

ANNOUNCEMENT RE. GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 2ND MAY, 1995.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): 'Madam, with your permission, I rise to announce that the Government business in this House for the next week will consist of :—

1. General Discussion on Railway Budget for 1995-96.
2. Discussion on the Resolution regarding Railway Convention Committee (1991).
3. Consideration and return of the following Bills as passed by Lok Sabha:—
 - (a) The Appropriation (Railways) No. 2 Bill, 1995.
 - (b) The Appropriation (Railways) No. 3 Bill, 1995.
4. General Discussion on the General Budget for 1995-96.

RE. SITUATION IN TAMIL NADU

SHRI M. A. BABY (Kerala):
Madam. (*Interruptions*).

THE DEPUTY CHAIRMAN: Mr. Baby, one second. I have been informed that Mr. Sikander Bakht has made a request to the Chairman. He has to go for a meeting. So he has requested that he may be permitted to speak first.

(*Interruptions*). SHRI. M.-A. BABY: I want to raise the issue of the Constitutional crisis in Tamil Nadu. Does he want to speak on the same subject?

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT): 'Yes. I want to speak on the same subject, if you permit me.

SHRI M. A. BABY: Yes, (*Interruptions*)

SYED SIBTEY RAZI (Uttar Pradesh)
Madam, I am on a point of order. It is

a question of procedure in this House. I understand that the situation, the political situation, the Constitutional situation in Tamil Nadu is going to be raised in the Zero Hour here. My submission is this. Definitely, it is a matter of great public importance. But the sensitivity and the intricacy of the matter should also be kept in mind. When we discuss the situation in Tamil Nadu, the conduct of the Governor may come up; when we discuss the situation in Tamil Nadu, the passing of a resolution by the State Legislature may come up. When we discuss that situation, various reactions may come and in such a situation, the things which we could not discuss during Zero Hour may be taken up by the hon. Members. My objection is, if it is a matter of great public importance, then the procedure and the rules provide that we can take it up under the Short Duration Discussion, where, if the Chairman is satisfied, after calling for such information from the Member who has given notice and from the Minister, as he may consider necessary that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two and a half hours as he may consider appropriate in the circumstances. My submission is that the Government version should also come in respect of the suggestion made by the Members: During Zero Hour we cannot raise a question which involves a Constitutional point. Our convention in the House is that we do not discuss the conduct of the Governor. Now, the question that the Tamil Nadu Assembly has raised is that the appointment of the Governor should be discussed with the Chief Minister. (*Interruptions*) Madam, you have permitted me. I require your ruling. (*Interruptions*)

THE DEPUTY CHAIRMAN: I have permitted him. He is the Deputy Leader of the Party. He has a right to speak. Please sit down. (*Interruptions*)

SYED SIBTEY RAZI: The constitutional propriety may be discussed. This is not the opportune time for that. Anyhow, if you permit this discussion, then it should be taken up under the relevant procedure and not during Zero Hour. That is my submission. (Interruptions)

THE DEPUTY CHAIRMAN: Mrs. Jayanthi Natarajan. just a minute.

Mr. Syed Sibtey Razi, I have nine names before me on this issue and I do not know how we will finish it in 45 minutes. The question is that many times during this week, the Members wanted to raise the issue of Governor which I did not permit. We never permit anything regarding the courts because we do not want to discuss the Judiciary in this House. We respect and honour the Judiciary and we would not like them to discuss our matters. Now, the thing is that the Chairman has permitted them. You are right that if the Members give a notice, they should also specify the parameters of discussion. Then the Chairman can satisfy himself as to what would be the parameters of such discussion and that can be identified. But if you just mention something in the House without any proper motion, it becomes very difficult for the Chair to tell the Members what to do through I do tell. But, I request the senior Members of this House to take upon themselves the responsibility to restrain themselves while speaking and confine themselves only to the concern that they have about the subject which is bothering their mind.

SHRI SIKANDER BAKHT: Madam, I accept your direction. Madam, with your permission. [will try my best to confine myself to the subject under discussion. I don't have time to go into the details of things.

