarkaria Commission examined the earlier judgments and came to this particular conclusion. At page 128, paragraph 41103, it says:-

\* In choosing a Chief Minister, the Governor should be guided by the following principles, namely: -

1. "The party or combination of parties which commands the widest support in the Legislative Assembly, should be called upon to form the Government."

That means the party or combination of parties which commands the widest support in the Legislative Assembly, should form the Government.

2. "The Governor's task is to see that a Government is formed and not to try to form a Government which will pursue policies which he approves. Thus if there is a single party having an absolute majority in the Assembly, the leader of the party should automatically be asked to become the Chief Minister."

No political party has got a majority in the recent Bihar election. But when no political party is having a majority in the Legislative Assembly, then what attitude is to be taken, was also discussed at length by the Sarkaria Commission.

"If there is no such party, the Governor should select a Chief Minister from among the following parties or a group of parties by sounding them in turn in the order of preference indicated below.

1. An alliance of parties that was formed prior to the elections. ..." *(Interruptions)*

DR. L.M. SINGHVI: That was what the Governor did. Firstly, he depended on the pre-poll alliance. *(Interruptions)*

SHRI S. RAMACHANDRAN PILLAI: Sir, you will get an opportunity to explain your position. I may be allowed to explain my position.

2. The largest single party staking a claim to form the Government with the support of others, including independents.

3. A post-electoral coalition of parties with all the partners in the coalition joining the Government.

4. A post-electoral alliance of parties, with some of the parties in the alliance forming a Government, and the remaining parties, including independents, supporting the Government from outside."

The Governor, while going through the process of selection described above, should select a leader, who in his judgment, is most likely to command a majority in the Assembly. Sir, this was what the Sarkaria Commission had stated. As per the case of my friend, Shri M. Venkaiah Naidu, Shri Nitish Kumar did not, at any point of time, claim that he got majority.

He submitted first a list of 146 Members, and then a list of 151 Members. It is simple arithmetic that in an Assembly which has a strength of 324, the magic number is 163. He had not claimed, at any point of time, that he had the majority in the Bihar Legislative Assembly. On the other hand, Sir, it is proved beyond doubt that the number on the other side--I am not including the number of Independents--but many political parties are opposed to Shri Nitish Kumar; the RJD is opposed to Shri Nitish Kumar, the CPI(L) is opposed to Shri Nitish Kumar; the Congress is opposed to Shri Nitish Kumar; the BSP is opposed to Shri Nitish Kumar; the Revolutionary Communist Party is opposed to Shri Nitish Kumar; the MCC is opposed to Nitish Kumar; the CPI and the CPI(M) also said that they did not want to support Shri Nitish Kumar; they opposed him--will come to 168. So, it was very clear. When the Governor called Shri Nitish Kumar to form his Government, 168 Members belonging to these political parties expressed

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publicly and informed the Governor that they were opposed to Shri Nitish Kumar. Then how could the Governor come to the conclusion that Shri Nitish Kumar had got the support of a majority of the Members? The Governor is not a dictator. He cannot claim that his words are law and that his action cannot be questioned. He is a creation of the democratic polity of our country. Sir, is he empowered or expected to assume that some of the political parties will divide and support Shri Nitish Kumar? Is he empowered to claim that some of the political parties may divide and will eventually come in support of Shri Nitish Kumar? Is he expected to facilitate horse-trading? No. He is a Constitutional authority. He should exercise his discretion judiciously, on the basis of sound democratic principles. He should take into consideration the arithmetics of the Bihar Legislative Assembly, the numbers of the various parties and come to the conclusion. It is so clear that the majority is opposed to Shri Nitish Kumar. So, why was he called? The Governor is not expected to make assumptions; on the basis of astrological calculations. He should be guided by arithmetical calculations. The Governor of Bihar went wrong in calling Shri Nitish Kumar to form his Government. He has violated the provisions of the Constitution. He has violated the provisions of the law. He has violated the democratic principles and conventions in this country. Of course, my hon. friend, Shri Venkaiah Naidu, referred to certain instances in the past, but no Governor has stooped to that level and has degraded the Constitutional authority to the extent as the Bihar Governor has done. Sir, what actually has he done? He has created an atmosphere to facilitate political horse-trading. Otherwise, there was no justification to call Shri Nitish Kumar to form his Government.

My friend, Shri Venkaiah Naidu, and his party Members claim that their political party has a separate and a special character. They say that they stand on moral political principles. So, can you support the stand taken by Shri Nitish Kumar? In the 1998 election manifesto also, they had stated something about the Sarkaria Commission Report. The BJP had stated in their 1998 manifesto, "...immediately implement the recommendations of the Sarkaria Commission."

SHRI M. VENKAIAH NAIDU: Yes, agreed.

SHRI S. RAMACHANDRAN PILLAI: This is the thing. If you stand by that, then, you should come forward to oppose the action of the

Governor. And the Central Government should take the initiative in recalling the Governor because he has violated the Constitution, the recommendations of the Sarkaria Commission and the well-established principles. So, Sir, my friend has said that the Governor is a man of unblemished character. I don't want to discuss the character of the Governor. I am only interested in discussing about his political actions and his exercise on constitutional provisions. He has violated all these things. He has violated the democratic principles. So, now, it is proved beyond doubt that Shri Nitish Kumar did not enjoy a majority in the Legislative Assembly, but still the Governor did not resign. If he is a man of self-respect, he should have resigned. But he has not resigned so far. So, I urge upon the Central Government to advise -- because as per Article 156 of the Constitution, a Governor continues in office at the pleasure of the President - the President that he should be dismissed, or, called back. Thank you, Sir.

**श्री रामदेव भंडारी:** महोदय, बिहार में राज्यपाल महोदय द्वारा जिस प्रकार संविधान को और लोकतंत्र को मजाक का विषय बनाया गया है यह बिहार में ही नहीं बल्कि देश के लिए भी बड़े शर्म की बात है।

[उपसभाध्यक्ष (श्री टी.एन. चतुर्वेदी) पीठासीन हुए]

बिहार विधान सभा का चुनाव हुआ और चुनाव के बाद जो चुनाव परिणाम आए वह साफ प्रमाणित करता था कि बिहार में राष्ट्रीय जनता दल सबसे बड़ी पार्टी के रूप में उभर कर आई है और अभी भी बिहार में लालू प्रसाद यादव गरीबों, दलितों, पिछड़े वर्ग के लोगों और अकलियतों का मसीहा बने हुए हैं। लोक सभा चुनाव के बाद प्रधान मंत्री से लेकर अनेकों मंत्रियों ने बिहार के संबंध में जो बातें कहीं - बिहार को जंगल और बिहार की सरकार को जंगल राज कहा, तो आज यह प्रमाणित हो गया है कि बिहार अगर जंगल है तो जंगल का शेर लालू प्रसाद है, यह प्रमाणित हो गया है।

महोदय, इस बार बिहार में विधान सभा के चुनाव के समय ऐसा लगता था, जैसे कि बिहार में युद्ध की स्थिति है और दूसरे देश के लोगों ने बिहार के ऊपर चढ़ाई कर दी है। दो दर्जन हेलीकाप्टर बिहार के एयरपोर्ट पर खड़े रहते थे और प्रधान मंत्री से लेकर, गृह मंत्री और अनेकों मंत्री, बड़े और छोटे नेता और बिहारी बाबू शत्रुघ्न सिन्हा से लेकर हेमामालिनी तक बिहार में पधारी थीं। जब बिहार विधान सभा में 10 तारीख को बहस हो रही थी तो राजग के एक नेता ने कहा कि हेमामालिनी यह देखने आई थीं कि मेरे गाल की तरह बिहार में सड़क हैं या नहीं है, ऐसा उन्होंने बोला। एक बार लालू प्रसाद यादव जी ने कहा था कि मैं बिहार में

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अच्छी सड़क बनाने जा रहा हूँ। चुनाव के समय बिहार में युद्ध जैसी स्थिति थी। बिहार को जंगल राज कहकर बिहार के नेताओं ने बिहार का अपमान किया। जब बिहार विधान सभा के चुनाव का नतीजा निकलने लगा तो लालू प्रसाद यादव की पार्टी प्रारम्भ से ही राजग को पीछे छोड़ती चली गई। विधान सभा के चुनाव में भारतीय जनता पार्टी को 67 सीट मिलीं, समता पार्टी को 34 सीट मिलीं और जेडीयू को 21 सीट मिलीं, इनको कुल मिलाकर 122 सीटें मिलीं और हमारी पार्टी को 123 सीट मिलीं। हमने प्रि-पोल एलाइंस सीपीएम के साथ किया था उसको 2 सीट मिली। इस प्रकार हमारी पार्टी के गठबंधन को कुल मिलाकर 125 सीटें मिलीं।

महोदय, जब हमारे नेता लालू प्रसाद यादव गवर्नर साहब से मिले, तो उन्होंने कहा कि अभी नोटिफिकेशन नहीं हुआ है। जब 29 तारीख को नोटिफिकेशन हो गया तो एक मार्च को गवर्नर साहब ने पहले नीतीश कुमार जी को बुलाया, जबकि उनसे ज्यादा संख्या हमारी पार्टी की थी, लेकिन हमारी पार्टी को गवर्नर साहब ने नहीं बुलाया। उन्होंने कम संख्या वाली पार्टी को, कम संख्या वाले गठबंधन को सरकार बनाने के लिए बुलाया। यहीं से संदेह का बीज अंकुरित होता है और बिना समय गवाएँ, बहुत जल्दी में, तीन तारीख को बिना हमें मौका दिए, अवसर दिए, एक अल्पमत की सरकार बिहार में बैठा दी गई।

महोदय, राष्ट्रपति जी ने कुछ संवैधानिक शक्तियाँ को देकर गवर्नर साहब को वहाँ पर भेजा है, इन्हें ही नहीं सभी गवर्नर को भेजा जाता है। गवर्नर को वहाँ पर इसलिए भेजा जाता है कि वह संवैधानिक शक्तियों का और स्वविवेक का सदुपयोग करें न कि संवैधानिक शक्तियों का दुरुपयोग करें। उनको मनमानी करने के लिए शक्तियाँ नहीं दी जाती हैं। बिहार के राज्यपाल ने नीतीश कुमार जी को मुख्यमंत्री पद की शपथ ग्रहण करवाकर संबिधान की हत्या की है। 9 मार्च को बिहार विधान सभा के अध्यक्ष का चुनाव हुआ। अध्यक्ष पद के चुनाव में राष्ट्रीय जनता दल गठबंधन की ओर से अध्यक्ष का नामांकन हुआ। नीतीश कुमार जी ने कहा कि हम इस पद पर कोई कंटेस्ट नहीं चाहते हैं जबकि इससे पहले दिन 8 मार्च को उन्होंने अध्यक्ष पद के लिए अपना एक उम्मीदवार खड़ा करवा दिया। जब चुनाव का वक्त आया तो उन्हें पता चल गया कि उनका बहुमत नहीं है और उन्होंने अपना उम्मीदवार वापस ले लिया। इसीलिए राष्ट्रीय जनता दल गठबंधन की ओर से कांग्रेस विधायक श्री सदानंद सिंह अध्यक्ष निर्वाचित हुए।

महोदय, नीतीश कुमार जी को उसी समय जब उनका उम्मीदवार बिहार विधान सभा का अध्यक्ष नहीं बन पाया तो उन्हें अपना अल्पमत स्वीकार कर लेना चाहिए था और रिजाइन दे देना चाहिए था। बिहार विधान सभा में 10 मार्च को विश्वास मत पर बहस हो रही

थी, मैं बहस सुन रहा था, मैं उस समय दर्शक दीर्घा में मौजूद था। कोई दम नहीं था, कोई तर्क नहीं था। मुख्यमंत्री से लेकर सभी दूसरे मंत्रियों तक के चेहरे मुरझाए हुए थे और जब वोटिंग का वक्त आया तो रणछोड़ दास का नाम आपने सुना होगा, मैदान छोड़कर भागने वाले लोगों का, कहने लगे कि मैं तो इस्तीफा देने के लिए जा रहा हूँ। जब बहुमत नहीं था तो मैदान में उनको नहीं आना चाहिए था। महोदय, पता नहीं श्री लालू प्रसाद केन्द्रीय सरकार के आख की किरकिरी क्यों बना हुआ है? एक बार, जहां तक मुझे याद है जब मंडल कमिशन यहां लागू हुआ था—आदरणीय गृह मंत्री जी बैठे हुए हैं—गृह मंत्री जी का एक रथ निकला था और लालू प्रसाद जी ने बिहार में उसे रोका था। शायद उसी समय से ही भारतीय जनता पार्टी की नजरों में लालू प्रसाद जी किरकिरी बने हुए हैं। जब पिछली बार लोक सभा का चुनाव हो रहा था, सभी नेतागण बिहार में कह रहे थे कि जब हमारी दिल्ली में सरकार बनेगी तो मैं बिहार विधान सभा का चुनाव कराऊंगा। वह कैसे कॉन्स्टीट्यूशन का पालन करते हैं? बहुमत की सरकार है और आप चुनाव में जाकर कहते हैं कि बहुमत की सरकार को गिराकर चुनाव कराऊंगा आपने किया भी। आपने कॉन्स्टीट्यूशन की सभी मान्यताओं को, सभी मानदंडों को ताक पर रखते हुए बिहार में राष्ट्रपति शासन लागू किया। लेकिन आपको मुंह की खानी पड़ी, आपको पीछे हटना पड़ा, और फिर से राबड़ी देवी को बिहार में बहाल करना पड़ा। इस बार भी गवर्नर साहब को मजबूर होकर—बिहार की जनता ने उन्हें मजबूर किया और मजबूर होकर फिर से राबड़ी देवी को बिहार में मुख्यमंत्री बनाना पड़ा। महोदय, आपने अखबारों में पढ़ा होगा कि 5 मार्च को बिहार में बहुत बड़ा आंदोलन हुआ। बिहार में हमारी पार्टी की ओर से, राष्ट्रीय जनता दल की ओर से बिहार बंद का आह्वान किया गया था। आज तक बिहार के इतिहास में इस प्रकार का बंद नहीं हुआ था। जन सहयोग—जनता के सहयोग का वह आंदोलन था, और पूरा बिहार उस दिन बंद था। अगर गवर्नर साहब फिर से राष्ट्रीय जनता दल की नेता जो राबड़ी देवी थीं, उन्हें मुख्यमंत्री पद पर शपथ ग्रहण नहीं कराते तो उस दिन बहुत बड़ा आंदोलन खड़ा हो जाता। महोदय, यह ठीक है कि जनादेश खंडित था। हमारी पार्टी को भी बहुमत नहीं मिला था मगर यह बात सही है कि हमारी पार्टी सबसे बड़ी पार्टी के रूप में आयी थी। यहां कई उदाहरण हैं। आप किसी भी उदाहरण का पालन करते—शंकर दयाल शर्मा जी के उदाहरण का पालन करते, आदरणीय नारायणन जी के उदाहरण का पालन करते। आपने कुछ भी नहीं किया। बड़ी पार्टी को निमंत्रण नहीं दिया, दूसरी पार्टियों से सलाह-मशविरा नहीं किया। आपकी नीयत खराब थी और यह सब कुछ दिल्ली के इशारे पर हो रहा था। दिल्ली के कई मंत्री लगातार आ जा रहे थे। एक मंत्री बंगलौर से बयान दे रहा था कि कांग्रेस पार्टी टूट रही है—नीतीश कुमार जी भी बोल रहे थे। इस तरह से यह हवा फैलायी गयी थी। वैसे आर.एस.एस. के लोग हवा फैलाने में बड़े



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तेज होते हैं और वह काफी हवा फैलाते हैं। ऐसी हवा फैल गयी थी कि सभी पार्टियां दूट रही हैं और दूटकर राज.ग. की तरफ आ रही हैं।

**श्री संघ प्रिय गौतम :** अब तो दुनिया में आर.एस.एस. की हवा आपने फैला दी है। ..(व्यवधान)...

**श्री रामदेव भंडारी :** मगर ऐसा नहीं हुआ। कोई भी पार्टी नहीं दूटी। ..(व्यवधान)...

**उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) :** आपने बहुत कह दिया। आपका 5 मिनट का समय था।

**श्री रामदेव भंडारी :** महोदय, मैं राष्ट्रीय जनता दल से हूँ। मगर कोई भी पार्टी नहीं दूटी। कांग्रेस पार्टी को भी तोड़ने में सफल नहीं हुए। बी.एस.पी. को कह रहे थे -तोड़ दूंगा किन्तु किसी भी पार्टी को तोड़ने में सफल नहीं हुए और बिहार में राष्ट्रीय जनता दल और संबंधित पार्टियों की सरकार बनी। महोदय, मैं गवर्नर साहब या गवर्नर के पद के बारे में सिर्फ एक बात और कहना चाहूंगा। यह बहुत मर्यादा का पद है, संवैधानिक मूल्यों की रक्षा के लिए, उसकी मर्यादा की रक्षा के लिए कान्स्टीट्यूशन ने जो उनको अधिकार दिया है, उस अधिकार का अगर कोई गवर्नर दुरुपयोग करता है तो उस राज्य में अराजकता और अशांति की स्थिति पैदा करता है। बिहार में ऐसा हुआ है। इसलिए मैं इस सदन के माध्यम से केन्द्रीय सरकार से यह कहना चाहूंगा कि आज दिल्ली में आपकी सरकार है, इसलिए आपका दायित्व बनता है कि राज्यों के जो गवर्नर हैं, संविधान के द्वारा जो उनको शक्तियां प्रदत्त की गयी हैं, वह उनकी रक्षा करें। न कि उसका दुरुपयोग करें और बिहार के गवर्नर किसी भी मायने में संविधान और लोकतंत्र की रक्षा नहीं कर पाए बल्कि संविधान और लोकतंत्र की उन्होंने हत्या की है। इसलिए मैं आपके माध्यम से मैं कहना चाहूंगा कि बिहार के गवर्नर को आप वापस बुला लें क्योंकि बिहार की जनता को अब उनमें विश्वास नहीं रह गया है। महोदय, सिर्फ लालू यादव के राष्ट्रीय जनता दल का ही नहीं बल्कि बिहार की आम जनता का भी उन पर से विश्वास उठ गया है। अगर संवैधानिक पदों पर, उच्च पदों पर बैठे हुए लोगों में जनता का विश्वास न रहे तो उनको उस पद पर नहीं रहना चाहिए, उन्हें स्वयं वहां से हट जाना चाहिए। ... (व्यवधान)...