भगर यहां किसी गवर्नर पर या किसी और पर एतराजत किया गया है वह लाने की जरूरत नहीं है उसके बगैर ही जान होगी । मैं बहुत जल्दी में हूँ ।

مگر یہاں کسی گورنر پر یا کسی اور پر اعتراضات کیا گیا ہے۔ اس کے بغیر ایسی کوئی ضرورت نہیں ہے اس کے بغیر ہی جان ہوگی۔ میں بہت جلدی میں ہوں۔

There is a situation of serious constitutional turmoil in Tamil Nadu. The Centre's passivity and lack of proper responsiveness to the whole situation raises doubts concerning the Government's own involvement in the whole situation. An important office, which is expected to be neutral, is being denigrated and utter lack of propriety has been displayed. Under these conditions, continuance in office is rather surprising

सदर साहवा,
मैं यह कहना चाहता हूँ कि हमारी कामी जिन्दगी में कुछ ओहदे ऐसे होते हैं जिनका एहतराम हम पर लाजिम है । लेकिन एहतराम उन पर भी लाजिम होना चाहिए जिन पर इन ओहदों की जिम्मेदारी डाली गई है । हिन्दुस्तान की सियासत में हिस्सा लेने का हक हर हिन्दुस्तानी को है । अगर कोई शरस किनी ऐसी जिम्मेदारी से मुंसलिक है जहां सियासत में हिस्सा लेने में कुछ कहना मत है तो ऐसे ओहदे के दफनबदर होकर बराहेरास्त सियासत में हिस्सा लेना चाहिये । चिलमन से लगे रहने, बैठ रहने से काम नहीं चलेगा ।

“खूब पर्दा है कि चिलमन से लगे बैठे हैं, साफ छुपते भी नहीं सामने आते भी नहीं ।

ऐसे ओहदों पर बैठे रहने के बाद वहां उन ओहदों पर बैठकर सियासत का काम चलाना, जिन ओहदों पर बैठने के बाद बिल्कुल न्यूट्रलिटी, गैर-जानिबदाराना काम होना चाहिये, ऐसा तमिलनाडु में होता नजर नहीं आता । मैं अपनी तरफ से और अपनी पार्टी की तरफ से सख्त शिकायत कर इजहार करता हूँ कि वहां सीरियस कांस्टिट्यूशनल टरमोइल को धूरलेहाल पैदा कर दी है । आपका धन्यवाद करता हूँ जो आपने मुझे दो लफज कहने का मौका दिया ।

† [] Transliteration in Arabic script.

انگریزوں کی حکومت: صدر صاحبہ
 میں یہ کہنا چاہتا ہوں کہ ہمارے قومی
 فہم لوگ میں کچھ ٹھہرے ایسے ہوتے ہیں
 جنکا احترام ہم پر لازم ہے۔ لیکن احترام
 ان پر بھی لازم ہونا چاہیے۔ جو پیران
 عہدوں کی ذمہ داری ڈال گئے ہیں
 ہندوستان کی سیاست میں حصہ لینے
 کا حق ہر ہندوستان کے ہے۔ اگر کوئی شخص
 کسی ایسی ذمہ داری سے منسلک ہے
 جہاں سیاست میں حصہ لینے میں
 کچھ قباحت ہے تو ایسے ٹھہرے سے دست
 بردار ہو کر براہ راست سیاست
 میں حصہ لینا چاہئے۔ چلن سے لگے ہوئے
 بیٹھے رہنے سے کام نہیں چلیگا۔
 خوب بردہ ہے کہ چلن سے لگے ہوئے
 صاف چھپتے ہی نہیں سہنے آتے ہی نہیں۔
 ایسے ٹھہروں پر بیٹھے رہنے کے بعد وہاں
 ان ٹھہروں پر بیٹھے سیاست کا کام چلانا۔
 جن ٹھہروں پر بیٹھے کے بعد بالکل نیوٹرل
 غیر جانبدارانہ کام ہونا چاہئے۔ ایسا
 ناممکن ناگزیر میں ہوتا نظر نہیں آتا۔ میں
 اپنی طرف سے اور اپنی پارٹی کی طرف سے
 سفوفت شکایت کا اظہار کرتا ہوں کہ
 وہاں میرے پاس کانسٹیٹیوٹنل کونسل کی
 صورت حال پیدا کر دی ہے۔ آپکا دھنہ ورد
 کرتا ہوں کہ جو اپنے بچے کو تعلق کہنے کا
 موقع نہ آیا۔

SHRI M. ft. BABY: Thank you very
 much, Madam. An unprecedented Cons-
 titutional crisis has emanated from the
 latest developments in the State of Tamil
 Nadu. Madam, I do not want to com-
 ment upon the merits of the action of
 the Governor or the merits of the Reso-
 lution passed by the Tamil Nadu State
 Legislature. As per the Rules of Pro-
 cedure of our House, under sub-rule (i)
 (iii) and (iv) of rule 238, we are not
 expected to discuss the matters under
 the consideration of a court. As per
 sub-rules (ii) and (in), we are not
 expected to discuss matters relating
 to State Legislatres or the other House.
 As per sub-rule (v) of the same rule, we
 are not expected to discuss persons hol-
 ding high offices. Madam, since this
 unprecedented Constitutional crisis has
 arisen, I would like to draw the atten-
 tion of the House and, through this
 House, the attention of the entire coun-
 try to the fact that when the framers of
 our Constitution discussed this issue
 concerning the post of Governor, there
 was a very Seated debate an
 what the authority 01 the Governor
 should be, how the Governor should be
 selected and wbat the response of the Go-
 vernor would be on occassions arising out
 of the controversial political situations.
 Madam, on the 31st of May, 1949, in
 the Constitueat Assembly, Pnndit Jawa-
 harlal Nehru, while intervening in the
 debate, made certain very relevant ob-
 servations with regard to the way in
 which a Governor is to be selected,,
 which has been reproduced and then
 quoted in the Sarkaria Commission
 Report....

THE DEPUTY CHAIRMAN: Now we are
 discussing the matter concerning the
 selection of the Governor? Aren't we?

SHRI M. A. BABY: Madam, I am not
 talking about an individual Governor.

SHRI P. UPENDRA (Andhra Pradesh):
 Madam, he has not exceeded the limit.

SHRI M. A. BABY: Madam, there
 were discussions _____

THE DEPUTY CHAIRMAN. Air. Baby, there is a saying in Urdu that if you touch the nose like this or if you take your hand like this, it is touching the nose

SHRI P. UPENDRA: He has not come to that stage.

SHRI MD. SALIM (West Bengal): Madam, the question of cut is in the other House.

SHRI M. A. BABY: Madam, there were occasions like this. For example, the conduct of the Governor of Tripura was discussed here, the problem he had created, I do not want to refer to that at all.

THE DEPUTY CHAIRMAN: No, they were not discussed here when I presided.

SHRI M. A. BABY: Madam when this was raised. Pandit Jawaharlal Nehru stated that the Governor should cooperate with the State Government, the Governor should be such as would also be agreed upon and appreciated by the State Government, It is very categorically stated by Pandit Jawaharlal Nehru.

Secondly, when the issue was raised by some Members that there would be conflicts between the Governor and the State Government, Pandit Jawaharlal Nehru stated:

"We are thinking of people of high eminence, educationists, those who would transcend the narrow political considerations. Such people would be appointed as Governors and there would be, at no point of time, any possibility of conformation between the Governor and the State Government."

Madam, this high standard set by the framers of our Constitution, this high standard enunciated by Pandit Jawaharia] Nehru was observed in violation in the later period of the conduct of Indiaa polity. This is the tragedy of the situation. Now, what is happening is those who are nursing political ambitions are appointed as Governors. Those

who are indicated by Courts
(*Interruptions*) Please listen to me.

SHRIMATI JAYANTHI NATARA-JAN (Tamil Nadu): Madam, I am not protesting what Mr. Baby is saying. It is a very important issue. Let him say that. But, when we also make our remarks. I request that you may show us similar tolerance because we have our own views. He might have his own views. (*Interruptions*), it is my request. This is an important issue. Let him say whatever he likes.

THE DEPUTY CHAIRMAN: If you take my view, I have given my ruling. I would not like to discuss this matter at all on the floor of the House. It should be discussed in a proper manner, not in this casual manner. What Mr. Baby is quoting is what Pandit Nehru said about Governors, about whatever ..., (*Interrupt ions*). Just a minute. Please. (*Interruptions*). What I am saying is if my opinion is taken, I would, not like to discuss this matter in this casual manner. I would like, as Mr. Sibtey Razi has suggested, to discuss it in a proper manner where we can decide the parameters of the discussion and we can have a serious, thoughtful discussion out of which some results can come and Government can also put forth its viewpoint. But, here I am trying to bring you to order, telling you not to go beyond certain limits.

SHRI M. A. BABY: Madam, I hope I am within the limits prescribed by you.

SHRI VAYALAR RAVI (Kerala): Madam, Mr. Baby is absolutely correct. ! The same thing was done by Shri V.P. 1 Singh also which his party supported. ! (*Interruptions*). The same thing was done by Shri V.P. Singh. I fully agree with him. (*Intreruptions*). The same thing was done by Shri V.P. Singh with their support.

i | SHRI G. SWAMINATHAN (Tamil Nadu): What was done by Shri V. P. Singh? (*Interruptions*).

SHRI MD. SALIM: He is quoting Pandit Nehru, *(Interruptions)*.

SHRI VAYALAR RAVI: Shri V. P. Singh did the same thing.

THE DEPUTY CHAIRMAN: Two wrongs do not make a thing right. *(Interruptions)*. Mr. Baby, please conclude. I have no time today.