**श्रीमती सरोज दुबे :** महोदय....

**उपसभाध्यक्ष (श्री टी.एन.चतुर्वेदी) :** आपकी पार्टी के नेता हैं, इनको डिस्टर्ब मत करिए। Let him finish.

**श्री रामदेव भंडारी :** अगर वे नहीं हटते हैं तो माननीय गृह मंत्री जी यहां बैठे हुए हैं। मैं उनसे अनुरोध करना चाहूंगा कि इस देश में बड़े विद्वान लोग हैं, ईमानदार लोग हैं। इस देश में कमी नहीं है ऐसे ईमानदार लोगों की जो संविधान की रक्षा कर सकें, संवैधानिक मूल्यों की रक्षा कर सकें, मर्यादा की रक्षा कर सकें। तो बिहार के गवर्नर को बुला कर किसी ईमानदार आदमी को वहां गवर्नर बनाइए। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ। बहुत-बहुत धन्यवाद।

**उपसभाध्यक्ष (श्री टी.एन.चतुर्वेदी):** धन्यवाद भंडारी जी। मौलाना आबैदुल्ला खान आजमी।

**\*मौलाना आबैदुल्ला खान आजमी (बिहार) :** सदरे मोहतरम, आईन की दफा 159 के तहत किसी भी सूबे का गवर्नर यह हलफ लेता है कि वह आईन की हिफाज़त करेगा और आईन की दफा 163 के तहत यह वाज़ह किया गया है कि गवर्नर का अपने अख्तियार या विवेक से किया हुआ फैसला हतमी होगा। इस ऐतबार से आईन ने गवर्नर को बहुत बड़ा अख्तियार दिया है। लेकिन यह बात भी ज़हन में रखनी ज़रूरी है कि जिसके पास जितना बड़ा अख्तियार होता है, वह अपने अख्तियार का फैसला बहुत सोच-समझ कर करता है और उस शख्स पर यह जिम्मेदारी आयद होती है कि अख्तियार के फ्रेम से बाहर न जाए। इससे गलत परंपरा चलन रस्मोरिवाज़ को बढ़ावा मिलता है। बिहार में जो सूरते हाल थी, वह बेहद नाज़ुक थी जिसकी तरफ हमारे मोअज़ज़ मेम्बराने पार्लियामेंट ने इशारा भी किया है। सीधी बात यह है कि जो सबसे बड़ी पार्टी होती है, उसे बुलाया जाता है। बड़ी पार्टी होने के नाते भी राष्ट्रीय जनता दल सबसे बड़ी पार्टी थी। हमारे सहयोगी भंडारी साहब ने दूसरी पार्टियों की संख्या को भी हाऊस के सामने रखा है। तीनों-चारों पार्टियों की संख्या को मिलाने के बाद भी राष्ट्रीय जनता दल के मुकाबले में घटक की संख्या इतनी बड़ी नहीं बनती थी। ऐसी सूरत में किसी के लिए भी कॉमन सेंस से यह फैसला करना ज्यादा दुश्वार नहीं है कि इन्साफ के तकाज़े क्या हैं और किस पार्टी को बुलाया जाना चाहिए। मगर जो अफसोसनाक सूरते हाल पैदा हुई, उससे पूरा देश और देश ही नहीं, बिहार का इलेक्शन तो ऐसा इलेक्शन था जिस पर पूरी दुनिया की निगाह लगी हुई थी। हमारे गवर्नर साहब ने श्री नीतीश कुमार जी को दावते हुकूमत देकर जिस तरह से बुलाया, उस पर भी प्रतिक्रियाएं ज़ाहिर हुई हैं। रेडियो पर, अखबारात में, टेलीविज़न पर जो कानून के माहेरीन हैं, उन्होंने भी अपने रीएक्शन्स ज़ाहिर किए और वे सारे रीएक्शन्स सेंट्रल हुकूमत के खिलाफ, गवर्नर साहब के खिलाफ आलमे वजूद में आए। मैं यह अर्ज़ करना चाहता हूँ कि हुकूमतें आती रहती हैं और जाती

\* Transliteration of the speech in Persian Script is available in the Hindi Version of the Debates.

[13 March, 2000]

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रहती हैं। कभी इस साइड में बैठने वाले लोग उस साइड में बैठ जाते हैं और कभी उस साइड में बैठने वाले लोग इस साइड में बैठ जाते हैं। हिंदुस्तान एक ऐसा अजीमुशान मुल्क है जिस ने जम्हूरी रिवायात का एहताराम हमेशा मल्हूजे खातिर रखा है। हम अपने पड़ोस में देख रहे हैं कि जम्हूरियत का कत्ल लम्हा-लम्हा होता है मगर हमारे देश में जम्हूरियत को कत्ल होने से लम्हा-लम्हा बचाने का न सिर्फ प्रचार और प्रसार किया जाता है बल्कि आवाम के फैसले का शानदार एहताराम और खैर-मक्रदम किया जाता है और आवाम के फैसले के सामने सिर झुक जाता है। अफसोसनाक पहलू यह है कि बिहार में ऐसा नहीं किया गया और बिहार में गवर्नर साहब ने जो रिवाज, जो रीति, जो बुनियाद पैदा कर दी है अगर इस गलत रविश पर दूसरे सूबों के लोग भी चलते रहे और सियासी दबाव बनता रहा तो मैं समझता हूँ कि जम्हूरियत की वे कट्रेँ, जिन पर हम पूरी दुनिया के सामने फख से सर उठाकर इजहारे मुशरत करते हैं नदामत के समुद्र में गर्क हो जाएंगे और हिंदुस्तान भी ऐसी ही गलत परम्परा वाले मुल्कों की सफ में खड़ा हो जाएगा जहां अब तक हिंदुस्तान खड़ा नहीं है। मुल्क की जनता और मुल्क के आवाम काबिले मुबारकबाद है कि वे जो फैसला लेते हैं उस फैसले पर अच्छे ढंग से इम्प्लिमेंट भी होता है। मगर बिहार में ऐसा नहीं हुआ और एकतरफा जुल्म करके यह संकेत दे दिया गया कि गवर्नर साहब आयीन की मर्यादा बचाने के बजाय किसी खास सियासी पार्टी के मर्यादा बचाने में लगे हुए थे। आयीन की मर्यादा बचाने की बजाय, कानून और संविधान के अम्पायर बनने की बजाय वे बी.जे.पी. और उसके घटक के मैम्बर बन गए थे। यह शर्मनाक पहलू है और इस शर्मनाक पहलू पर मैं सफाई के साथ कहना चाहूंगा कि ऐसे गवर्नर को कानून के कटघरे में खड़ा करके, दूसरे लोगों को इस तरह की हरकत न करने से बचाने के लिए उन्हें फौरन बर्खास्त किया जाना चाहिए वरना पार्लियामेंट में उनके खिलाफ एक करारदात पास करनी चाहिए। ताकि उन्हें इस मोहतरम ओहदे से हटाकर उस मोहतरम ओहदे की लाज रखी जाए। यही आयीन और कानून का रास्ता है। शुक्रिया, धन्यवाद।

SHRI SANATAN BISI (Orissa) : Mr. Vice-Chairman, Sir, before you call upon the next Speaker, I want to raise a point of order. Even before the lunch-break, I raised this point of order. My point of order is very vital in nature. This discussion was supposed to have been taken up under Rule 170. Rule 170 says, "The Chairman shall decide on the admissibility of a motion and may disallow a motion or a part thereof when in his opinion it does not comply with these rules." When we were agitated on this issue and demanded a discussion under Rule 170, the Chairman urged upon the Leader of the House to fix a time for the discussion. It is on record. Further, Rule 172 says, "The Chairman may after considering the

state of business in the Council and in consultation with the Leader of the Council allot a day or days or part of a day for the discussion of any such motion." When the matter was discussed in the House, on the 9th March, the Leader of the House told the Chairman, "The Government has no difficulty in having a discussion, with your consent. The discussion can indeed be taken up on Monday." But there was no ruling on it. It is clear that the Leader of the House had agreed to a discussion under Rule 170. So, when it was decided that the discussion would take place under Rule 170, then, why are we discussing the same in the form of a Short Duration Discussion? Why was this discussion converted into a Short Duration Discussion? If the discussion is permitted under Rule 170, then, there can even be a voting on it. We were keen to know what the Government's stand would be when the voting takes place. We all know what will happen, so far as the fate of this discussion is concerned.

Sir, I want to know that when the Leader of the House consented for a debate then why it was not held? Rule 259 says.....

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): Does this deal with the suspension of rules?

SHRI SANATAN BISI: Yes Sir, Rule 267 says so. The other thing that I want to say is, Rule 259 says, "The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions." Here I want to say that since the Chairman has already admitted the motion and the House was in disorder, at that time, it was the bounden duty of the Chairman to follow Rule 259. Why was rule 170 not enforced? The other thing that I want to say is, since all these things have happened, it was the duty on the part of the House to follow Rule 267 which says, "Any Member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being." So my submission is that the matter has taken the shape of a Short Duration Discussion and I presume that the discussion under Rule 170 is under suspension.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): The present motion is a new one. The earlier one stands as a No-Day-Yet-Named Motion, and the Chairman has admitted this motion which we are discussing; and, as you are well aware, there is no discussion, as far as the Chairman's ruling or action is concerned. That is the practice.

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SHRI SANATAN BISI: What about the motion under Rule 170?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): That is pending. Mr. Sanatan Bisi is very well conversant with these rules and many other precedence of this kind. Now, Mr. Solipeta Ramachandra Reddy.

SHRI SOLIPETA RAMACHANDRA REDDY (Andhra Pradesh): Thank you, Mr. Vice-Chairman, Sir, for permitting me to participate in the discussion on the role of Governors in discharging their constitutional responsibilities in the formation of Government in the States in the light of events in Bihar. Sir, most of our hon. Members are aware that the late Shri N. T. Rama Rao of our TDP was of the view that the institution of governor should be abolished. This he repeated several times and it was the stand of our party. In 1984, the TDP was having a clear majority in the Assembly. The then Governor, dismissed the Government and invited a person to form the Government saying that he was having a majority in the House. Within a month, he could not prove his majority and resigned. Thus, given a free hand to Governor, he can make any person of his choice as the Chief Minister for some time, and Ex-C.M. till his life. The Governors should discharge their constitutional responsibilities in the formation of governments in the States within the orbit of set procedure. He should not have the discretion of inviting any leader of his choice. In Bihar, our view is, the Governor should have invited the leader of the largest party. Anyhow, now the leader of the largest party has been invited to form the Government. Therefore, I feel this controversy can be put to an end. I appeal, through you, Sir, that every party should keep a watch and vigil and see that such a thing is not repeated in future. Keeping in view the Sarkaria Commission's recommendations and the Supreme Court's decisions, guidelines should be framed as early as possible. Thank you, Sir.

श्री रमा शंकर कौशिक : आजम खान साहब का नाम था।

उपसभाध्यक्ष (श्री टी.एन. चतुर्वेदी): आपका नाम इसमें है।

श्री रमा शंकर कौशिक : वे अभी आते होंगे।

उपसभाध्यक्ष (श्री टी.एन. चतुर्वेदी) : आजमी साहब बोल चुके हैं। मिस्टर आजम खान के लिए आप कह रहे हैं।

4.00P.M.

श्री रमा शंकर कौशिक : हां, आजम खान साहब के लिए कह रहा हूँ।

SHRI C. P. THIRUNAVUKKARASU (Pondicherry): Sir, I am much obliged that you have allowed this discussion today on the role of Governors in the discharge of their constitutional responsibilities in formation of Governments in the States in the light of the recent events in Bihar. I am highly thankful to you for having permitted me to participate in this discussion, on behalf of the D.M.K. Sir, the D.M.K. welcomes the spirit of the resolution. Actually, the Governors are functioning under a remote-controlled system. The remote-control is always with the Centre.

The Governors are dancing to the tunes of the Central Government. They are toys and tools in the hands of the Central Government. The Governors are joining the chorus of the Central Government. Unfortunately, when the BJP rules at the Centre, the Governors dance to the tunes of the BJP. When the Congress Party is ruling at the Centre, the Governors are dancing to the tunes of the Congress Government. So, according to the D.M.K., the post of Governor is unwarranted. It is an unnecessary post. Articles 153 to 162 of the Indian Constitution should be deleted, omitted and annulled. The Governor's post should be abolished. After the Constitution was framed, several Governments have been thrown out by Governors, on the instigation of Central Government. Recently about two years ago, the U.P. Government was dismissed. Shri Murasoli Maran fought in the Parliament for the re-installation of that Government. Under those difficult circumstances, the D.M.K. fought and we were able to get the Government installed. Sir, as far as the selection of Chief Ministers is concerned, it should not be left to the discretion of the Governor. The selection of Chief Ministers should be done only in the Assemblies. It should not be done in the Chambers of Governors. The Raj Bhawan should not select the Chief Ministers of States. That is the stand of the D.M.K. and the D.M.K. Government. So, the discretion that has been contemplated in the Constitution and that is being exercised by the Governors, is arbitrary and it should be put an end to.

Sir, our leader, Dr. Karunanidhi, Shri Murasoli Maran and other leaders presented a resolution before the Sarkaria Commission. I may please be permitted to quote from it. "The office of the Governor is a legacy

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of the British colonial system. The method of appointment of the Governor as provided for in our Constitution makes it an anachronism in a democratic set up. He is a functionary appointed by, and responsible to, the Central Government and as such, he could not be expected to understand the local conditions and the political situation. The expenditure incurred on the office of the Governor does not seem to square with the socialistic pattern of society. The expenditure is a wasteful one, which should well be dispensed with. The Supreme Court in *Rao Shiv Bahadur Singh vs State of Vindhya Pradesh* (1953) SCR (1188) has held that a Minister is an officer subordinate to the Governor. Thus, the elected representative of the people in legal theory is nothing more than a servant of nominee of the Central Government. The time is ripe for doing away with the office of the Governor.

The executive can be dismissed under the West German system by a vote of no-confidence called as the "Constructive Vote of non-confidence". Under this provision, the executive cannot be dismissed by a no-confidence motion unless it is accompanied by the selection of his successor. A system similar to this may be adopted here also. The Chief Minister will discharge the functions at present being attended to by the Governor. If there is any interregnum, the Chief Justice of the State will discharge the functions while there is no Chief Minister."

Sir, the Constitution Review Committee has been constituted by the Government under the Chairmanship of Shri M.N. Venkatachaliah. I request that this Committee should take into consideration what I have suggested and frame a Constitution based on the German Constitution which has totally abolished the post of Governor, and everything is vested in the Council of Ministers. As such, I request that the post of Governor should be abolished. If there is no post of Governor, then there would be no discussion on this issue in this august House.

SHRI JIBON ROY (West Bengal): What happened in Bihar?

SHRI C.P. THIRUNAVUKKARASU : Sir, as far as the Bihar issue is concerned, today, our leader has said that the first action of the Governor was a hasty action and the second action was a good action.

SHRI SANGH PRIYA GAUTAM : Therefore, the Governor is a good Governor.

उपसभाध्यक्ष (श्री टी.एन.चतुर्वेदी) : : श्री मोहम्मद आजम खान । आप के पास 5 मिनट का समय है ।

\*श्री मोहम्मद आजम खान (उत्तर प्रदेश) : उपसभाध्यक्ष जी, श्री प्रणब मुखर्जी जी ने जिस बहस की शुरुआत की है, मैं भी अपने को उस में शरीक कर रहा हूँ । कहते हैं, इतिहास अपने आप को दोहराता है । ठीक 5 साल पहले जैसा मामला उत्तर प्रदेश में हुआ था, वैसा ही आज सदन में बहस के लिए आया है ।

उपसभाध्यक्ष महोदय, लोक सभा में आज जो सदन के नेता हैं, 13.2.95 को उत्तर प्रदेश के गवर्नर के बारे में टिप्पणी करते हुए जो कुछ उन्होंने कहा था लगभग वैसी ही बातें आज सदन में हैं, लेकिन फर्क इतना है कि हमारे सभी साथी जो संविधान की रियायतों और मान्यताओं का हवाला दे रहे हैं, उन में से कुछ लोग ऐसे भी हैं जिन का कहना है कि संविधान बनाने वाले वह लोग अंग्रेजी मानसिकता के लोग थे यानी भले ही हम सीधे से न कहें, उन का कहना है कि उस वक्त जिन लोगों ने संविधान बनाया और उस के लिए जिम्मेदार थे, वह सारे लोग किसी-न-किसी तरह से अंग्रेजों से जुड़े हुए लोग थे । डा० भीमराव अम्बेडकर जो कि उस समिति के सदस्य थे या खुद बापू जिन की सोच पर देश आजाद हुआ और कानून के रास्ते पर चलना तय किया गया, 'अहिंसा परमोधर्म' हमारी सोच और अमल होगा - ये सोच रखने वाले सारे लोग अंग्रेजी मानसिकता के लोग थे ।

दरअसल, उपसभाध्यक्ष महोदय, स्तर इतना गिरता चला गया और संविधान के खिलाफ इतनी साजिशें इस देश में होने लगीं कि संविधान का एहतसाम खत्म होने लगा । यह समझा जाने लगा कि जो ऊंची कुर्सियों पर बैठे हुए लोग हैं, जो सरकार के जिम्मेदारों की भाषा है, अगर वही भाषा बोली जाए, अगर उन की ख्याहिशों को अपने तरीके से पूरा किया जाय तो वह तरक्की की एक सीढ़ी हो सकती है । उपसभाध्यक्ष महोदय, बिहार उस की एक मिसाल है और जो कुछ हुआ, वह सदन में सामने आया है । हम कोई-न-कोई उसूल, कोई-न-कोई जाब्ता-ए-जिदगी बहरहाल तय करेंगे । यह नहीं हो सकता कि किसी एक प्रदेश में सरकार को हलफ दिलाने का कोई उसूल हो और दूसरे प्रदेश में सरकार को हलफ दिलाने का कोई और उसूल हो । बिहार में कोई भी मापदण्ड अख्तियार किया जाता, शायद यह नहीं होता । बड़ी हल्की सी बात पासवान जी ने, जो कि इस वक्त सरकार में मंत्री हैं, कही कि अगर उत्तर प्रदेश में रोमेश भंडारी, जगदंबिका पाल को एक दिन का मुख्य मंत्री बना सकते हैं तो बिहार के गवर्नर ने अगर एक हफ्ते के लिए मुख्य मंत्री बनाया तो गलत नहीं किया । जहां सरकार के मंत्री की सोच का यह तरीका हो, जहां एक मंत्री गवर्नर द्वारा गलत

\* Transliteration of the speech in Persian Script is available in the Hindi Version of the Debates.