SHRI M. A. BABY: Madam, I have just referred to Pandit Nehru. The exact words used by Pandit Jawahar'nal Nehru on the 31st May, 1949 were, "The Governor must be acceptable to the Government of the Province." He used these words. Madam, the Sarkaria Commission which was appointed by the Central Government went deep into this matter. The Sarkaria Commission examined eminent people. It collected evidence from people. On the basis of their detailed scrutiny and study of the matter what they have suggested it consultation with the State Government before the appointment of a Governor should not be treated as a matter of convention to be followed or abused or ignored by the Central Government. The Sarkaria Commission categorically suggested that the consultation by the Central Government with the State Government before the appointment of a Governor should be made a part of the Constitutional provisions. We should like to know from the Government, after having experienced so much of turmoil in relation to the problems created by Governors, whether the Central Government is prepared, at least, to heed this advice of the Sarkaria Commission. We want that all the suggestions of the Sarkaria Commission should be literally discussed. The proposal of the Sarkaria Commission with regard to the Centre-State relations should be very seriously taken note of by the Central Government. We want its implementation at the earliest. Madam, as far as this particular provision is concerned, it should be unanimously passed. We would like to know whether the Central Government will come out with a Constitutional amendment in order to give

effect to this very important recommendation which is suggested

by the Sarkaria Commission. Madam, I would also like to bring to your notice that this issue was put before the representatives of the Central Government. What did they say? 'We always used to consult the State Governments.' This was the statement issued by the Central Government. At the same time many State Governments said that they were not consulted. What is the meaning of this? Either the State Government was lying or the Central Government. Madam, it is an unfortunate situation where we are constrained to discuss whether the Constitutionally elected State Government or the Central Government was lying before a Constitutional authority—a Commission appointed by the Central Government. To avoid such unfortunate situations, I request the Central Government to come forward with a Constitutional amendment in this regard. The whole Opposition will cooperate with them. You should make consultations with the State Government by the Central Government mandatory before a Governor is appointed. With these observations, I conclude. Thank you.

SHRI TAGESH DESAI (Maharashtra): The Government cannot react on this issue. During Zero Hour if an issue like this is raised, the Government cannot react. .. *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN: She has already ruled it. *(Interruptions)* . . .

THE DEPUTY CHAIRMAN: Mr. Jagdish Desai, I ruled it- I did not want to take it up. But Mr. Sibtey Razi said that we may discuss it and I allowed. If still Members don't want it, I can withdraw. .. *(Interruptions)*...

SHRI JAGESH DESAI: I feel, it is a waste of time. The Government cannot react to such issues. .. *(Interruptions)*.. If the Zero Hour is going to go on like this, I cannot associate myself with it. It is a waste of time. *(Interruptions)*.

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): We are not here to discuss the Chairman's ruling. . . (Interruptions).

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, if you go back to my ruling, I said the same thing that you are saying now. I said that we can discuss this matter in a proper forum where the Government can come forward and express its views and give its opinion. Now, this will not have any useful result since there will be no answer. If you want to make your points, fine. That is what the Members want. It is okay.

SHRIMATI JAYANTHI NATARAJAN: Madam, I also rise to draw the attention through you of the House and of the entire country to a serious Constitutional crisis that has developed in the State of Tamil Nadu. I would like to endorse wholeheartedly what Mr. Baby said. We are all aware of what healthy conventions are. We all endorse that healthy conventions means that people in high Constitutional offices, whether Governor or Chief Minister, should behave in a particular way. We are all also aware of the on-going debate on the Sarkaria Commission Report. But, Madam, today I would like to suggest before this august House that it is wrong to discuss the Sarkaria Commission in the light of this controversy. It is not a good example or a healthy background or a proper environment to discuss Centre State relation;. We are talking of federal structure. We are talking about what the Sarkaria Commission suggested, that the State Government has to be consulted before a Governor is appointed. Madam, article 153 of the Constitution deals with the appointment of Governors. Article 154 says that the President, under his seal and warrant, appoints the Governor. To deny this and to make the Governor into a subject of controversy in a legislature is equally violative of the federal structure of the Constitution, Madam, the legislature is there. They are elected representatives of the people. Just as the