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काम करने पर या गलत काम हो जाने पर उसको सही करार दे, उसकी जितनी भी निन्दा की जाए, भर्त्सना की जाए कम है ।

महोदय, 'पंजाब केसरी' इस देश का एक बड़ा अखबार है । मैं 29 फरवरी, 2000 के 'पंजाब केसरी' से वोट कर रहा हूँ :-

"रा.ज.ग. नेतृत्व, विशेष रूप से प्रधान मंत्री, श्री अटल बिहारी वाजपेयी, गृह मंत्री, श्री लाल कृष्ण आडवाणी, समता और ज.द.(यू) के नेताओं ने कल रात फैसला किया कि किसी भी तरह बिहार विधान सभा को निलम्बित कर वहां छः माह के लिए केन्द्रीय शासन लगाया जाए और रा.ज.द. को किसी भी कीमत पर सरकार नहीं बनाने दी जाए ।"

महोदय, यह सोच जब गवर्नर को मालूम होगी तो जाहिर है कि उसका तरीका वही होगा, जो तरीका गवर्नर ने अपनाया । जब उत्तर प्रदेश के गवर्नर पर सदन में बहस हुई थी, मैं उस वक्त भी इस सदन में सदस्य था और अपोजीशन के लगभग सारे ही लोगों ने उन गवर्नर साहब के बारे में बहुत बुरा कहा था, जो आज सत्ता में हैं, उधर से रोमेश भंडारी के लिए बहुत कुछ कहा गया था और उन्हें वापिस बुलाने की मांग भी की गई थी। आप उस वक्त की अगर कार्यवाई निकलवाकर देखेंगे, क्योंकि मैं उत्तर प्रदेश में कई बार रहा हूँ, तो आप पाएंगे कि मुझे भी उनका वह किरदार, वह चरित्र अच्छा नहीं लगा था और मैंने शायद सबसे अलग यह कहा था कि ऐसा गवर्नर हमारी पूरी व्यवस्था पर एक कलंक की तरह है । ठीक उसी तरह आज भी मैं समझता हूँ कि गवर्नर जैसा पद एक संविधानिक देश में बड़ा अहम पद होता है, उन लोगों के लिए नहीं जो संविधान के अपमान की कसम खा चुके हैं, उन लोगों के लिए नहीं जो संविधान के निर्माताओं को, इसके बनाने वालों को अंग्रेजों का एजेंट कहते हैं। मैं बहुत दिनों से राज्य सभा में हूँ, मैंने आर०एस०एस० के मुद्दे पर जितनी अच्छी बहस यहां सुनी थी, उतनी अच्छी बहस मैंने किसी मौजू पर इस सदन में नहीं सुनी । सदन से बाहर भी मैंने कहा कि पहली बार ऐसा लगा कि जिस सदन में हम बैठे हैं, वह वही सदन है जिसके बारे में कभी कहा जाता था । लेकिन उसी सदन में आज हमें राज्यपाल के चरित्र पर, उसके किए हुए पर नादिम होना पड़े और यह कहना पड़े कि गवर्नर, जो किसी सरकार को शपथ दिलाता हो, जो खुद भी यह कसम खाकर जाता हो कि वह कोई गैर कानूनी काम नहीं करेगा, वही गवर्नर एक ऐसे शख्स को सरकार बनाने के लिए दावत दे दे, जिसकी किसी भी ऐतबार से अक्सरियत न बन सकती हो और सारे अखबारों, पूरा देश पुकारता रहा हो और उसे सिर्फ इसलिए रखा जाए कि मंत्रियों ने भी सर्टिफिकेट दिया था, प्रधान मंत्री ने भी चाहा था, गृह मंत्री जी यहां मौजूद हैं उन्होंने भी चाहा था, जैसा कि अखबार में कहा गया है, ऐसा

पाप किया गया है और इसलिए सदन का यह कहना कि ऐसे गवर्नर को वापिस बुला लिया जाए, गलत नहीं होगा। अगर वाकई हमें ऐहतियाम करना होगा जम्हूरियत का तो उसके लिए हमें कुछ कड़वे घूंट पीने होंगे, कुछ सख्त फैसले करने होंगे। प्रधान मंत्री जी कह दें कि हमें कुछ सख्त फैसले करने हैं और सख्त फैसलों की बात कहकर उन सख्त फैसलों पर अमल करने की बात न की जाए तो इससे देश का उद्धार नहीं होगा। हमारा अपना मानना है और मैं एक फर्द की हैसियत से, सदन के एक मੈम्बर की हैसियत से भी, एक देशवासी की हैसियत से भी यह जरूर कहना चाहूंगा कि बिहार के गवर्नर को भी तराजू के उसी पलड़े में रखकर देखा जाए, जिस तरह से हमने उत्तर प्रदेश के गवर्नर रोमेश भंडारी को रखकर देखा था और उन्हें वापिस बुलाने में कोई हिच नहीं होनी चाहिए। उन्हें वापिस बुलाकर देश के दूसरे गवर्नरों पर यह साबित करने में कोई हिच नहीं होनी चाहिए कि गवर्नर किसी राजनीतिक दल की ख्वाहिशों से ऊपर उठी हुई चीज़ है। मैं उम्मीद करता हूँ और आपके माध्यम से कहना चाहता हूँ, हलांकि अभी एक-आध बार आपकी तरफ इशारा करके कहा गया लेकिन हम समाजवादी लोग उस मानसिकता से बहुत परे हैं और हमें ऐसा समझने की जरूरत नहीं है, कि बिहार के गवर्नर की वापसी इसलिए भी जरूरी है कि हम जब आइना देखते हैं तो हमें आइने में अपने अलावा दूसरे की शक्ल नज़र नहीं आती। यह कहना आज के दिन बिल्कुल गलत होगा कि बिहार में जंगल राज है। आज के दिन यह कहना सही नहीं होगा कि यहां गठित सरकार गलत है। आज के दिन यह कहना भी सही नहीं होगा कि लालू प्रसाद यादव जंगल के शेर हैं या जंगल के भेड़िए हैं। आज के दिन यह कहना सही नहीं होगा कि यहां चुनी हुई सरकार लोकतांत्रिक सरकार नहीं है। जो लोग यह कहते हैं, अगर सत्ता पक्ष के लोग भी कहते हैं तो वे यह ज़ाहिर करना चाहते हैं कि इस देश में लोकतंत्र को वे बाकी नहीं रखना चाहते हैं। लोकतंत्र के रास्तों से चुनी हुई सरकार को बर्खास्त करके या उसको मुख्यमंत्री न बनने देकर वे यह साबित करना चाहते हैं कि जब तक दिल्ली में उनकी सरकार है, तब तक कोई सही सरकार किसी प्रदेश में गठित नहीं हो सकती है। ऐसी मानसिकता को खत्म करने के लिए यह जरूरी होगा कि इन चंद महीनों में जो देश के सामने सवाल खड़े हुए हैं जिससे देश में रहने वाले कमज़ोर लोग, वे कमज़ोर लोग जिनके पास आज भी जीने के लिए बहुत अच्छे साधन नहीं हैं, उन्हें यह अहसास दिलाया जाता है कि उन्हें वही बात माननी होगी जो बहुसंख्यक कहेंगे, उन्हें वही बात माननी होगी जो लाठी-डंडे वाले कहेंगे, उन्हें वही बात माननी होगी जो मैदानों में परेड करने वाले लोग कहेंगे। इस मानसिकता से देश का कोई बहुत भला नहीं हुआ है और हमने अमली तौर पर यह देखा भी है कि देश ने इस सोच को खारिज कर दिया है और अगर यही सोच दिल्ली से चलकर, पार्लियामेंट के गलियारों से गुज़रते हुए बिहार के राजभवन तक जाएगी तो इसका कोई अच्छा पैगाम नहीं जाएगा, कोई

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अच्छा मैसेज नहीं जाएगा। इससे लोकतंत्र कमज़ोर होगा। इसलिए लोकतंत्र की मज़बूती के लिए यह जरूरी है कि खुद सत्ता पक्ष यह माने कि बिहार में बनी हुई सरकार सही है और बिहार का गवर्नर गलत रास्ते पर है, इसलिए उनको वापस बुलाया जाए। बहुत-बहुत शुक्रिया।

SHRI R. MARGABANDU (Tamil Nadu): Sir, the 'doyen of the Dravidian Movement, Shri Anna Durai, described the Governor as a 'spy' of the Central Government. This has come true. He had described the Governorship as 'figurative' and he had also described the post of the Governor as "an unwanted flesh hanging on the body of a person and it has to be cut off and should be removed." So, this is the stand of our Dravidian Movement. This has come true this time. My leader said that in Bihar democracy has been murdered. It has become a mockery of democracy. Such is the thing that had happened in Bihar. When there is an absolute majority for a single largest party, the Governor, as the Constitutional head who has to know his duties and responsibilities, so far as a State is concerned, should have extended invitation to that single largest party. He failed to do it. It was rightly said by the senior Members of this House that it was at the instance of the Central Government that the Governor acted undemocratically and had invited the N.D.A. to head the Government. It was an anti-democratic attitude that the Governor had adopted. When the Kalyan Singh Government was dismissed, our Prime Minister, Shri Vajpayee, had taken up fast unto death. If that is the stand of the Prime Minister, why cannot he take that stand now when a Governor has resorted to undemocratic means? It is a bad signal. As a constitutional Head of a State, you should not deviate from the democratic principles and the rules laid down under the Constitution. Thank you.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Mr. Vice-Chairman, Sir, today's discussion is on the conduct of the Governor of Bihar. Quite naturally and quite expectedly, it turned into a discussion on the role of the Governors in general. But before examining the role of the Governors and especially the role of the Governor of Bihar, let me express my happiness that today, after almost 21 days since the start of the Budget Session, for the first time, we are having a debate of some consequence. Who is responsible for these three weeks' interruption and taxpayers' money that has been spent on this? Can it be evenly divided between the Government and the Opposition?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): That is all our collective contribution.

SHRI SHANKAR ROY CHOWDHURY: The Government, by the way it handled a series of controversial issues, quite unnecessary, of which the Bihar Governor's is the latest, which followed the RSS and 'Water' issues, has contributed to this situation. And they have been more than matched by the Opposition, which has cynically, shamefully and shamelessly, manipulated parliamentary machinery to create a total impasse in this House. As far as the role of the Bihar Governor is concerned, the Governor of Bihar is merely the latest in a long line of such personages whose conduct had been called into question from time to time. The Governors whose conduct has been called into question in various States, at various times, have been functioning quite openly as the agents of the parties, then in power at the Centre. So, today, when we are discussing the conduct of the Governor of Bihar, it should be seen in its overall context. The office of the Governor has been so much misused, abused, twisted and corroded that now very few people have any faith in this institution. Unless we follow the Sarkaria Commission's recommendations, to begin with, as also the various rulings of the Supreme Court, and put into the office of the Governor men of proven integrity and public confidence, I am afraid, this debate will be repeated on some other occasions in future as well.

Now, as far as the Governor of Bihar is concerned, when he called Shri Nitish Kumar to form the Government, was he utilizing his discretion, as the Government has made out; or, was he acting as an agent of the Centre, which naturally the Opposition is claiming? When he allowed Shri Nitish Kumar ten days' time to prove his majority, was he giving him, as a matter of fact, adequate time to assess the situation and get the necessary numbers to vote with him; or, was it as the Opposition has been maintaining an opportunity for horse-trading? We will never know this. This debate may carry on, but we will never know this. But, what is certain there is no doubt about it is that it is a large controversy--and perhaps a needless controversy--in the footsteps of the RSS controversy, in the footsteps of the 'Water' controversy, in the footsteps of a controversy which has not yet been solved the ICHR controversy. Sir, we do not need any further controversy. Therefore, to avoid further damage to the health of the nation, I would urge the Government to please recall the Governor of Bihar.

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THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Thank you, Mr. Roy Chowdhury. Now, Mr..... Not yet again.

SOME HON. MEMBERS: Who, Sir?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I am talking about Mr. Bisi who raised a point of order. I just wanted him to tell that 95 No-Day-Yet-Named Motions, received and published in the Bulletin, during the current Session, are pending. That is why I thought that I may bring this to his notice because I had asked for this figure. Now, Shri Kapil Sibal.

SHRI VAYALAR RAVI: I wanted to know who is replying because Mr. Jethmalani is also....*(Interruptions)*

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Reply will be made by the Home Minister. Mr. Jethmalani will utilize the time because he is a Member of this House. *(Interruptions)*

SHRI VAYALAR RAVI: Interests of others....*(Interruptions)*

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): All right. *(Interruptions)* All right. *(Interruptions)* It's all right. *(Interruptions)* It was Mr. Margabandhu's insistence that he wants to...*(Interruptions)* I said, "That is all right".

SHRI VAYALAR RAVI: What is all right, Sir? I do not understand. My point is...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Please take your seat. I will make you understand what I say. Mr. Jethmalani.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Sir, I always surrender to the desires of Mr. Kapil Sibal. If he wants me to speak first, I will speak first. I have no difficulty. Sir, the hon. Members of the House will pardon me if I say, in the sense that we are flogging a dead horse. As my friend sitting right here said, let us think of the future, let us act by correct principles, and if there have been some mistakes in the past which I stoutly deny -- and there has been no mistake on this occasion -- we should not repeat them. Sir, I wish to make it clear that the principles on which the Governor should act in the matter of selecting and appointing the Chief Minister of the State are not in dispute or in doubt. The Sarkaria Commission's findings on this issue have

been cited by more than one hon. Member. So far as I am concerned and so far as our Government is concerned, we fully unreservedly accept those principles. In fact, we believe that some of these valuable suggestions have been flouted from time to time. I am not going into the question, by whom. Therefore, we have done the wisest thing in honouring him and his role, as a Constitutional expert in India, by inviting him to be a member of the Commission which is going to have a look at the Constitution. So, nobody should have any doubt that the principles are being controverted or even repudiated. Sir, unfortunately, one of my friends from the Samajwadi Party is not here. It is said that a very serious issue has arisen which we are debating. But somehow I have my own assessment of the seriousness of an issue. I judge it by the attendance in this House. The fact is that the House is so thinly attended today. I do not believe that the issue is seriously meant, but we all sometimes speak for the record and sometimes we speak for posterity. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : We attribute to it the necessary importance and seriousness. ...*(Interruptions)*...

SHRI RAM JETHMALANI : Yes, Sir. I wish more Members of the House were present.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Please go ahead.

SHRI RAM JETHMALANI : Sir, my friend from the Samajwadi Party said that there are people who think that the Constitution was made by the agents of the Britishers and so on. I again wish to repeat not only my own personal belief, but also the belief of the entire Government to which I have the honour to belong, that we reject any suggestion that the Constitution was made by those who were agents of the British. We believe that it was made by a galaxy of intelligent people, who were all statesmen and political philosophers headed by Dr. Ambedkar. I have made no secret of the fact that I am a disciple of Dr. Ambedkar. I am his student and I regard him as the guiding principle of my life. Sir, we reverence the Constitution. We reverence it more than those who have tinkered with it for 90 times during the last 50 years, but that does not mean that we are fundamentalists in the sense that we go by the letter of the Constitution. The Constitution has not achieved for various reasons, the original purposes of Dr. Ambedkar and that galaxy of it does require to be strengthened in

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some parts, and where it does require to be strengthened in some parts is the role of the Commission which we have appointed. Sir, I wish to say this because I wish to put it at rest, though I know that I will not succeed because there are some people, - Sir, sometimes people do not understand and you can explain to them, but in our political life there are people - who are determined to misunderstand. If they are determined to misunderstand it, for that there is no remedy, there is no prescription.

Sir, since the principle is not in doubt, the question is: what are we debating? Let us look at the point of view of the Governor. At 10-45 a.m. on 3 March, he invited Mr. Nitish Kumar to come and become the future Chief Minister. The action, the validity, the *bona fides* of that action must all be judged by the data which was presented to the Governor's mind at 10-45 a.m. on the 3rd of March. The subsequent change of events or miscalculation about the future is not something which can be laid at the door of the Governor or, in fact, anybody else. I drive along the road in my car, and I want to overtake somebody who is ahead of me. I quietly go to his right, and, after warning him, I assume that the driver in the car ahead of me is sane, that he is competent, that he is not drunk and that he will not swerve to the right and create a disastrous collision. When I, as an investor, go to the share market, I get into the company's profit and loss accounts, and I look at other economic factors. I hope that the market will rise, and I make an investment. ....(Interruptions)...

श्री संजय प्रिय गोतम : आजम साहब, आपको पूरी शांति से सुना था, अब आप भी सुनिए :

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): I want to correct one thing. The hon. Law Minister is making a wrong statement that at 10-30 a.m. or 10-45 a.m. the Governor had a particular information, on which he was depending. The night before, from my room, in the presence of five or six persons, including Mr. Bommai, Mr. Sadanand Singh, the President of the State Congress, rang up the Governor and told him that the Congress Party had decided to support the RJD. Therefore, to claim that at 10-45 a.m. the Governor had some information which made him take that decision is patently wrong.

SHRI RAM JETHMALANI: Sir, I thought that Mr. Manmohan Singh has slightly more respect for me than he has shown me today. I know all

that arguments. I will deal with it when I come to it in a few minutes. Please be sure that I will not let any particular, significant fact go unnoticed and unconsidered.

Sir, there are three crucial facts which form the main matrix of facts before the Governor. I do not believe that these three crucial facts can be denied by anybody.

The first is that on the 2nd of March at 9-00 p.m., Mr. Sadanand, of whom you talked just now, did speak to the Governor on the phone. It is said that at that time he was in the company of my hon. friend, Dr. Manmohan Singh. He did have a conversation with the Governor on the telephone.

The question is: What did he tell the Governor? We believe, and we believe that we believe rightly, that the Governor, therefore, was entitled to consider this as a relevant fact that at 9-00 p.m. on the 2nd of March he did not tell the Governor that the Congress Party had taken a decision to support the RJD.

श्रीमती सरोज दुबे : यह गलत सूचना है, इसमें सुधार होना चाहिए ।  
..(व्यवधान)..

SHRI PRANAB MUKHERJEE: Absolutely wrong.  
.... (Interruptions) ....

We told him that in principle we had agreed to extend support to the RJD. These are the exact words:

"We have agreed in principle to extend support to the RJD Government, and a letter will follow."

These exact words were told to the Governor. Five persons were there. Mr. Sadanand was speaking on the phone from the room of Dr. Manmohan Singh in the presence of Mr. Bommai, in my presence and in the presence of three or four other leaders.

SHRI RAM JETHMALANI: I do not wish to join issue with you on this. I wish to state my side of the case. You are entitled to say that what I am stating is wrong.

SHRI PRANAB MUKHERJEE: It is a question of fact. If the Minister simply thinks that he can say whatever he wants to say and we shall have to swallow it, he is wrong. On the question of facts, we are not



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going to accept whatever he wants to say that this is the fact. You can interpret, but cannot manufacture facts. (*Interruptions*)

श्रीमती सरोज दुबे : आप बहुत वरिष्ठ नेता हैं ।....(व्यवधान)...आपको कम से कम सदन को सही सूचना देनी चाहिए ।...(व्यवधान)... सदन को इसके बारे में सही सूचना दी जानी चाहिए ।...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Let the Minister complete his statement in this regard. Later on, you can do that.

SHRI JIBON ROY: Here, you are not dealing with law, but with democracy. (*Interruptions*)

श्रीमती सरोज दुबे : यदि स्टेटमेंट ही गलत हो तो क्या करेंगे ? ... (व्यवधान)...

श्री संघ प्रिय गौतम : आपको मालूम ही नहीं है ।...(व्यवधान)... आपको क्या मालूम है? क्या आपके सामने बात हुई है ? ... (व्यवधान)...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Jibon Roy, order, please. Mr. Naidu, order, please. (*Interruptions*)

SHRI RAM JETHMALANI: Will you kindly listen to facts?

श्रीमती सरोज दुबे : ये फैक्ट्स नहीं हैं ।...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): He is going by his version of the facts. That was another version of the facts. It is all right. (*Interruptions*)

श्रीमती सरोज दुबे : उनके डिपार्टमेंट ने गलत सूचना दी है, उसको वे सुधारें । ... (व्यवधान)...

SHRI RAM JETHMALANI: After hearing me, consult your conscience.

Sir, the crucial fact is that on the 3rd of March...

SHRI JIBON ROY: \*

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Please do not make all these personal references. This will not go on record. This is an irrelevant thing.

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\* Not Recorded.

SHRI RAM JETHMALANI: \*

SHRI KAPIL SIBAL: \*

SHRI RAM JETHMALANI: \*

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Nothing about this controversy will go on record.

SHRI KAPIL SIBAL: How can it be?

SHRI PRANAB MUKHERJEE: The Minister's statement also should not go on record.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Of course, it includes that. *(Interruptions)* Mr. Pranab Mukherjee, when I said it, it covers both. All aspects of the controversy. You can be rest assured on that. It covers all, including that. I said that.

SHRI VAYALAR RAVI: Sir, I am on a point of order. The hon. Leader of the Opposition made a very clear statement in the House. In that statement, he said: "from my room, Mr. Sadanand Singh telephoned to the Governor and categorically stated that the Congress party's decision is to support the RJD". The hon. Minister not only refutes what he had said, but states that his information is the opposite. He says that his information is the opposite, that the Congress never conveyed such an information. It amounts to an allegation against the Leader of the Opposition. That amounts to making a statement of incriminatory nature. The allegation of the Minister is that the Leader of the Opposition is misleading the House. It is a statement against an hon. Member of this House that he is misleading the House. If, as an ordinary Member of the House he speaks, I cannot question him, but when the Minister speaks with authority, he is expected to possess a document to substantiate his contention. Without that, how can he make an allegation? *(Interruptions)*

SHRI PRANAB MUKHERJEE : Mr. Vice-Chairman, Sir, I would like to draw your attention to Rule 178 of the Rules of Procedure and Conduct of Business in the Council of States. *(Interruptions)*... Rule 178 deals with how a reply to a Short Duration Discussion will be made. It is not a formal motion. The House is not going to decide about it. The

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practice in the case of a Short Duration Discussion is, the Member in whose name the motion stands, rises, makes a speech. Other Members will also participate. Then, the Minister in charge or the concerned Minister will reply to the debate. Where does the Law Minister come here? ..(Interruptions)... Please, this is a matter of procedure. You cannot just brush it aside. Are we going to lay down a new convention? Let me understand it very clearly. Under Rule 176, are we going to create a new convention, by allowing other Ministers to intervene? Would it be a formal motion? Unless it is a formal motion ..(Interruptions)... It is a matter like the Calling Attention Motion, under Rule 180. Under the Calling Attention Motion, no other Minister is allowed to intervene. Rule 176 does not talk of a formal motion. In a formal motion, you can allow other Ministers to intervene. Here, the position is, only the Minister concerned can reply. I seek a ruling, under Rule 178, from you.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu) : Mr. Vice-Chairman, Sir, under Rule 178, Short Duration Discussion, I quote the last sentence. "Any Member who has previously intimated to the Chairman may be permitted to take part in the discussion." Now, he is actually addressing the House as a Member of this House. Therefore, what the hon. Member has said will not apply.

SHRI JIBON ROY : Mr. Vice-Chairman, Sir, how much time you are giving to each political party?

SHRI M. VENKAIAH NAIDU : The Minister will not forego his right as a Member of the House. Rule 178 itself is very clear. Ministers do have the rights of Members also.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Jibon Roy, it is for me to regulate the time. So far as the Independent Group Members are concerned, there were 22 minutes.

I have listened to Shri Pranab Mukherjee very patiently. I would just like to remind him; only the other day, our Chairman had allowed Shri Ram Jethmalani to intervene in the Gujarat- RSS debate. So, this is not the first time, nor am I laying any new precedent.

SHRI PRANAB MUKHERJEE : Before you give your ruling, I would most respectfully submit that at that point of time, we did not raise the issue. That is why I have sought your clear ruling. If you don't want to

give your ruling, you can reserve it for the Chairman. Please don't give the ruling. Otherwise, if you treat it as a precedent, then, I am afraid, we will have to convert every Short Duration Discussion into a formal motion. In that case, it will be extremely difficult to conduct the proceedings of the House. Sometimes, it does happen; even in a Calling Attention Motion, you will find a Minister intervening. . But if you make it a regular practice, then, I am afraid, that is not the spirit. That is not the spirit Rules 176, 178 and 180. The question of collective responsibility came. The Chairman's ruling is clear, that the Minister to whom the question is addressed, only he will answer. If you go on expanding it, as it was done in the case of Gujarat-RSS, it will be done in the Bihar case; tomorrow, it will be done in some other case. I am afraid, the letter and spirit of the rules governing Short Duration Discussion will be completely lost. I have no objection if the hon. Minister speaks in his capacity as a Member. But he started his speech by saying, "My Government to which I belong, as the Law Minister..." Is it the reply? Can a private Member speak in that manner? Therefore, please consider it. If you don't want to give a ruling, don't give it today. But I totally disagree with the contention that a Minister can be considered as a Member; and he is speaking in the capacity of a Member.

In that case the whole procedure Rule 180, question, Short Duration Discussion, Short Notice Question, will be completely off the tangent.

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): Mr. Mukherjee....(*Interruption*). No. Mr. Jibon Roy. Please sit down. This is a serious debate.

SHRI JIBON ROY: ...The time has to be extended.

THE VICE-CHAIRMAN(SHRI T.N. CHATURVEDI): Please take your seat. I fully appreciate the spirit in which Mr. Mukherjee has made his statement. I was not quoting it as a precedent. I only drew attention to what had happened in the recent past. I am also aware that new precedents which really disturb the rules or go against the spirit of the rules should not be adopted. I mentioned it only because it happened recently. There was an objection, not from you, but from certain other Members that Mr. Jethmalani ....(*Interruptions*)..... and he was allowed by the Chair. And when I came here, I found Mr. Jethmalani's name was there in the Independent Group. You know the Group that is there. That is what I said.

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So far as this is concerned, it is not a precedent....*(Interruption)*. The spirit of both the calling-attention and the rule which regulates short-duration discussions should be adhered to as far as possible. *(Interruptions)*. Mr. Mukherjee, the trouble is that many people here wear so many hats that they sometimes forget to which hat they should make a reference or something. "My Government" or something is not something which disturbs .....*(Interruptions)*.....

SHRI JIBON ROY: How long will he speak? The period of the debate was extended last time because of his speech.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Please sit down. I have made it clear.

SHRI RAM JETHMALANI: The time of my speech will be debited to the party's time.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): It was 17 minutes. The Secretary-General informs me that he can speak for 17 minutes. That is the time after what was exhausted by Mr. Shankar Roy Choudhary. *(Interruptions)*. That I will have to take note of for future at least. Now, you please finish it in 17-18 minutes.

SHRI RAM JETHMALANI: I have some reasons to be heard. First they make a request that Mr. Jethmalani should speak first, before Mr. Kapil Sibal speaks; when I say 'yes', then they raise points of order that I should not speak at all. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): They object to your 'my Government' business.

SHRI RAM JETHMALANI: Sir, how should I refer to my Government?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): You should say 'our Government'.

SHRI PRANAB MUKHERJEE: Sir, the hon. Minister probably does not know that when we passed the Finance Bill, this House hardly had the quorum. It started by lecturing us why the attendance is thin. He does not know, remaining a Member of this House for 12 years, that we should never make reflections on Members' absence. *(Interruptions)*. This type of arrogance provokes Members.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I do not think deliberately he meant it. I made it very clear at that stage itself that all those who were present here were attaching enough importance and gravity to the subject under discussion. I mentioned it. I intervened at that point of time. *(Interruptions)*.

SHRI RAM JETHMALANI: Only in dealing with me, Mr. Pranab Mukherjee abandons his sense of humour; otherwise, it is in great abundance.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): No. That happens occasionally. That is all right. *(Interruptions)*.

SHRI PRANAB MUKHERJEE: Your arrogance has provoked us. *(Interruptions)*.....Please have some humility.

SHRI RAM JETHMALANI: How do I get rid of that provocation? *(Interruptions)*.

SHRI PRANAB MUKHERJEE: You should not make a reflection on Members.... *(Interruptions)*..... The Minister's words have to be expunged.

SHRI RAM JETHMALANI: Now, I was referring to crucial fact No.2. On the 3rd of March, at 9.30 a.m., the Chief Minister of Bihar, the distinguished lady, met the Governor and she said--mark my words, Sir--"I am expecting more support". But she did not report any addition to the support which she had claimed on her previous visit which was less than 136. The third crucial fact... *(Interruption)*.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Please sit down, Mr. Gupta.

SHRI RAM JETHMALANI: The third crucial fact is that Shri Laloo Prasad Yadav, whom I regard as a friend, called on the Governor at 1.30 P.M., namely, after 10.45, when the Nitish Kumar invitation had already gone out. At 1.30 PM, he called on the Governor and said that the invitation to Nitish Kumar should be recalled because he has secured the support of the Congress. Now, if these are the facts, and if challenged, we will prove such evidence as exists in our possession, and I am quite sure that my hon. colleague, the hon. Home Minister, will produce that evidence. If these facts are being.... *(Interruptions)*

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DR. MANMOHAN SINGH: I would like to correct you. You are saying that these are facts. I would like to put one question. Did the Governor, at any time, indicate to anyone that they must prove what support they have by such and such time? He never did that.

SHRI RAM JETHMALANI: I am coming to that point. That is not correct. *(Interruptions)*

SHRI PRANAB MUKHERJEE: Is there any record in the Governor's office?

SHRI RAM JETHMALANI: If these three crucial facts are taken into account... *(Interruptions)* ...

SHRI PRANAB MUKHERJEE: These are not the facts. *(Interruptions)*

SHRI RAM JETHMALANI: Now, this is a democracy. I accept your right to raise any version of facts. You respect equally my right to raise my version of facts. My version of facts is this that these three crucial facts had taken place. At 1.30 P.M. itself, Mr. Laloo Prasad Yadav saw the Governor and said that "I have secured additional support of the Congress, and now recall the invitation to Mr. Nitish Kumar." *(Interruptions)*

श्री संघ प्रिय गौतम : इनको बोलने दीजिए ... (व्यवधान)

श्रीमती सरोज दुबे : कोई नयी बात तो बोलें ... (व्यवधान)

श्री संघ प्रिय गौतम : आपको क्या मतलब है ... (व्यवधान)

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): Mr. Sangh Priya Gautam, let him finish.

SHRI RAM JETHMALANI: If my hon. friends will now patiently listen to what I have to say for the next five minutes, I will have finished. Sir, now, let us look into this if this version of the facts is correct. At 10.45 PM, how was the Governor to act? The Governor necessarily had to act upon the information available to him. At that point of time, he did not believe that the Congress had yet unequivocally extended its support, and if that was his belief, he was perfectly justified in calling upon Mr. Nitish Kumar... *(Interruptions)*

SHRI PRANAB MUKHERJEE: What is sacrosanct about 10.45?

SHRI RAM JETHMALANI: I have said, at 9.00 PM. Now, there may be some difference of opinion as to what Mr. Sadanand reported to the Governor at 9.00 P.M. on the 2nd. There may be some dispute about what happened at 9.30 A.M. on the 3rd. There may be some dispute as to what happened at 1.30 P.M. on the 3rd of March after the 10.45 invitation. But this is the version of facts which I wish to present to the House, and I can assure that some documentary evidence will be available and that will be presented by the hon. Home Minister. If this is so, I want to assure my friend---

आज़मी साहब यहां नहीं हैं...(व्यवधान) समाजवादी पार्टी के दूसरे नुमाइंदे साहब इधर नहीं हैं। अगर गवर्नर साहब ने हिंदुस्तान के आईन की मर्यादाओं की मुकम्मिल हिफाजत नहीं की होती तो मैं खुद अपने दोस्त पांडे साहब को कहता कि राजभवन छोड़कर अपने दिल्ली के गरीबखाने में आ जाओ...(व्यवधान)

श्री रामदेव भंडारी : अपने अंतकरण से पूछिए...(व्यवधान) सरकार को मत बचाइए। अपने अंतकरण से पूछिए...(व्यवधान)

उपसभाध्यक्ष (श्री टी.एन.चतुर्वेदी) : अब आप लोग अपनी बात कह चुके हैं। अब और लोग कहेंगे...(व्यवधान) Please take your seat. Let him finish. (Interruptions)

आज़मी साहब आपने काफी देर बोल लिया था, अब उनको बोलने दीजिए...(व्यवधान)

श्री रमा शंकर कौशिक : श्रीमन, ये गवर्नर साहब के बारे में क्या बता रहे हैं। ये अपने दोस्त के बारे में बता रहे हैं...(व्यवधान)

श्री राम जेठमलानी : वे आपके कैबिनेट सेक्रेट्री थे...(व्यवधान) मैं क्या करूं। मैं तो जानता हूं उस जमाने से...(व्यवधान)

श्री रामदेव भंडारी : दोस्त को बचाना धर्म है। उसी धर्म का पालन कर रहे हैं...(व्यवधान)

SHRI RAM JETHMALANI : Sir, the Governor's paradox was this. Obviously, Sir, the Governor is a human being. He is in touch with the events; he realises what is happening in the world. And the Governor's paradox was.... (Interruptions)...



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SHRI GURUDAS DAS GUPTA: Was the Governor in touch with the Central Government?

SHRI RAM JETHMALANI : No.

SHRI GURUDAS DAS GUPTA: Then how do you know such facts? ...*(Interruptions)*...

SHRI RAM JETHMALANI: Just one minute.

SHRI GURUDAS DAS GUPTA: Mr. Vice-Chairperson, he is giving his fortunate truth. ...*(Interruptions)*... I would like to know what the source is. ....*(Interruptions)*... What is the source?

SHRI RAM JETHMALANI: I will deal with the source. I said so, that a documentary evidence, if challenged, would be presented. Please hold your peace.