Governor is expected to function in a particular way, the legislature and the Government in the legislature, being representative of the people, enjoying total mandate from any kind of action for whatever is said in the legislature is also expected to behave in a particular way. And that also should not be abused by any Legislature or by any elected Government- Madam, today we have a serious situation because Governor is a part of the Legislature. Mr. Baby pointed out certain instances. I am saying that the federal structure itself will be disturbed if a Governor can be recalled at the instance of the State Government because a Governor is not an individual, if it is not this Governor or that Governor - the Governor is a high constitutional authority. He represents the President. He is the Constitutional head of the State. Therefore, a Governor cannot be recalled this way. Madam, I would also like to remind the House that the Governor also has certain powers under the Constitution. We are requesting for an amendment of the Constitution. A Governor has certain powers under the Constitution. And, under article 163, the Chief Minister and the Council of Ministers hold office at the pleasure of the Governor. The Governor has the power to appoint a Chief Minister. The Governor has the power to appoint the Council of Ministers. The Governor also has the power to remove a Chief Minister. The duty of the Governor, as the Constitutional head of the State, is to report to the President when there is breakdown of the Constitutional machinery in the State so that President's rule can be imposed. So, Madam, if a Governor can be recalled or appointed at the will of a State Government, it will make total nonsense of the provisions of the Constitution; it will make total nonsense of the federal structure of our polity. Madam, I also went through the debates of the Constituent Assembly. Though the matter was discussed that the consent of the State Government should be mandatory, this was summarily rejected by the Constituent Assembly. That was the context in which Panditji made an observation that

the people of high stature should be appointed as Governors. We are talking about the Constitutional amendments in light- terms. We are saying that you should make something mandatory. I ask myself. How can we ask a Chief Ministers and the Government in a State for their consent to appoint the very Governor who appoints them ? This would make total nonsense of the Constitutional provisions. Madam, I just want to add two or three things and I want to add these points in a spirit of responsibility. Madam, here, we have a legislature where the Government and Members enjoy total immunity. Allegations have been made against the Governor. A Resolution has been passed. Madam, that Resolution has no constitutional validity. ... *(Interruptions)*. .

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Madam, I would like to know whether nonsense is parliamentary or an unparliamentary word.

SHRIMATI JAYANTHI NATARAJAN: I was just talking about the provisions.. *(Interruptions)* I withdraw it *(Interruptions)* I said, ' This will make nonsense of the Constitutional provisions. I withdraw the word. I have no problem. ... *(Interruptions)* I am sorry.....

SHRI G. SWAMINATHAN- Now that Mrs. Jayanthi Natarajan is talking about the Legislature, let me also talk about it. She is willing to set a precedent. We will also be benefited this. She has been arguing as a good lawyer... *(Interruptions)*.

THE DEPUTY CHAIRMAN: All right. Let us not argue. ... *(Interruptions)* Order .. *(Interruptions)* ...

SHRI V. NARAYANASAMY (Pondichery) . The word has been used in a proper sense. It has not been misused... *(Interruptions)*.

THE DEPUTY CHAIRMAN: Please sit down. I think I know the English language. If I am asked. I will tell you that it is not unparliamentary. But the sense has to be there. if she likes, she can say, 'no sense which. is better than nonsense.

SHRIMATI JAYANTHI NATARAJAN: Madam, I would say, it is meaningless". I am not using it in a derogatory term. I am talking about the impact of the Constitutional provisions. I have high respect for a legislature or an elected representative. The reason why I was saying that is, if you look at the situation in a background where Members enjoy total immunity from all actions, if the rules are suspended twice so that the Governor's action can be discussed..... then, in what context can we view these very constitutional provisions which I have referred to where a Governor has a solemn responsibility under the Constitution to function as the constitutional head of the State? I referred to it specifically and I say this with responsibility. Here we have a case where the Governor has granted the sanction to prosecute a Chief Minister. Rightly or wrongly, whether it is mala fide or bona fide, he has granted the sanction. ... *(Interruptions)* ...

SHRI MD. SALIM: Madam, I am on a point of order.

SHRI JIBON ROY (West Bengal): Madam, I am on a point of order.-My point is, the matter is pending in the High Court. So, she cannot make any comment on that. The matter is sub-judice. ... *(Interruptions)* ...

SHRI G. SWAMINATHAN: Madam, you ask her to conclude because we have to adjourn the House at 1.00 p.m. and there are many speakers. If you go on giving to her endlessly, then we will not be able to set a chance to speak. We should also be allowed to say something. If the Member takes half-an-hour for making her speech, we will not get an opportunity. You will deny us an opportunity to state our views. There are other Members also. There are seven or eight Members more to speak... . . . *(Interruptions)* ...

SHRIMATI JAYANTHI NATARAJAN: I am sorry, Madam. The fact is that the Governor has granted the sanction to prosecute the Chief Minister. The High Court has upheld the Governor's* action. The High Court has passed

severe strictures against the Chief Minister.

THE DEPUTY CHAIRMAN: Mrs. Natarajan, I must remind you.. *Inter. ruptions*).

SHRIMATI IAYANTHI NATARAJAN: It is in the newspapers, Madani... *(Interruptions)*..

THE DEPUTY CHAIRMAN: Just a minute, please. Mrs. Jayanthi, I must remind you of one thing. Let us lie-fine the parameters. What I reaj in the newspapers is that the High- Court has also said in the judgement that the Press and the people should not make their own observations on what it says. Sc, let us not let this House make observations on a judgement of the Court. Let us confine ourselves to our problem and not to what the Court has said.