Sir, the paradox of the Governor was this, that the more he believed, the more firmly he believed that the Congress Party was a party possessed of ideals, possessed of integrity, possessed of character, the more he felt compelled to call Nitish to become the Chief Minister. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : Sir, what is this? ...*(Interruptions)*... Sir, the Governor has nothing to do with the integrity of the political parties. ...*(Interruptions)*... Mr. Vice-Chairperson, Sir, this type of statement should not be allowed to go on record. ...*(Interruptions)*...

DR. MANMOHAN SINGH : This should not go on record, Sir. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : He is absolutely wrong. ...*(Interruptions)*...

SHRI RAM JETHMALANI: Will you allow me to complete my sentence, please?...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : Mr. Vice-Chairman, Sir, if such type of statement is allowed....*(Interruptions)*...

SHRI RAM JETHMALANI: Will you allow me to complete my statement, please? ...*(Interruptions)*.... If you allow me to complete it, then only I will tell you.....*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : There is no allegation in this...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : His remarks have nothing to do with the Governor. ...*(Interruptions)*... The Governor has no business to judge the political party's integrity, character. ...*(Interruptions)*... He has no business to speak like this. ...*(Interruptions)*... His remarks must be expunged....*(Interruptions)*...

SHRI RAM JETHMALANI: Sir, now will you kindly hold your peace? ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : I will look into, please. I will look into it. ...*(Interruptions)*... I will look into it. ...*(Interruptions)*...

SHRI RAM JETHMALANI: There is no such law that you have to sanction what I have to say, I am sorry. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : You will never be allowed to speak. ...*(Interruptions)*... You will never be allowed to speak.

SHRI RAM JETHMALANI: No, you can't challenge my freedom of speech....*(Interruptions)*... You cannot challenge my freedom of speech. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. Pranab Mukherjee, now, let him have his say. I will look into the record. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : Please look into it. ...*(Interruptions)*... That cannot go on record. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I will look into it. ...*(Interruptions)*... I will look into the record. ...*(Interruptions)*... Mr. Pranab Mukherjee, I will just look into it. Let him complete his sentence. ...*(Interruptions)*.... And then I will look into the record. ...*(Interruptions)*....

SHRI PRANAB MUKHERJEE : Please look into the record. ...*(Interruptions)*.... He should learn how to speak. A man must know how to speak. ...*(Interruptions)*.... Those words should be expunged. ...*(Interruptions)*....

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SHRI RAM JETHMALANI: I don't require to learn from you, Mr. Pranab Mukherjee. Please understand this also. ...*(Interruptions)*....

SHRI KAPIL SIBAL: He does not know how to speak.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I don't think, the senior Members. ...*(Interruptions)*....

SHRI PRANAB MUKHERJEE : We will not allow him to speak in the House. ...*(Interruptions)*..... We will not listen to him. He must know how to behave. ...*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Pranab Mukherjee, it is an unfortunate situation if the senior Members make this kind of charges. ...*(Interruptions)*.... It is a very unfortunate situation if the senior Members make such charges. ...*(Interruptions)*.... As I said, let him complete his sentence. ...*(Interruptions)*... let him complete his statement. I will look into the part that has been objected to *(Interruptions)*....

SHRI RAM JETHMALANI: Sir, kindly understand the argument. (SHRI T.N. CHATURVEDI) If you don't hear me properly, you will not know what I have said.

SHRI EDUARDO FALEIRO: Sir, I am on a point of order.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Now, Mr. Faleiro is on a point of order. ...*(Interruptions)*.... Mr. Falerio is on a point of order. ...*(Interruptions)*....

SHRI EDUARDO FALEIRO : I am on a point of order. ...*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Please take your seats. Mr. Faleiro is on a point of order. ...*(Interruptions)*....Mr. Faleiro is on a point of order.

SHRI EDUARDO FALEIRO : I am on a point of order. ...*(Interruptions)*.....

SHRI PRANAB MUKHERJEE : We will not listen to Mr. Ram Jethmalani. We will listen to the Home Minister. ...*(Interruptions)*..... We will not listen to Mr. Ram Jethmalani. We will listen to the Home Minister only. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Faleiro, your leaders don't want your point of order to be raised! ...*(Interruptions)*... I am afraid .....*(Interruptions)*..... I am afraid, I have already said very categorically that I will look into the record after he completes. ...*(Interruptions)*.....

SHRI PRANAB MUKHERJEE : He must withdraw his words. ...*(Interruptions)*... The other day, the House had to be adjourned, and we tolerated him because we thought that somehow or other, ...*(Interruptions)*... If he disturbs in this way, we will not allow him to speak. ...*(Interruptions)*...

SHRI RAM JETHMALANI: Sir, unless you allow me to complete the two sentences, you will not understand what I am saying....*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): You see, it is not difficult for me ...*(Interruptions)*... But let him complete his sentences. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE : Let the Home Minister reply. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : I am afraid, till I am in the Chair, you can't dictate to me. I am sorry. ...*(Interruptions)*... I am sorry. ...*(Interruptions)*.. I am sorry; I can request Mr. Bisi, or whoever is available, to come and occupy the Chair.

But, first, I will allow the hon. Minister to finish his statement. *(Interruptions)*. In all fairness, I have already said that I will go into the entire record and whatever is uttered by the hon. Member..*(Interruptions)*... He wants to make two...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Why does it happen with Mr. Ram Jethmalani only? Why does it not happen with the other Members?

SHRI RAM JETHMALANI: You are simply blaming me.

THE VICE CHAIRMAN (SHRI T.N. CHATURVEDI) : So far as I am concerned, I think the hon. Member should complete his statement. ...*(Interruptions)*.... Thereafter, you can put forward whatever objections you have. ...*(Interruptions)*... I have invited Mr. Bisi to the Chair now. ...*(Interruptions)*...

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[THE VICE-CHAIRMAN (SHRI SANATAN BISI) in the Chair]

SHRI PRANAB MUKHERJEE: But we are not going to listen to Mr. Ram Jethmalani. *(Interruptions)* No; we are not going to listen to him. *...(Interruptions)...*

SHRI KAPIL SIBAL: You cannot have an abusive debate in this House. *(Interruptions)*.

SHRI PRANAB MUKHERJEE: If the Home Minister replies to the debate, then, we have no problem. *...(Interruptions)...* But we will not listen to Mr. Ram Jethmalani. *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: No; this is not fair. *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : Wait, wait...*(Interruptions)...* Let me say....*(Interruptions)...* Nothing will go on record...*(Interruptions)...* Nothing will go on record. *...(Interruptions)*. Please wait a minute. *...(Interruptions)...* I will allow you. *(Interruptions)* Please wait. *...(Interruptions)...* What I am saying is....*(Interruptions)...* No; no. *(Interruptions)* I am prepared to hear everybody, but speak one by one...*(Interruptions)...* Please sit down...*(Interruptions)...* Why are you standing? *...(Interruptions)...* No; no. *...(Interruptions)...* Please sit down. *(Interruptions)* Let us have a good discussion. *...(Interruptions)...*

SHRI PRANAB MUKHERJEE: How can we have a discussion like this? *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : Mr. Pranab Mukherjee, do you want to say something? *...(Interruptions)...* Please, speak one by one. *...(Interruptions)...*

SHRI PRANAB MUKHERJEE: Yes, I want to say something. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please speak one by one. *...(Interruptions)...* Please listen to me. *...(Interruptions)...* We can have a discussion...*(Interruptions)...* We can have a discussion about the procedure. *(Interruptions)* If you tell me which procedure the Law Minister has violated, that can be discussed. *...(Interruptions)...* Accordingly, we can discuss the other points one by one. *(Interruptions)*

When I am not giving any..(*Interruptions*)... Mr. Pranab Mukherjee wants to say something. ..(*Interruptions*)... Please wait. ..(*Interruptions*)... Yes, Mr. Pranab Mukherjee, what is your objection to the procedure? ..(*Interruptions*)...

SHRI PRANAB MUKHERJEE: Sir, this point has not been disposed of...(*Interruptions*)... But I am not insisting on that because, finally, we have to decide about what type of discussion we would like to have. We can have discussion under Section 176, or, 180. And there have been umpteem number of rulings. When there is a Short Duration Discussion, only the Minister in charge can reply to the debate. But I am not insisting on it. (*Interruptions*) We are prepared to discuss it.

THE VICE CHAIRMAN (SHRI SANATAN BISI): Please sit down. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: This is a procedural matter. (*Interruptions*) You cannot simply bypass it. You will have to decide it under Section 178. Under Section 178, the reply has to be given by the Minister in charge. And there cannot be any intervention by another Minister. There is no question of...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please wait. (*Interruptions*). Please wait. (*Interruptions*)

SHRI PRANAB MUKHERJEE: The second question is, how can the Minister say that the Governor is going to have an assessment about the conduct of the Congress Party? Is it the job of the Member...(*Interruptions*).....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Why are you standing? (*Interruptions*) Shri Ram Jethmalaniji, please. ...(*Interruptions*)...

SHRI PRANAB MUKHERJEE: How is the Member going to substantiate this? If the Member makes a statement, is he in a position to lay on the Table of the House the assessment of the Governor? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I have followed this. (*Interruptions*)

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SHRI PRANAB MUKHERJEE: This is a factual point. The third point is, he is repeatedly saying, 'yes, I am talking of those facts.' Is he in a position ...*(Interruptions)*.... to establish that? He is talking of facts which are palpably wrong and which were challenged from this side of the House? If he is giving his version of the facts, I have no problem. He can give his version of the facts. But the point is, you want to have a meaningful discussion, but, at the same time, if you speak in a derogatory and abusive way, then, how do you expect the other side of the House to tolerate this? And why is it happening in the case of one Member only? Why not with other Members? There are so many Ministers.

We are eagerly waiting to listen to the Home Minister. Therefore, the matter has to be looked into...*(Interruptions)*.... You cannot simply keep it....*(Interruptions)*.....

SHRI GURUDAS DAS GUPTA: Mr. Vice-Chairman, Sir, .... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Are you on a point of order? *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Yes, I am on a point of order. *(Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Are you on a point of order? *(Interruptions)*.... What is that? *(Interruptions)*... What is that? *(Interruptions)*... I will allow you. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, my point of order is that the discussion should not be in a language which is abusive, which is denigrating and which creates a situation... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): They are in the rules. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Yes, they are in the rules. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I will examine that. *(Interruptions)*... I will examine that. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, I am only saying, whoever represents the Government, the dignity of the House and the dignity of the discussion have to be maintained. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is all. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, I am sorry, Mr. Jethmalani, in his excellence of speech-making, is denigrating... *(Interruptions)*...

SHRI SANGH PRIYA GAUTAM: What about you? *(Interruptions)*... What about you? *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Gautamji, please. *(Interruptions)*... I have not allowed you. *(Interruptions)*... I am not allowing you. *(Interruptions)*... Gautamji, please. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: He is denigrating and he has allowed the discussion to degenerate. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is all. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: This is not true. *(Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, there is no point of order. *(Interruptions)*... No, there is no point of order. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: This is my point of order. *(Interruptions)*... You look into the record. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Those are the fundamentals mentioned here. *(Interruptions)*..

SHRI EDUARDO FALEIRO: Mr. Vice-Chairman, Sir,....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): What is your point of order? *(Interruptions)*... What is your point of order? ...*(Interruptions)*.....

SHRI EDUARDO FALEIRO: Sir, I rise under rule 261. Rule 261 provides for two things.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please wait.

SHRI EDUARDO FALEIRO: Rule 261 provides, "if the Chairman is of opinion that a word or words has or have been used in debate which is



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or are defamatory", which is the case here, "or indecent", which is also the case here, "or unparliamentary or undignified", which is very much the case here, particularly, in the context of the speech of the Law Minister, who is a senior Member of this House, "he may, in his discretion, order that such word or words be expunged from the proceedings of the Council". Now, you must expunge the words which all of us heard. That is part (a). Part (b) is that you must admonish the Member. *(Interruptions)*... You must admonish the Member. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. Please. You don't give the ruling yourself. *(Interruptions)*... Shri Kapil Sibal, do you want to say something? *(Interruptions)*...

SHRI KAPIL SIBAL: Sir, I was only mentioning that in the course of the discussion the hon. Minister said that, in respect of the Governor's action, he was more and more convinced and he suspected the honesty and integrity of the Congress Party. *(Interruptions)*... That is why... *(Interruptions)*...

SHRI RAM JETHMALANI: That is the problem, Mr. Kapil. You don't understand. *(Interruptions)*...

SHRI B.P. SINGHAL: It is just the reverse. *(Interruptions)*...

THE VICE-CHAIRMAN: I have not allowed you. *(Interruptions)*... I have not allowed you. *(Interruptions)*... Please take your seat. *(Interruptions)*...

SHRI KAPIL SIBAL: It is in this context, he said that the Governor ultimately had to call Mr. Nitish Kumar to form the Government. Now, the level of the debate-the hon. Minister, who is participating, ought to be at a high level-should not be allowed to be degenerated. *(Interruptions)*...

THE VICE-CHAIRMAN: No, no, wait. *(Interruptions)*... What is your point of order?

SHRI KAPIL SIBAL: My point of order is that you cannot allow the Minister to make such a statement which is totally irrelevant and which is defamatory and it should be expunged from the record. *(Interruptions)*...

SHRI VAYALAR RAVI: Sir,... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Yes, Mr. Ravi.  
(Interruptions)...

SHRI VAYALR RAVI: Sir, apart from the rules, (Interruptions)...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. Why is it apart from the rules? (Interruptions).... You tell me the rule. (Interruptions)....No, no. (Interruptions)... Please tell me the rule. (Interruptions)...

SHRI VAYALAR RAVI: Sir, I am on a point of order. My point of order is regarding conventions. (Interruptions)... Sir, in this rule book, there is no mention of any political party. But we are representing political parties. (Interruptions)... Of course, there is a mention of the political parties. But the rules never say this party or that party. (Interruptions)... My point is that there has been a convention in the House. We never drag any political party and attack any political party with such an offensive expression. This is an offensive expression against the Members. The rule says that you cannot use offensive or defamatory expression against the Members. The hon. Minister said that the Governor suspected the honesty and integrity of the Congress Party. That is the point which has to be deleted. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, I am on a point of order.  
(Interruptions)...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Don't repeat those things again. (Interruptions)...

SHRI M. VENKAIAH NAIDU: No, no. I am on a different point of order. Sir, as per the rules of the House, every Member is entitled to make his own point of view. I am not going into that. Secondly, if there is something derogatory, objectionable or indecent, whatever it is...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. The Chair is there for that purpose. (Interruptions)

SHRI M. VENKAIAH NAIDU: No, no. I am not saying that  
(Interruptions)...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. the Chairman is there...

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SHRI M. VENKAIAH NAIDU: But you heard them.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Yes, I have heard them, but the same thing I told them that there should be no repetition. I am here to look into this matter ... *(Interruptions)*.....

SHRI M. VENKAIAH NAIDU: Please listen to me. He has quoted Rule 261. I am in agreement with him. If there is something really objectionable, indecent, one can think about it. My only worry is Rule 177. I am happy that we are talking about rules today and that everybody wants to abide by the rules. Rule 177 says 'the Short Duration Discussion should end within two-and-a-half hours - not exceeding two and a half hours - under any circumstances.' Please keep that in mind. The Chairman should fix time-limit for other Members also, so that we are able to conclude this debate today. Otherwise, what will happen... *(Interruptions)* you all know. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Yes, yes. Please listen to me.

SHRI M. VENKAIAH NAIDU: Rule 177.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That I know. The only thing is that, during a Short Duration Discussion, whatever is there within the knowledge of every Member, he will mention. On behalf of the Government, hon. Home Minister, or hon. Law Minister, whatever is within your knowledge, may mention, whatever is in your knowledge, you may submit.

SHRI RAM JETHMALANI: I will not say something which is not within the knowledge of everybody. Now I will finish it in only one sentence and sit down.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): What is that?

SHRI RAM JETHMALANI: Only one sentence. *(Interruptions)* Sir, the argument which I was making, was nothing but a repetition - in slightly different words - of the argument made by my colleague, Mr. Naidu. That the Governor, who has a great respect for the Congress party, never believed that they will go back on their election speeches and join this alliance. *(Interruptions)* That is why he thought that this support will never be forthcoming. *(Interruptions)*

SHRI NARENDRA MOHAN: Sir, *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Why you are standing? Please sit down . . . *(Interruptions)*. Please sit down. Please speak, Mr. Kapil Sibal . *(Interruptions)*

SHRI H.K. JAVARE GOWDA: Sir, Please allow me to ask one question.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no, that is over. Mr. Kapil Sibal. *(Interruptions)*

SHRI H.K. JAVARE GOWDA: Sir, Please allow me to ask one question.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no.... *(Interruptions)*... What is that?

SHRI H.K. JAVARE GOWDA: Sir, I want a clarification from Shri Ram Jethmalani because he is a senior . *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. He will not give any clarification. *(Interruptions)*

SHRI H.K. JAVARE GOWDA: You must hear me, Sir. I am not mentioning any other thing. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. The Minister will not give any clarification. *(Interruptions)*

SHRI H.K. JAVARE GOWDA: With due respect, I want to seek a clarification. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. He will not give any clarification.

SHRI H.K. JAVARE GOWDA: I want one clarification from Shri Ram Jethmalani. It is a very simple thing. I am not going to make any allegation. *(Interruptions)* I will address it to the Chair. The thing is; Mr. Nitish Kumar was called; he then stepped down, and Rabari Devi was called upon to form the Government. All these things have gone by. Now the question is, a precedent has been set by the President of this country, which has been overruled by the Governor of a particular State. Even today, whether that holds good or not. That I want to know from Shri Ram Jethmalani.

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THE VICE-CHAIRMAN (SHRI SANATAN BISI): That's all. Yes. Now, Shri Kapil Sibal.

SHRI KAPIL SIBAL: Thank you, Mr. Vice-Chairman, for allowing me to participate in the Short Duration Discussion. I believe that all political parties, wherever they function, whether it is in the State or at the Centre, help in the business of forming Governments; and it must be so. Whether it is the BJP, in coalition with other political parties, or, the Congress party, in alliance with other parties, we all are interested in forming Governments. And the position of the Governor, the constitutional office of the Governor, is to facilitate the formation of a Government. I do not think there could be any dispute on that proposition. If Nitish Kumar had succeeded, well, we would have congratulated him. And if Shri Laloo Parsad had succeeded, we would have congratulated him. But in this process of formation of Government, certain norms, certain principles, certain conventions have to be observed. And the authority which must protect those norms, which must protect those conventions, has to be the Governor. Now, unfortunately, Nitish Kumar did not face the Vote of Confidence. But I believe, in this entire episode, we have lost. The defeat is not that of Shri Nitish Kumar, but of democracy itself.

What is destroyed is Constitutionalism. What has been devalued is the Office of Governor. That is what has happened during the course of events from 3rd March to 10th March. I am reminded of the words of the hon. President when he said, "It is not the Constitution that has failed us, it is the men occupying the positions that has failed the Constitution." Nothing can be truer than that if you apply those words to what has happened in Bihar. Articles 163 and 164 did not prevent the Governor to do the right thing. The Constitution did not fail the Governor. It is the Governor who failed the Constitution. That is what is sad. I am not talking on party lines here. We, as a whole, have to think in terms of the future of our polity. That is what we have got to think of. That is why all of us endorsed the Sarkaria Commission Report. Much before the Sarkaria Commission, we had the Bhagwan Sahay Committee, the Governors' Committee, which also set up certain precedents in 1971. We all believe in those precedents. But when we actually come to the working of this institution, we disregard all those precedents. That is what we are here to discuss today. What has to be discussed is not what the Congress Party did ten years ago, as Naiduji said. What has to be discussed is not what the

BJP did ten years ago. What has to be discussed is what is the Governor doing today and what he did on 3rd March. That is what we are here to discuss today. There was a particular provision in the 1935 Act which was also incorporated in the Draft Constitution of 1947 in the Chapter relating to Governors, i.e. 'Instructions to Governors'. We rejected the Draft Constitution of 1947 to the extent of the incorporation of those instructions to Governors. What did we believe when we adopted this Constitution? We believed that our Governors would abide by the Constitution and that they do not need any instructions. But the time has come when the Governors in this country will have to be given instructions to do the right thing in the right fashion. There is no point in talking about what happened 20 years ago because we will be answerable to the future generation of this country.

Sir, Shri Jethmalani mentioned three facts. I will take up those three facts. I will not interpret them. But I would like to convince you that those three facts that he took to be facts, in fact, demonstrate how unconstitutionally the Governor has acted. The fact number one is this. He accepts the fact that on 2nd March at 9 p.m. there was a call from Shri Sadanand Singh to the Governor. He has stated that that was a crucial fact. Sir, the leaders of respective political parties were chosen on 27th February. Then the Notification was issued. All of us know that the Assembly was constituted up to 14th April, 2000. It still had a life of over a month. It had not been dissolved. The Governor knew the election results. The Governor knew that there was a fractured verdict. The Governor knew that no political party was given a mandate to form a Government on its own. What was the task of the Governor? The task of the Governor was to ascertain for himself which is that single party or a combination of parties that might enjoy the confidence of the Assembly. Admittedly, no single party or a combination of parties, *prima facie*, at that time could enjoy the confidence of the Assembly. So he had to tread the path very carefully. He had to look at the facts very carefully. In that careful process what was he required to do as a Governor? As a Member of the House, if one of you were to be a Governor, what would have you done? I put this question to all of you. Forget what the Governor did. What Shri Jethmalani would have done if he were to be a Governor? The first thing he would have done was to contact all the political parties. He would have talked to the Congress Party and asked, "Look, what is your

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position?" He did none of that before the 3rd of March -- my learned friend is talking about crucial facts. He would have talked to the BSP. He would have talked to the CPI (M). He would have talked to the CPI. He would have talked to all the political parties who were in the frame. He would have also talked to the Independents -- six of them are in jail. He would have also tried to find out for himself as to which that combination is, which that party is, which might enjoy the confidence of the House. Now, obviously, he did none of that. That is clear. So, on March 2nd, when he was told by the President of the Congress Party in Bihar that the Congress Party, in principle, had extended its support to Lalooji, to the RJD, what happened to the Governor is quite clear. Now that our number was 124+23, that is, 146, and the CPI and the CPI (M) had also made it clear that they would not support the NDA, he realised, "If I wait much longer, the game is going to go out of my hands." Now, let us not fool ourselves. You cannot fool the people of this country. You may fool yourself in this House and make a speech about crucial facts. The people of this country will not be fooled by those things. Let us be clear on that. So, on the evening of 2nd March, when he got the phone call, he realised that by 3rd March, there would be a formal letter. That is why, at 10.45 in the morning, he told Shri Nitish Kumar that he can form the Government. That is your crucial fact, Mr. Jethmalani! That is a crucial fact that you are talking about! This Governor pre-empted the formal support of other political parties, which would have then prevented from allowing Nitish Kumarji to form the Government. He acted in a partisan manner. That is what he did. He acted in haste, as the hon. Member of the TDP already made it clear in this House. The second crucial fact is that, at 9.30 a.m., on 3rd March, Rabriji met the Governor and said that she was expecting the support of the Congress Party. There may be a dispute about that fact also. We may not believe that that had happened. Assuming that you were there, Mr. Jethmalani, what would a reasonable man do if at 9.30 in the morning, Rabri Deviji tells the Governor, "We are going to get a formal reply at 1.30 p.m."? Why would he tell Shri Nitish Kumar at 10.45 a.m. to form the Government? I am trying to assess the fact that you have placed before the House, Mr. Jethmalani. So, how wrong are your assessments sometimes? And, why did he do that? It is because he did not want that formal letter of support to come. So, when, at 1.30 p.m. on the 3rd March, Rabriji met the Governor -- as you say, that is the third crucial fact -- by that time, he said, "I have called Shri Nitish

Kumar to form the Government. What can I do?" He showed his helplessness. So, none of these three facts, Mr. Jethmalani, are true! But, we will, for the sake of argument, take these facts to be true, and if these are true, then, it only shows how totally unscrupulous this man occupying the position of the Governor of Bihar is. Now, you are not going to remove that Governor because political expediency is far more important than principles. So, you are not going to remove him. I have no doubts about that. But the people outside will judge you, judge you for what you have been doing in the past, judge you for what you are doing now. But let us rise above this and let us think of the future.

Sir, let me put another fact before the House. In 1957 and in 1962, elections were held, but the Lok Sabhas had not been dissolved. After the elections were held, the question arose: what is to be done? So, formally, the Lok Sabha was dissolved and then the new Governments took over. In 1967, again, there was Lok Sabha elections, and again, the old Lok Sabha was not dissolved. In fact, the President wanted call a lame duck session. In 1967, that was not allowed and an Ordinance was issued to dissolve the House before a new Government was instituted. In Bihar, none of this happened and, surely, the Governor was not aware of this precedent. The Assembly continued to be alive till April 14th, and despite that fact Nitish Kumar was given the oath of office, again violating the constitutional norm. Rabri Devi had not resigned; the Assembly had not been dissolved. Why? It was because the Governor had only one agenda. The Pied Piper was somewhere else. But he was hearing the tune in the Raj Bhawan in Bihar. I do not blame the Union Government. I do not blame them because it is very difficult to prove before the people of this country that this is what you did and this is how you pressurised the Government. I am not saying that you did. All that I want to say to the Government is, if any reasonable man looks at these facts, then, surely, Mr. Pande, who was the Cabinet Secretary at one time and obviously a rather erudite human being, would not be foolish enough to do all these things on his own. There must be some force behind it. I do not know what that force is. You must be knowing it better. He is an honourable man. There is a presumption of he being an honourable person, but that is a rebuttable presumption and the facts here rebut that presumption. Anyway, you look at them, Sir. Now, coming to the next issue, Sir, let us now evolve some principles; and the three principles that come to my mind are the following. I will place them for the



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consideration of the hon. Minister. First, the largest party, the single largest party, or, an alliance or a combination with a clear majority should be called to form the Government. There can be no dispute on it. If there is a single largest party or a combination of parties which has a clear majority, it must be allowed to form the Government. That is principle number one. Principle number 2 is, if there is no clear majority in this case, then if the Party of the incumbent Chief Minister also happens to be the single largest party, then we do not consider his or her claim. But if the Party of the Chief Minister happens to be the single largest party and also happens to be the single largest combination, then the principle number two should apply. Then, the incumbent Chief Minister should be asked to form the Government. If the incumbent Chief Minister herself or himself feels that no, even though I am the single largest party or the largest combination, I do not have a clear majority, I will not be able to muster it and, therefore, I make no claim to form the Government, then a third person can be certainly invited. Now we come to the third principle. If the incumbent does not make a claim, then the next largest party or a combination of parties may be asked to form the Government. Now, these are principles of commonsense, principles which erudite Governors, who have been Cabinet Secretaries, understand. I am sure they understand. Yet, why is that commonsense not followed? The argument today in this House is: you the Congress Party, did this in the past. Sir, I am trying to raise the level of the debate. Instead of making accusations and counter-accusations against each other, let us try and resolve these issues together because that is the need of the Hour. Now, Sir, the question does arise that if the Governor did not act in this fashion, then who was prompting him?

Here, I am disquieted by a chain of events that have taken place from the time when Advaniji went to Bihar on his Rath Yatra. I am pained by that. Firstly, we had that. Then some incarceration took place. Then we had hon. leaders of a major political party saying to the public at large, "When we come to power at the Centre, we will dismiss the Laloo Government". It was a public statement! They did come to power and they did dismiss the Government. I am only trying to set some more material facts for your appreciation, Mr. Jethmalani. First, the Rath Yatra, then the public pronouncement that, "We will dismiss the Laloo Government, then the actual dismissal, then the defeat..... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no. Gautamji, please take your seat. *(Interruptions)* Please take your seat. *(Interruptions)*

SHRI SANGH PRIYA GAUTAM: Don't mislead the House.

SHRI KAPIL SIBAL: Then, the defeat in this House... *(Interruptions)* Mr. Vice-Chairman, then the defeat of the Resolution in this House, then the restoration of the Government and, then, of course, the sudden hurry, this haste, to make Nitishji the Chief Minister. But even more dangerous than that, there have been disquieting reports in newspapers that while this process was on, and while Nitishji knew and the Government here knew that Nitish may not be able to form the Government, certain papers were moved before the Governor for his sanction for yet another prosecution; and this time, not against Laloo, but against Rabri, to even pre-empt the installation of Rabri Devi as the Chief Minister. It is unfortunate. I am only giving..... *(Interruptions)*

SHRI SANGH PRIYA GAUTAM: This is misleading, Sir. *(Interruptions)*

SHRI KAPIL SIBAL: I am only giving... *(Interruptions)* Now, little did they know that the Supreme Court had already ruled that in all future prosecutions of public servants, under the Prevention of Corruption Act, if they happened to be Members of the House at the time when they were public servants, the sanction of the Speaker had to be taken. That is why the Governor could not act; and that is how the Rabri Government was saved of this embarrassment.

If you take all these facts into account, Mr. Vice-Chairman, it is clear that this Governor ought not be allowed to stay in that position even for a single day and if they do not remove him, their bankruptcy as a political party will be known to the people of this country.

SHRI S. R. BOMMAI (Karnataka): Mr. Vice-Chairman, Sir, I have been a victim of a Governor myself. And I have also been a victim here in the House today. Though my name was third in the list, I am the last speaker. However, I have now been given the opportunity and I thank you very much.

Firstly, I would like to talk about the first point which my good friend, the hon. Law Minister, mentioned. I would like to say that when Shri Sadanand Singh, President of the Pradesh Congress Committee of Bihar, spoke on the 2nd night from the office of the Leader of the

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Opposition, Dr. Manmohan Singh, I was present there. He said in very categorical terms to the Governor that the Congress Party had decided, in principle, to support the RJD in the formation of the Government and that the letter would follow the next day because the Congress President was out of Delhi. The Governor heard him. He agreed with it and I was an eye-witness to it. I heard it. It was done in my presence. Therefore, I am speaking of it. If there is anything otherwise on record which can dispute what I am saying, I would press the Government to place it on the floor of the House. Let it not be left like that.

Secondly, Sir, I had written a small pamphlet in 1980 after the dismissal of my Government by the then Governor- though I called the session of the Assembly within 48 hours, I wanted to prove my majority, I had the majority -- "Do we need the Governor". If we need it, then we should be prepared to have proper guidelines in this regard. I do agree with my learned colleague, Shri Kapil Sibal that it should be discussed by this House, the other House, all the parties and the Constitution Review Committee. Here, I don't want to go into the details of the Constitution Review Committee because that is a different matter altogether. On several occasions, whenever some amendments were felt necessary, the Constitution was amended. It has been amended 83 times. So, it can be thought of.

Sir, we all accepted the recommendations of the Sarkaria Commission, but we have failed in implementing them. Here, I would like to bring to the notice of the hon. Home Minister that the Inter-State Standing Committee was constituted to consider article 356. It met 20 times, and it has given its report. When some Chief Ministers advocated for abolition of article 356, we said, "No". Myself and the West Bengal Chief Minister, Shri Jyoti Basuji said that we should retain it, but its misuse can be prevented by properly amending it. We have suggested the amendment, and the final report has been given. It can be looked into by the hon. Home Minister. It will be good, if it is implemented early; otherwise, by the time it would be implemented, many State Governments would have been dismissed.

Sir, I went to the Supreme Court, and it took six years to give its judgment. I produced before the High Court documents which showed that such cases were decided by the Supreme Court of Pakistan within a week, and the governments were restored. Those instances are there. I am not

saying anything against our Supreme Court, as it has also done it. We are compelled to go to the Judiciary for a decision because the Executive is failing to implement the Constitution faithfully. Wherever we have failed, there is no way out but to approach the Judiciary. That is how the importance of the Executive is being reduced day-by-day by our own weaknesses; and in the name of public interest litigation, people are approaching the judiciary even for small things.

Sir, here I would not go on repeating the arguments as to how the Government should have acted on the recommendations of the Sarkaria Commission. In this case, the Governor acted in haste. He had a pre-determined mind, not an open mind, and he had acted to implement his own pre-determined decision by hastily inviting Shri Nitish Kumar in order to prevent the RJD combination to come to power. That is the central point. There is nothing more than that. That is how he has been motivated to act and violate the Constitution and the conventions. Therefore, personally, I have nothing against the Governor, but as a deterrent, as a warning to the Governors in other States and the Governors to come, it is in the larger interest of democracy that this Government takes a decision to recall him, and appoint another Governor to Bihar.

That may be the right thing at this stage because the Governor has failed in his assessment and it has been proved by the resignation of Nitish Kumarji even before the motion of confidence was put to vote. After his resignation, when a claim was made by Shrimati Rabari Deviji, the Governor said, "I will consult the Constitutional experts." Why did he not say the same thing to Nitish Kumarji? Why did he not consult the Constitutional experts before inviting Mr. Nitish Kumarji? Sir, Vajpayeeji, as a leader of the largest single party, was called to form the Government. But later on Mr. Vajpayeeji straightaway went to the Rashtrapati Bhawan to submit his resignation. The next moment the leader of the largest combination, the United Front, Mr. H.D. Deve Gowda, was called within a few hours. But, this Governor took 24 hours to consult the Constitutional experts. That is how the conduct of the Governor is not above suspicion. Therefore, it will be in the interest of democracy and good governance that this Government, particularly the Home Minister, takes a decision because I know whenever such a situation comes he will act firmly. I am not going to discuss his Rath Yatra and all that. Many a time we worked together. We formed the Government with the support of both the BJP and the Congress. But, the

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situation changed and the combination changed. Many a time we worked together. We stalled the proceedings of the House - Mr. Venkaiah Naidu is not here - for days together. Yes, on the question of the WTO and on some other issues like the signing of the GATT Agreement, we never allowed them. Yes, it was in the national interest that is why we did it. Therefore, let us rise above the partisan stand and take a decision. I would urge upon the Government to recall the Governor and set an example for the future actions of the Governors. Thank you.

\*श्री शरीफ-उद्-दीन शरिक (जम्मू और कश्मीर): वाइस चैयरमैन सर, बड़ी दिलचस्प बहस है। हमारे लॉ मिनिस्टर साहब और सिब्बल साहब ने इस पर तमाम कानूनी मोशीगाफियां खोली हैं और वाज़ेह कर दिया है कि गवर्नर के रोल के बारे में उन का नज़रिया क्या है। इस तरफ के लोग भी यह पॉइंट बनाकर, मैं समझता हूं, कुछ मुबर्रा नहीं रहे। वाइस-चैयरमैन सर, फारसी का एक शेर है :

हिश्ते अब्बल चूं, निहद मेमारकज,

ता सुरैया मीरवज दीवारकज।

मकान बनाने वाला अगर पहली ही ईंट टेढ़ी रख ले, तो दीवार ऊपर तक टेढ़ी बनती चली जाएगी। इन्होंने आज उस आदमी का भी सम्मान कर लिया, उस को इस हाउस में भेज दिया जिन्होंने 1953 में काश्मीर में डेमोक्रेसी का गला घोंटा था, एब्सॉल्यूट मेजॉरिटी होते हुए हुकूमत के चीफ मिनिस्टर को डिसमिस ही नहीं अरेस्ट कर के 11 साल तक जेल में रखा था और 4 करोड़ रुपया झूठा गवाह फराहम करने पर उस पर लगे थे। यह वहां से स्टार्ट हुआ था। उस वक्त भी जो नतीजे बाकी रहे, वह आज काश्मीर में देख रहे हैं। उस के बाद जब एन.टी.रामाराव जी की गवर्नमेंट को मेजॉरिटी होते हुए जिस तरह तोड़ा गया, तब उन को सारे एम.एल.एज. को लेकर राष्ट्रपति भवन के सामने आना पड़ा। उस समय एक महीने के बाद फिर भास्कर रेड्डी जी को वापिस जाना पड़ा। वाइस-चैयरमैन साहब, इस बारे में पिछली कांग्रेस की सरकारों का रिकॉर्ड भी अच्छा नहीं रहा।

इस मामले में भी यही होना था जो अब हुआ है। हम ने बिना वजह इन के हाथ में एक पॉइंट दे दिया। गलती इस तरफ की हो या उस तरफ की हो, गलती तो गलती है, किसी की गलती अच्छी नहीं होती।

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\* Transliteration of the speech in Persian Script is available in the Hindi Version of the Debates.