SHRIMATI JAYANTHI NATARAJAN: I am talking about my problem. The people of Tamil Nadu are very much worried about this problem. We want to have a provision whereby it becomes possible to prosecute a corrupt Chief Minister, if there is a corrupt Chief Minister in case any Governor at a particular point of time sanctions the prosecution of a corrupt Chief Minister. We want to be in a position where we can prosecute that corrupt Chief Minister to protect probity in public life. Now we have a situation where the * Governor of a State sanctioned the prosecution of a Chief Minister. . • *(Interruptions)* . .

SHRI V. RAIAN CHELLAPPA (Tamil Nadu): Petitions are submitted to the President to sanction the prosecution of the Prime Minister. . *(Inter, ruptions)* . .

SHRI MD. SALIM: The President was sought. .. *(Interruptions)*..

SHRI G. SWAMINATHAN: Madam, a petition was presented to the hon. President seeking permission to prosecute the Prime Minister. A petition was filed earlier seeking the permission of the President to prosecute the then Prime Minister, Shri Rajiv Gandhi. Can

she deny this? I would like to say that she is going to treed on a dangerous ground. Mrs. Natarajan, you are going to treet? on a very dangerous ground. Tomorrow a Congress Chief Minister may be prosecuted. You are going-to-wards a dangerous ground. Please be careful .. *(Interruptions)* . .

SHRIMATI JAYANTHI NATARAJAN: Madam, I would like to know through this Council of States, through you, what remedy is there for the people of a State if they want to .. *(Interruptions)* , .

SHRI V. RAJAN CHELLAPPA: People will tell that. You sit down .. *(Interruptions)*

SHRI MD. SALIM: Madam, what she says lowers the dignity of the House .. *(Interruptions)*..

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu): She is talking about a State and not about a particular State, You dont understand what she nas said. You are all speaking here, shouting here, just to please your Chief Minister. She is not talking about the Cniei Minister of Tamil Nadu. She is only talking about a Chief Minister. Please try to understand. . . . *(Interruptions)* . .

SHRIMATI AURA DAS (Orissa): Madam, the Chairman has permitted us to speak on some point .. *(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: Madam, Mr. Salim says that I am lowering the dignit" of the House. What did I say which lowered the dignity of this House Let him say one senteace which I have said which lowered the dignity of the House. Let him say. Mr. Salim. you tell me. Let him say what lowered the dignity of the House.

SHRI MD. SALIM: At the very beginning, the senior Members of this HOUSE. *Interruption-*). .She should know what should be discussed and what should not be discussed.

SHRIMATI JAYANTHI NATARA-JAN: Madam, this amounts to intimidation.

SHRI MD. SALIM: There are certain parameters. One should discuss within the parameters.

SHRIMATI JAYANTHI NATARA-JAN; You are not the Chairman. ... (Interruptions)...

SHRI DIGVIJAY SINGH (Bihar): She has not said anything which lowers the dignity of the House.

SHRI V. NARAYANASAMY: Madam, we have decided in the Committee that... (Interruptions)....

SHRI MD. SALIM: You have appointed a man, who is involved in the Hawda racket. as Governor ... (Interruptions)

SHRIMATI JAYANTHI NATARA-JAN: Now, he is changing his sand. I would request Mr. Salim to point out as to what sentence I said which lowers the dignity of this House. I challenge his to get up and say that. Let him get up and say. ... (Interruptions).

SHRI MD. SALIM: What do you want me to say? Dou you want to listen what I say? You have appointed a person as Governor who is involved in the Hawa'a racket . . (Interruptions) . . and now you are asking as to what the remedy is. (Interruptions) You are the people who have . . (Interruptions) You are the people. . (Interruptions)

SHRI G. SWAMINATHAN: If somebody says the Prime Minister is corrupt, do you want that we should go to the President? .. (Interruptions) If somebody says that the Prime Minister got one crore, shall we go to the President?... (Interruptions) What will happen to the Constitution? I am not talking about the Chief Minister . .(Interruptions) \ will reply.... (Tnerruptions)

THE DEPUTY CHAIRMAN. Please sit down. You have only 15 minutes. (Interruptions) I have certain names

which are three on my pad. (Interruptions) . The thing is that today we have onl]y these 15 minutes. .. (Interruptions)

SHRIMATI JAYANTHI NATARA-JAN: Mr. Salim, you keep quiet.

THE DEPUTY CHAIRMAN: I will request everybody . . (Interruptions)

SHRI MD. SALT M You shut up. (Interruptions)

SHRIMATI JAYANTHI NATARA-JAN: Why should I shut up? (Interruptions) . You sit down. (Interruptions)

THE DEPUTY CHAIRMAN: All right Mr. Malkani asked me if there is a time-limit for speeches and I said there is a time-limit for speeches, but there is no time-limit for fighting. So, please don't fight. (Interruptions) Please sit down. (Interruptions)

ऐसी ज़िद नहीं करनी चाहिये पहले यह बैठे, वह बैठे, मैं बैठूंगा, लेकिन पहले वह बैठे । ऐसे करेंगे तो हम लोग बच्चे लगेंगे ।

The thing is that Jayanthiji, you will have to . . (Interruptions) No. This is not proper. (Interruptions) I will adjourn the House if the Members are- not going to listen to me. (Interruptions) I will really adjourn the House. (Interruptions. Pletse sit down. (Interruptions)

"SHRI G. SWAMINATHAN: Madam, only the Congress Chief Minister are non-corrupt . • (Interruptions)

THE DEPUTY CHAIRMAN: Please sit down. (Interruptions)

SHRI G. SWAMINATHAN: All the other people are corrupt. .(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Swaminathan, please sit down. (Interruptions) . Please sit down. I am not allowing any mor-discussion on it till every body sits down. (Interruptions)

SHRI K. R. MALIKAM (Delhi): Madam, is there a time-limit on a speech or not?

THE DEPUTY CHAIRMAN: I said there is a time-limit for a speech. (*Interruptions*). But there is no time-limit on fighting, unfortunately. (*Interruptions*). The thing is that we have very little time. Jayanhiji, you have spoken enough.

SHRIMATI JAYANTHI NATARA-JAN: Madam. I have one more point.

THE DEPUTY CHAIRMAN: But you might take ten minutes for one more point. What and to do with the other names? (*Interruptions*). One minute. I am taking up the cause of all the Members. You please keep quiet. Ja- yanthiji, one thing is there that I con-not curtail the right of other Members whose names are written here. You please be courteous to the other Members because they have also a right to speak.

(*Interruptions*).

SHRIMATI JAYANTHI NATARA-JAN: Madam, I seek your protection. Before continuing, I want your attention. Madam. I want to raise one point. With great respect, you are sitting in the Chair. You are the authority to control us in your capacity as (*Interruptions*) No. I have a genuine problem. Now, Mr. Malkani has very rightly raised the question of time. I agree that the other Members have a right to speak and they have to speak in the House. Now, I am raising a problem in front of the whole House. The AIADMK Members were objecting and you were stopping them, whatever it is. Mr. Salim gets up and says that I have done something lowering the dignity of the House. When challenged, he did not answer. Then, he says that I have appointed the Tripura Governor. Now, how do I control my speech when this kind of interruptions are made and allegations are made which he doesn't substantiate. (*Interruptions*)

Madam, with the intimidation tactics of the Opposition to prevent us from speaking how do you expect me to finish?

SHRI S. JAIPAL REDDY (Andhra Pradesh) You make your Point .. (*Interruptions*).....

THE DEPUTY CHAIRMAN: Please don't get provoked. That is why on Mr. Malkani's query. . . (*Interruptions*) • whole trouble is that Members speak without getting up. .. (*Interruptions*)...

Please keep quiet.

श्रीमती श्रीमती शशि : मैडम, स्पेशल मेंशन का क्या होगा? होगा, या नहीं होगा?

उपसभापति : आज तो नहीं होगा ।

SHRIMATI JAYANTHI NATARA-JAN: Madam, only have .. (*Interruptions*). ...

श्री राज बब्बर (उत्तर प्रदेश) : बहुत जरूरी है कि मानीया सदस्य इस हाउस को बिलेज करना बन्द कर दें । क्योंकि इनके बिलेज से बड़े-बड़े प्रोवोक हो जाते हैं । मेरी गुजारिश है कि बिलेज करना बन्द कर दें, क्योंकि यहाँ पर हम लोग सीखने आये हैं और बड़े सभ्य लोग हैं । लेकिन यहाँ पर असभ्य अनाने के लिये क्रांशिश की जा रही है । इनमे कहा जाय कि बिलेज न करे, असभ्य न बनाये । क्यों कि बाकी लोगों का भी शोर करना आता है जितना यह लोग शोर करते हैं ।
... (व्यवधान)

उपसभापति : बैठिये, आउट। . . . (व्यवधान) बैठ जाइये । . . . (व्यवधान)

Let us finish in one minute. Please. . .

SHRIMATI JAYANTHI NATARA-JAN: Madam, my Hindi is not very good. He is calling me uncivilised.