वाइस-चैयरमैन साहब, इन दोनों साहिबान ने कहा कि गवर्नर साहब कांस्टीट्यूशन को अपहैल्ड करने और देश की इंटिग्रिटी को अपहैल्ड करने की ओथ लेते हैं। बाद में वही सियासी मकासिब के लिए उस की तौहीन कर देते हैं जोकि नहीं करना चाहिए। ऐसा नहीं होना चाहिए। इस मुल्क में ऐसा नहीं चलने देना चाहिए। यह इस हाउस की जिम्मेदारी है, आप सब लोगों की जिम्मेदारी है। ऐसा नहीं है कि आप उस तरफ हैं, कल आप इस तरफ हो सकते हैं, कल चीफ मिनिस्टर हो सकते हैं और आप के साथ यही सब हो सकता है। मैं गवर्नर बनकर आ जाऊंगा और जब दिल्ली से फोन आ जाए कि ऐसा कर लें तो मैं आप की मुख़ालफ़त शुरू कर दूंगा। लिहाजा यह चीजें हमारे देश में नहीं होना चाहिए। लेकिन यह रिकॉर्ड है। हमारे फारुख अब्दुल्ला जी की गवर्नमेंट को डिसमिस करा दिया और गवर्नर ने राज भवन में एम.एल.एज. को बुलाकर कहा कि दिल्ली का फरमान है, ऐसा कर लो। वाइस-चैयरमैन सर, चूंकि हम इस सांप से ज्यादा डंसे हुए हैं, लिहाजा मैं इन दोस्तों को भी गुज़ारिश करूंगा कि एबव प्रपोरर्शन बातों को बढ़ाने से कोई फायदा नहीं होगा। यह सोचना जरूरी है कि कानून और आईन की बालादस्ती हर सूरत में कायम रहे। हम ने बहुत शोर किया - जंगल का राज है, राबड़ी देवी है, गुंडों का राज है और लोगों ने उसी को उठाकर सामने रख दिया है। अब हम क्या करेंगे? यह मेनडेट उन सब के खिलाफ है जिन्होंने यह कहा था। लोग हैं और वह किसी के नौकर नहीं हैं। एक आजाद मुल्क के लोग हैं, उन की अपनी राय है। हम ने कहा चोर है, उन्होंने कहा मंजूर है, हम ने कहा कि उस ने घोटाला किया, उन्होंने कहा हमारे सिर पर, हम ने कहा गुंडों का राज, उन्होंने कहा हमारी आंखों पर। अब हमारे पास कोई जवाब नहीं होना चाहिए। अब यह खिसयानी बिल्ली खंभा नोचे, अच्छा नहीं लग रहा है। उतनी देर तक, जितनी देर तक वहां के लोग बर्दाश्त कर लें हमें लोगों का कहा मानना है। जब लोगों के मन में आता है, वह मक्खी की तरह फेंक देते हैं सरकारों को। इंदिरा जी को रात के वक्त इस्तीफा देना पड़ा जिस को स्ट्रांगेस्ट प्राइम मिनिस्टर कहा जाता है। उसे रात के वक्त इस्तीफा देकर जाना पड़ा और जनता पार्टी आ गयी। बड़ी धूमधाम से लोगों को लाए लेकिन जब उन की आस टूट गयी तो चुटकी से वह भी गायब। हमारा वोटर इतना अहमक नहीं है, वह समझता है। अब हम अपनी सियासत के लिए शोर कर लें, वह अच्छा नहीं है।

वाइस-चैयरमैन साहब, मेरा मशविरा है, मेरी हकीर राय में गवर्नर से ज्यादा, प्राइम मिनिस्टर से ज्यादा, सब से ज्यादा संविधान और आईन में हमारा दस्तूर है जिस पर चलने का हम ने अहेद किया है, इस मुल्क को चलाने का अहेद किया है। वह हर सूरत में कायम रहना चाहिए और उस का अपरहेंड रहना चाहिए। इस सिलसिले में जो मुनासिब हो, वह इक़दाम हुकूमत को करने चाहिए। शुक्रिया। (समाप्त)

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**गृह मंत्री (श्री लाल कृष्ण आडवाणी) :** मान्यवर सभाध्यक्ष जी, मैं आपका धन्यवाद करता हूँ। सभी माननीय सदस्यों का जिन्होंने इस बहस में भाग लिया है और हमारे संविधान में राज्यपाल की भूमिका क्या होनी चाहिए, चुनाव के बाद उन्हें किस प्रकार से निर्णय करना चाहिए, इस पर अपने-अपने विचार व्यक्त किए हैं और वह भी विशेष रूप से अभी-अभी बिहार में जो घटनाक्रम हुआ है, उस संदर्भ में।

महोदय, मैं ध्यानपूर्वक सब माननीय सदस्यों की बातें सुनता रहा। कभी-कभी वहाँ के माननीय राज्यपाल के बारे में हीन्दी भाषा का प्रयोग हुआ और विपक्ष के कई सदस्यों ने इस बात पर भी बल दिया कि उन्हें वापिस बुलाया जाना चाहिए और यह सिफारिश सरकार को राष्ट्रपति जी को करनी चाहिए। बहुत सारे सदस्यों ने कहा कि जिस समय उन्होंने श्री नीतीश कुमार जी को सरकार बनाने के लिए आमंत्रित किया, उन्होंने गैर संवैधानिक निर्णय किया। किसी ने कहा कि उन्होंने संविधान का उल्लंघन किया, उन्होंने कानून का उल्लंघन किया, उन्होंने परम्पराओं का हनन किया। लेकिन ध्यानपूर्वक सुनने के बाद भी मैं संविधान के किसी प्रावधान का उल्लेख नहीं सुन सका, किसी कानून की धारा का उल्लेख नहीं सुन सका, किसी परम्परा का भी उल्लेख नहीं सुन सका जिसका उन्होंने उल्लंघन किया हो, ऐसा कहा जा सके। अलबत्ता, हाँ, कुछ लोगों ने ऐसा भी कहा कि वे ऐसा नहीं करते अगर केन्द्र उनसे नहीं कहता या केन्द्र उनसे यह अपेक्षा नहीं करता इत्यादि, इत्यादि और इस प्रकार से केन्द्र पर भी आरोप लगाने की थोड़ी-बहुत कोशिश हुई। मैं उसके बारे में सबसे पहले कहना चाहता हूँ कि मानो अगर मेरी सरकार को यह लगता कि यह निर्णय वह ठीक नहीं कर रहे हैं तो मैं उस सूरत में उनको सलाह देता या अपने गृह मंत्रालय को कहता कि उनको सलाह दो कि यह मत करो, यह ठीक नहीं है, यह संविधान के खिलाफ है तो मुझे लगता है कि मेरा यह निर्णय भी, यह काम भी संविधान के खिलाफ होता है। सरकारिया कमीशन का बहुत लोगों ने उल्लेख किया, सरकारिया कमीशन ने आरम्भ किया है अपने सारे चैप्टर को उस बात से कि भारत के संविधान के अधीन राज्यपाल की तीन भूमिकाएँ हैं :-

(a) As the Constitutional Head of the State, operating normally under the system of parliamentary democracy; (b) As a vital link between the Union Government and the State Government. और उसी के अधीन हर राज्यपाल हर महीने राष्ट्रपति को और केन्द्र सरकार को रिपोर्ट भेजता है। (c) As an agent of the Union Government in a few specific areas during normal times, for example, Article 239 (2); and in a number of areas during abnormal situations. अब इन तीन भूमिकाओं में हमने आज जितनी चर्चा की है, उसका पहली भूमिका से ही संबंध है - As a Constitutional Head of the State. और उसी के बारे में यह सरकारिया कमीशन की रिपोर्ट

कहती है कि उसमें उसको डिस्क्रिशन है, काफी डिस्क्रिशन है और उस डिस्क्रिशन का एक्सरसाइज़ उसको इस-इस प्रकार से करना चाहिए, यह हमारी राय है, यह उन्होंने दिया है । मैंने पूरे के पूरे प्रावधान, जो इस मामले में कहे गए हैं कि चुनाव के बाद मुख्य मंत्री का निर्णय कैसे किया जाना चाहिए, पढ़े हैं और मैं भी उनमें से डूब नहीं पा रहा हूँ कि कौन सा प्रावधान है जिसका कि उन्होंने उल्लंघन किया है और जिसके आधार पर उनको दोष दिया जा सकता है । उनका काम यह नहीं है कि वह देखें कि किस नेता को मेजॉरिटी प्राप्त है, ये शब्द कहे हैं पैराग्राफ 23 में :-

"The Governor should not risk determining the issue of majority support, on his own, outside the Assembly."

वह पहले निर्णय करे कि इसको मेजॉरिटी नहीं होगी और इसीलिए मैं इसको नहीं बुलाऊंगा । यह निर्णय उनको पहले करना चाहिए जैसा कि कई लोगों ने सुझाव दिया है । हमको भी लगता था, जब कुछ लोगों ने साफ कहा है, सी.पी.आई. ने कहा है, सी.पी.आई.(एम.) ने कहा है कि हम न इसको सपोर्ट करेंगे, न उसको सपोर्ट करेंगे । यह उन्होंने सार्वजनिक रूप से कहा कि हम एन.डी.ए. की सरकार का भी समर्थन नहीं करेंगे और आर.जे.डी. की सरकार का भी समर्थन नहीं करेंगे । यह कम से कम पहले का उनका स्टैंड था ।

**श्री प्रेम चन्द गुप्ता :** बाद में उन्होंने चेंज कर दिया ।

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : Guptaji, please sit down. I will allow you.

**श्री लाल कृष्ण आडवाणी :** बाद में कौन-कौन चेंज करेगा, कौन नहीं करेगा .....(व्यवधान)

**श्री प्रेम चन्द गुप्ता :** गवर्नर के डिसेशन से बहुत पहले चेंज कर दिया .....(व्यवधान)

**उपसभाध्यक्ष (श्री सनातन बिसि) :** आप बैठिए ना, ऐसे काम नहीं होगा ।

**श्री लाल कृष्ण आडवाणी :** महोदय, मैं तो एक ही बात कह रहा हूँ कि सरकारिया कमीशन ने ही इस बात पर बल दिया है कि गवर्नर फैसला न करे कि मेजॉरिटी किसके साथ है । गवर्नर फैसला यह करे कि उसके पास जो स्थिति है, कागज़ात हैं, जानकारी है, उसके आधार पर ज्यादा लोग किसके साथ हैं और उसमें उन्होंने क्राईटीरिया भी बनाए हैं कि पहले किसको देखो, फिर किसको देखो । उसमें थोड़ा-बहुत परिवर्तन हमारे



[13 March, 2000]

RAJYA SABHA

सिब्बल साहब ने सुझाया है, ये तो वकील हैं। That is an amendment to these suggestions, namely, the incumbent Chief Minister having some kind of an edge. Though I am told by my learned friend, Shri Singhvi, who is not here at this moment, that in the U.K., the tradition is quite the contrary, namely, that if the Chief Minister is not able to get a majority, the overall mandate is supposed to be anti-incumbent. It is against the incumbent. Well, in India, we have a multi-party system. ... (Interruptions)..... I understand that and, therefore, neither I am going by that, nor has the Sarkaria Commission says anything which relate to either the incumbency or the non-incumbency factor; and so I believe ... यह जो उनकी ब्रॉड गाईडलाइंस हैं, वे गाईडलाइंस ऐक्सेप्टेबल हैं, हमको भी ऐक्सेप्टेबल हैं। बात आई है सरकारिया कमीशन की तो मैं बता देना चाहता हूँ कि इसके बारे में निर्णय इंटर स्टेट काउंसिल करती है जैसा बोम्मई जी ने कहा और इंटर स्टेट काउंसिल की स्टैंडिंग कमेटी करती है। इंसिडेंटली मैं इस बात का जिक्र करना चाहता हूँ कि सरकारिया कमीशन की कुल मिलाकर 247 रिकमेंडेशंस आई हैं, उनमें से अब तक 125 रिकमेंडेशंस सरकार ने कंसीडर की हैं और स्टेट्स और मिनिस्ट्रीज़ को इंप्लीमेंटेशन के लिए रिकमेंड की हैं और उनमें से 53 रिकमेंडेशंस इंप्लीमेंट हो चुकी हैं और 50 रिकमेंडेशंस तैयार हैं for consideration by the inter-State Council. So, even in regard to the Sarkaria Commission report, my earlier Government, as well as this Government, has been proceeding. It is not something that has been discarded totally. I have mentioned this, incidentally, in that context. So far as this is concerned, I would say कि जो कुछ भी बिहार के गवर्नर ने किया, राज्यपाल ने किया, उसका इसके साथ कोई कंट्राडिक्शन नहीं है। जो कुछ भी इसमें लिखा गया है, उसके अनुसार ही उन्होंने किया। अभी जब मेरे साथी सहयोगी बोल रहे थे तो बात उठी कि ऐसा-ऐसा हुआ। उसमें फैक्ट्स में अंतर जरूर है। कहां दोष हुआ है, मैं नहीं जानता हूँ।

श्री कपिल सिब्बल : सारी जनता जानती है इस देश की, आप क्या जानेंगे।

श्री संघ प्रिय गौतम : आपके बारे में तो बहुत दिनों से जानते हैं ..... (व्यवधान)

THE VICE-CHAIRMAN (SHRI SANATAN BISI) : Shri Jibon Roy, please sit down. I will allow you.

श्री लाल कृष्ण आडवाणी : मैं आपको कह सकता हूँ कि अगर मैं कन्विंस्ड होता कि इसमें कोई पार्टिज़नशिप है तो शायद मैं सोचता कि मैं क्या करूँ क्योंकि मुझे लगता है कि इस मामले में मुझे इंटरवीन नहीं करना चाहिए। लेकिन आज मैं आपकी बात मान लेता अगर मुझे कोई पार्टिज़नशिप दिखती।

लेकिन जो स्थिति थी उस स्थिति में वह जब कहते हैं कि एन.डी.ए. ने मेरे पास 146 की लिस्ट दी और उधर से शुरू में 126 की लिस्ट दी। वह बढ़ते-बढ़ते 133 तक पहुंची और 133 और 146, और उसके बाद 146 के बाद 5 और। यह स्थिति थी तीन तारीख की सुबह तक। दो तारीख की रात के बारे में मैं जिक्र करता हूं, कोट करता हूं जो गवर्नर ने मुझे दिया और वह मैंने तब पूछा उनसे जब किसी ने यहां पर उस समय गुरुदास जी ने कहा या किसी ने कहा कि आपको कैसे पता, आप सम्पर्क में थे? मेरा कोई सम्पर्क नहीं था गवर्नर से सिवाए उस दिन के जब मुझे यहां पर पता चला कि यहां पर एक मोशन एडमिट हो रहा है जिस मोशन में गवर्नर का कंडक्ट भी और गवर्नर के जो निर्णय हैं उन पर चर्चा होगी। अब गवर्नर तो यहां आएंगे नहीं और जब गवर्नर नहीं आएंगे तो कम से कम उनसे जानकारी तो प्राप्त करूं कि क्यों हुआ। आपने नीतीश जी को तो बुला लिया तो नीतीश जी के बुलाने की भूमिका क्या रही। तब गृह मंत्रालय ने उनसे जानकारी प्राप्त की और जानकारी के उत्तर में उन्होंने जो पत्र लिखा, मुझे छः तारीख को वह पत्र लिखा है यह तो तीन तारीख की घटना है। उस छः मार्च के पत्र में मैं एक ही उद्धरण सुनाऊंगा। यह मेरी जवाबदेही बनती है कि इसको सभा-पटल पर रखूं। तो आपकी अनुमति से मैं सभा-पटल पर भी रखने को तैयार हूं, मुझे कोई आपत्ति नहीं है। इसीलिए मेरे साथी जब बोल रहे थे तो उन्होंने कहा कि आपको अपनी ओर से फैक्ट्स रखने का अधिकार है। लेकिन मुझे जो जानकारी है उसको भी रखने का हमको अधिकार है। उन्होंने कहा कि :

"At about 8-30 p.m. on the 2nd, only the NDA-led group submitted a further list of two supporters etc. At around 9 p.m., I got a telephonic call from Delhi and was informed that Shri Sadanand Singh of the Bihar Congress Party wanted to talk to me on a given telephone number. A call was made from Patna on the said telephone number, and from the other end, the gentleman who claimed to be Shri Sadanand Singh, informed me that he was speaking with Shri Manmohan Singh, Rajya Sabha MP of the Congress Party. He informed that the Congress Party had taken no decision till that time regarding extension of support."

(Interruptions) .....

उपसभाध्यक्ष (श्री सनातन बिसि) : आडवाणी जी, जरा आप बैठिए न।.....(व्यवधान)

[13 March, 2000]

RAJYA SABHA

SHRI KAPIL SIBAL: This is totally wrong. This is a far more serious issue. This is totally wrong. .... *(Interruptions)*....

DR. MANMOHAN SINGH: This is totally wrong. .... *(Interruptions)*....

SHRI PRANAB MUKHERJEE: Let the letter be placed on the Table of the House by the Home Minister.

SHRI L. K. ADVANI: I will place it. Otherwise, I would not have quoted it.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That will be laid on the Table.

Take prior permission. Don't do it by yourself. .... *(Interruptions)*....

SHRI PRANAB MUKHERJEE: This is not correct. I have a very respectful submission, Sir, through you, to the Home Minister. He has kindly agreed to place the letter on the Table of the House in the formal way as every paper that is read is laid on the Table of the House. It should be authenticated by the Home Minister, and it should be laid on the Table of the House.

SHRI L. K. ADVANI: Yes, I will.

"He informed that the Congress Party had taken no decision till that time and that their decision was likely to be taken later on." .... *(Interruptions)*..

So far as the Government is concerned, with this document in hand, ....

SHRI KAPIL SIBAL: We never expected the Governor to stoop to this level.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat.

उपसभाध्यक्ष : आप बैठिए न, आप क्यों खड़े हो गए हैं।...*(व्यवधान)*

श्री लाल कृष्ण आडवाणी : मैं इस बारे में यह भी कहूंगा कि

I have seen all the critical comments in the media and from other public figures also in respect of the Governor's decision. None of them questions his integrity.

Everyone says that he is a man of impeccable integrity.  
(Interruptions)

SHRI JIBON ROY: He is not saying the truth. (Interruptions)

DR. MANMOHAN SINGH: In all fairness, I say that whatever he has read as the Governor's statement is totally false. (Interruptions) He has mis-led the House. (Interruptions)

उपसभाध्यक्ष (श्री सनातन बिसि): नहीं, नहीं। गुप्ता जी बैठिए।  
...(व्यवधान)... गुप्ता जी प्लीज टेक योर सीट। गुप्ता जी बैठिए। ...(व्यवधान)... वह तो आप बोलेंगे। ...(व्यवधान)...

SHRI S.R.BOMMAI: The statement of the report justifies his immediate dismissal. (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): That is your demand. This is a Short Duration Discussion. Whatever you are saying, you can do so when you speak. Then the Minister can reply.

SHRI E. BALANANDAN (Kerala): The Governor should be immediately recalled.

DR. MANMOHAN SINGH: Whatever he has said is not correct.... (Interruptions)...

SHRI GURUDAS DAS GUPTA: Sir, I would like the hon. Minister to give the telephone numbers.

SHRI L.K. ADVANI: What is this, Sir?

SHRI GURUDAS DAS GUPTA: Sir, the hon. Minister has referred to the telephone call.

SHRI L.K. ADVANI: I am not referring to telephone calls.

SHRI GURUDAS DAS GUPTA: I most humbly seek of the hon. Minister to give the telephone number from where the call was supposed to have been made.

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SHRI L.K. ADVANI: I am not yielding, Sir.

उपसभाध्यक्ष (श्रीसनातन बिसि) : आप बैठिए। आडवाणी जी आप बैठिए। मैं आपको बुलाऊंगा। ....(व्यवधान).... नहीं, नहीं। ....(व्यवधान)....

SHRI GURUDAS DAS GUPTA: I most humbly seek...(Interruptions)

श्री एम. वेंकैया नायडु : गवर्नर के बारे में रनिंग कमेंट्री करते हैं, वह तो यहां पर नहीं हैं। ....(व्यवधान)... गवर्नर तो यहां पर नहीं हैं। ....(व्यवधान)....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): I am not allowing you. (Interruptions) Please help me. (Interruptions)

SHRI GURUDAS DAS GUPTA: Let the Home Minister, after talking to the Governor, inform the House the telephone number of Delhi. I would like to know that. (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Order please. Please take your seat. (Interruptions)

SHRI BRATIN SENGUPTA: We can make investigations whether the call was actually made or not. (Interruptions)

उपसभाध्यक्ष (श्री सनातन बिसि) : नहीं, नहीं। आप क्यों खड़े हो गए? आप क्यों बोल रहे हैं? ....(व्यवधान).... आडवाणी जी, आप बैठिए। आप बैठिए। आप बैठिए। आप क्यों बोल रहे हैं? ....(व्यवधान).... क्यों, क्यों, क्यों? ....(व्यवधान).... आडवाणी जी, आडवाणी जी। ....(व्यवधान)....

श्री एम. वेंकैया नायडु : सारी दुनिया हंस रही है। ....(व्यवधान)....

श्रीमती सरला माहेश्वरी : सारी दुनिया हंसने का क्या मतलब है? ....(व्यवधान)....

SHRI M. VENKAIAH NAIDU: Sir, nothing has been attributed to any party. The debate is on factual statements.

SHRI BRATIN SENGUPTA: I would like to know whether it is a fact or not. We should inquire into that. (Interruptions)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Please take your seat. Advani ji.

SHRI L.K. ADVANI: I am not yielding, Sir.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): There is no question of yielding. आडवाणी जी, आप बैठिए। ... (व्यवधान) ... आडवाणी जी आप हाउस की व्यवस्था के लिए बैठिए। ... (व्यवधान) ...

श्री रमा शंकर कौशिक : उपसभाध्यक्ष महोदय, मैं यह कहना चाहता हूँ ....

उपसभाध्यक्ष (श्री सनातन बिसि) : किस चीज के बारे में कहना चाहते हैं। ... (व्यवधान) ...

श्री रमा शंकर कौशिक : उपसभाध्यक्ष महोदय, जो बात हो रही है उसके बारे में मैं कहना चाहता हूँ। ... (व्यवधान) ... एक तरफ तो हमारे ... (व्यवधान) ...

उपसभाध्यक्ष (श्री सनातन बिसि) : वह नहीं होगा। आप सुनिए। ... (व्यवधान) ...

श्री रमा शंकर कौशिक : उपसभाध्यक्ष महोदय, आप बात तो सुन लीजिए। .... (व्यवधान) ....

उपसभाध्यक्ष (श्री सनातन बिसि) : आप बोलिए।

श्री रमा शंकर कौशिक : उपसभाध्यक्ष महोदय, मैं बोल तो रहा हूँ। मैं आपसे यह निवेदन कर रहा हूँ कि एक तरफ हमारे सम्मानित नेता विरोधी दल एक बात कह रहे हैं और दूसरी तरफ गवर्नर की चिट्ठी पढ़ी जा रही है। .... (व्यवधान) ....

श्री भारतेन्दु प्रकाश सिंहल : सर, यह क्या हो रहा है? .... (व्यवधान) ....

उपसभाध्यक्ष (श्री सनातन बिसि) : मैंने आपकी बात मान ली। मैं आपको बोल रहा हूँ आप बैठ जाइये। .... (व्यवधान) ....

श्री रमा शंकर कौशिक : यह पूरे हाउस के सम्मान की बात है। .... (व्यवधान) ....

उपसभाध्यक्ष (श्री सनातन बिसि) : मैं कहां मना कर रहा हूँ। ... (व्यवधान) ...

श्री रमा शंकर कौशिक : उपसभाध्यक्ष महोदय, यह किसी भी सदस्य के सम्मान की बात है। .... (व्यवधान) .... कोई भी सदस्य जब इस बात को कह रहा है कि मेरी जानकारी में, मेरे सामने यह टेलीफोन हुआ है। .... (व्यवधान) .... और हमारे सम्मानित नेता

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विरोधी दल एक बात कह रहे हैं । ....(व्यवधान).... आप किस बात को मानेंगे? ....(व्यवधान).... क्या इसके बारे में माननीय गृह मंत्री जी कोई जांच करवायेंगे? ....(व्यवधान)....

उपसभाध्यक्ष (श्री सनातन बिसि) :: मैं समझ गया। आप बैठिए। ....(व्यवधान).... गौतम जी आप बैठिए। एक मिनट बैठिए। एक मिनट बैठिए। एक मिनट बैठिए। ....(व्यवधान).... आप बैठिए, आप बैठिए, आप बैठिए। ....(व्यवधान).... जस्ट ए मिनट. ....(व्यवधान)....

श्री भारतेन्दु प्रकाश सिंहलः सर, हमें भी बोलने का अधिकार दीजिए। ....(व्यवधान)....

SHRI M. VENKAIAH NAIDU: Sir, they are creating new precedents. Several Members have spoken. When the Minister is on his legs, several members have started interrupting him. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Nothing will go on record.

उपसभाध्यक्ष (श्री सनातन बिसि) : मैडम बैठिए ना । मैं बोल रहा हूं । ..(व्यवधान).. वह चीज मैं करूंगा, आप क्यों कर रहे हैं । ..(व्यवधान).. आप बैठिए । ..(व्यवधान).. सुनिए प्लीज़ । I have to take the sense of the House. ..(*Interruptions*)... Wait, wait, wait, wait. I have to take the sense of the House. Number one. सुनिए प्लीज़ । ..(व्यवधान).. होम मिनिस्टर साहब को ऑलरेडी हमने बोल दिया है, वह जो बोल रहे हैं, वह तो ले होगा । डीटेल डाक्यूमेंट होगा । ..(व्यवधान).. वह तो हो गया । ऑर्डर दे दिया । ..(व्यवधान).. अब क्यों खड़े हो रहे हैं। इसमें खड़ा होने की क्या बात है ? What is this?

श्री भारतेन्दु प्रकाश सिंहल : सर, यह सब क्या है, कोई भी बोल लेता है ? ..(व्यवधान)...

उपसभाध्यक्ष (श्री सनातन बिसि) : आप लोग खड़े मत होइए । मैं क्लीयर बात कह रहा हूं । वह चीज़ तो ले हो गयी है, उसके लिए आप हमसे क्यों पूछ रहे हैं ? ..(व्यवधान)...

श्री गुरुदास दासगुप्त : टेलीफोन नम्बर ले नहीं हुआ । टेलीफोन नम्बर चाहिए । ..(व्यवधान).. We would like to know whether the telephone call was made

by the Governor. If so, we want the telephone number.

**उपसभाध्यक्ष (श्री सनातन बिसि) :** आप लोग सुनिए । अगर क्रॉस टॉक होगी तो मैं हाउस ऐडजर्न कर दूंगा । ..(व्यवधान) ..

**श्री प्रणब मुखर्जी :** हाउस ऐडजर्न मत कीजिए । मिनिस्टर साहब से कहिए कि ..(व्यवधान) ..

**उपसभाध्यक्ष (श्री सनातन बिसि) :** अभी क्रॉस टॉक क्यों हो रही है ?

**श्री गुलाम नबी आज़ाद :** मिनिस्टर साहब को कम्पलीट करने दीजिए । ..(व्यवधान) ..

**उपसभाध्यक्ष (श्री सनातन बिसि) :** वह कम्पलीट करेंगे । ..(व्यवधान) ..

**श्री लाल कृष्ण आडवाणी :** सर, मुझे कुछ ज्यादा नहीं कहना है । ..(व्यवधान) ..

**उपसभाध्यक्ष (श्री सनातन बिसि) :** मैडम, आप क्यों खड़ी हो रही हैं । ..(व्यवधान) .. सिम्बल जी, वहां क्या हो रहा है Please take your seat. अभी वह डाक्यूमेंट ले हो गया । दूसरी बात यह है कि मंत्री जी को पूरा पैरा बोलने दीजिए, उनका बोलने का टाइम है । बीच में कोई खड़ा नहीं होगा नहीं तो I will adjourn the House.

**श्री लाल कृष्ण आडवाणी :** मैं समझता हूं कि अगर विवाद है तो केवल मात्र इसके बारे में विवाद है । और कोई चीज़ ऐसी नहीं है जिसके आधार पर कहा जाए कि राज्यपाल ने संविधान का उल्लंघन किया है, जानबूझ कर किया, पार्टिज़न किया । मैं मानता हूं और उसका कारण भी ..(व्यवधान) ..

**THE VICE-CHAIRMAN (SHRI SANATAN BISI):** No running commentary.

**श्री लाल कृष्ण आडवाणी :** मेरी बात सुनिए । उपसभाध्यक्ष जी, 2 तारीख को रात को अगर इन प्रिंसिपल भी तय किया होता कि हम सपोर्ट करेंगे तो मुझे विश्वास है कि 3 तारीख को प्रातःकाल वहां की मुख्य मंत्री की ओर से निश्चित रूप से कहा जाएगा कि मुख्य मंत्री - उन्होंने तो जाकर 7 नाम दिए और 7 नाम देने के बाद "The list of seven persons was received thereafter in Raj Bhavan. On 3.3.2000, the NDA led alliance, gave a fresh list of three supporters. Shrimati Rabri Devi met me at 9.30 A.M.. She did not add any name to the list of seven submitted in



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the night of 2-3-2000. She informed, further support was still being solicited from different parties. But no definite time-frame or firm indication of support was indicated." ..(Interruptions)... I have no reason to disbelieve the Governor.

SHRI JIBON ROY : We want a discussion under Rule 170.

SHRI GHULAM NABI AZAD: I would like to know whether any time-limit was given by the Governor to Mrs. Rabri Devi.

उपसभाध्यक्ष (श्री सनातन बिसि) : आप क्यों खड़े हो गये हैं? गुप्ता जी, आप खड़े न हों। ..(व्यवधान).. आप लोग क्यों खड़े हो रहे हैं ? ..(व्यवधान).. मैंने आपको क्या बोला था? ..(व्यवधान).. आप लोग क्यों खड़े हो रहे हैं? मैंने आपको क्या बोला था? ..(व्यवधान).. प्लीज़ एक मिनट।

श्री लाल कृष्ण आडवाणी : गुलाम नबी जी, अगर आपकी बात को मैं समझ सका हूँ कि आप सरकारिया कमीशन ..(व्यवधान)...

उपसभाध्यक्ष (श्री सनातन बिसि) : आडवाणी जी, आप मेरी बात सुनिए। मेरी बात नहीं सुनेंगे तो कैसे चलेगा? ..(व्यवधान)..लीडर ऑफ आपोजीशन कुछ बोल रहे हैं।..(व्यवधान).. That I am allowing. आप क्यों बीच में बोल रहे हैं ? मैं तो जानता हूँ। मैंने यही कहा कि I will adjourn the House. I cannot do anything more.

SHRI MANMOHAN SINGH : Mr. Chairman, Sir, I would like to ask this of the hon. Home Minister. Has he any intimation from the Governor that he fixed any definite time limit for various leaders to inform him about their support?

श्रीमती सरला माहेश्वरी : कोई लक्ष्मण-रेखा खींची थी ?

SHRI L.K. ADVANI: I can tell, in the context of all that has been said जब यह इंटर स्टेट काउंसिल मिलेगी या स्टैंडिंग कमेटी मिलेगी तब मैं कहूंगा कि गवर्नर को यह भी एक एडीशनल गाइडलाइन भेज दीजिएगा कि गवर्नर को कोई अल्टीमेटम देना चाहिए। फैक्ट यह है कि 25 और 26 तारीख को रिज़ल्ट आए। 27 तारीख की लगभग सुबह तक यह बात साफ थी कि फ्रैक्चर्ड असेंबली है। दोनों एन.डी.ए. और आर.जे.डी. की लगभग बराबर की स्ट्रेंथ है लेकिन दोनों की स्ट्रेंथ 40 के लगभग कम है from the majority. This was the situation. So far as the Governor is concerned, whenever either the NDA approached him or the RJD approached him, he

said, "I am not going to do anything unless the Assembly names are notified." And the notification came only on the 29th of February. और इसीलिए 25 और 26 तारीख को जब रिज़ल्ट आए तब और 3 तारीख के बीच में एक पूरा वीक है। कोई कहे कि यह हेस्टी हैं, मुझे नहीं लगता कि उन्होंने कोई हेस्ट की है। उन्होंने कोई हेस्ट नहीं की सिर्फ इतना ही है कि उनके पास जितना ऐविडेंस था, उस ऐविडेंस के आधार पर उन्होंने कहा है कि "As per my assessment, the NDA-led alliance had a strength of 151 whereas the RJD-led alliance had 133 only."

इसी कारण उन्होंने नीतीश कुमार को बुलाने का यह निर्णय किया। मुझे नहीं लगता कि इसमें उन्होंने कोई असंवैधानिक बात की है और इसीलिए सरकार की ओर से उनको रीकॉल करने का कोई प्रस्ताव नहीं है। मैं समझता हूँ कि उन्होंने उचित किया है।

**उपसभाध्यक्ष (श्री सनातन बिसि):** बैठिए.....बैठिए.....(व्यवधान).....

**SHRI M. VENKAIAH NAIDU:** Mr. Vice-Chairman, Sir, the derogatory remarks made against the Governor have to be expunged from the record. That is the 'parampara' of the House. *(Interruptions)*.

**THE VICE-CHAIRMAN (SHRI SANATAN BISI):** Yes.

**SHRI BRATIN SENGUPTA:** This is bulldozing of democracy. *(Interruptions)*. We walk out.

**SHRI GHULAM NABI AZAD:** We are not satisfied with the Governor and the arguments given by the Home Minister. And we walk out.

**श्री सनदेव भंडारी :** आपने गवर्नर के एक्शन को सपोर्ट किया है.....हम वॉक आऊट कर रहे हैं। हम वॉक आऊट कर रहे हैं।.....(व्यवधान).....

**श्रीमती सरला माहेश्वरी :** ये जनता की भावनाओं को नहीं समझते हैं.....ये लोग जनता की भावनाओं को नहीं समझते हैं। ऐसा कैसे चलेगा ? हम वॉक आऊट करते हैं।.....(व्यवधान).....

**श्री एन.वेंकैया नायडु :** जाइए, जंगल राज में शामिल हो जाइए। जाइए...जाइए। आप लोग तो राजा हैं वहां के .....(व्यवधान).....ठीक है, आप लोग शेर हैं। जाइए...जाइए.....(व्यवधान).....

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*(At this stage, some hon. Members left the House)*

**THE VICE-CHAIRMAN (SHRI SANATAN BISI):** The House now adjourns till 11 a.m. tomorrow, the 14th March, 2000.

The House then adjourned at thirteen minutes past six of the clock till eleven of the clock on Tuesday, the 14th March, 2000.

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