THE DEPUTY CHAIRMAN: No, no (*Interruption**).

SHRI S. JAIPAL REDDY: You proceed on your point. (*Interruptions*) . . Madam, you direct the Member to speak, (*Interruptions*)

THE DEPUTY CHAIRMAN: Can you also keep quiet?

SHRIMATI JAYANTHI NATARA-JAN: Madam, my point is very simple. We are talking about a resolution which may be passed by a legislature in the background of sanctions.... Madam we are talking about a resolution (*Interruptions*).

THE DEPUTY CHAIRMAN: Let her finish. I don't know what to do... (*Interruptions*).

SHRIMATI JAYANTHI NATARA-JAN: Madam, we are talking about a resolution passed by a legislature for recall in the background of a Governor having given sanctions to prosecute a Chief Minister. Then what mechanism do the people of the State have to prosecute a corrupt Chief Minister? They are trying to remove the very mechanism. .. (*Interruptions*).. What is this Mr. Malkani? You have expressed your views and let me state my views. . (*Interruptions*).

THE DEPUTY CHAIRMAN: Mrs. Natarajan, please don't repeat. You have said this point before. Please don't repeat otherwise, I will have to curtail your speech. It can't go on like this.

SHRIMATI JAYANTHI NATARAJAN: No. Madam. . . (*Interruption*).

THE DEPUTY CHAIRMAN: Nobody is interrupting you. You don't go on repeating it. Until and unless somebody is proved corrupt, you can't call somebody cannot. You can't. . . (*Interruptions*) ...

SHRIMATI JAYANTHI NATARAJAN: Madam, this is on record that I have said a corrupt Chief Minister..... (*Interruptions*).. Madam, I have not finished. I want a little more time

SHRI G. SWAMINATHAN: Madam. (*Interruptions*). ..

THE DEPUTY CHAIRMAN: Let her finish. I will give you some time Let her finish. .. (*Interruptions*)..

SHRI SATISH AGARWAK (Rajasthan): You can say "alleged charges of corruption", but you can't say about the Chief Minister of Tamil Nadu. She is the Chief Minister of Tama Nadu.

SHRIMATI JAYANTHI NATARAJAN: Who said? I didn't talk about her. I said a corrupt Chief Minister ... (*Interruptions*) .. Madam one minute only. (*Interruptions*). ..

THE DEPUTY CHAIRMAN: One minute, Please sit down ..(*Interruptions*)

SHRI S.K'T. RAMACHANDRAN: She is talking in general. . .(*Interruptions*) ..

THE DEPUTY CHAIRMAN: Now, he is interrupting you from your own party. I am not giving you any more time. I am not allowing you any more time... (*Interruptions*)'.

SHRI SATYA PRAKASH.; MALAVI-YA (Uttar Pradesh): That too from Tamil Nadu. ..(*Interruptions*)..

SHRIMATI JAYANTHI NATARAJAN: ..the relation between the Governor and a Legislature. Madam, a legislature can't be used by anybody as a place where not only a Governor is attached, but the Supreme Court is also attached the Press is attached all kinds of judicial bodies are attached. Madam, if this kind of complete immunity a legislature enjoys, then the entire people of the State will have no protection. The legislature should not be misused by anybody to attack. The legislature is the *sanctum sanctorum* of democracy in a State.

THE DEPUTY CHAIRMAN: We cannot discuss that issue .. (*Interruptions*).

SHRIMATI JAYANTHI NATARA-JAN: What am I saying? (*Interruptions*) I am 'slicing about the Constitution (*Interruptions*).. They attack the judiciary they attack the Supreme Court (*Interruptions*). . Madam they attacked the Supreme Court, 'The Hindu' newspaper is attacked (*Interruptions*) Madam, by

using the floor of the Legislature, they attacked the Supreme Court, they attacked The Hindu' newspaper, they attacked the Press which is against them, they attacked the IAS officers, they attacked everybody. .. (Interruptions).

THE DEPUTY CHAIRMAN: Okay. Now, .. (Interruptions).. Just a minute [Interruptions]. , .

SHRIMATI JAYANTHI NATARA-JAN: They are misusing all the powers under the Constitution. . . (Interruptions).. This is a mockery of any federal provision. This is misuse of all the powers of the Legislature (Interruptions).

THE DEPUTY CHAIRMAN: Shri Swamniathan. .. (Interruptions) ...

SHRIMATI JAYANTHI NATARA-JAN: Madam, the Speaker said that .. (Interruptions)... The Speaker of the Assembly said that. . (Interruptions).. ... When the Speaker was in the Chair. .. (Interruptions). ...

THE DEPUTY CHAIRMAN: Now, Mrs. Natarajan, the time is over. Boliye Swaminathanji. .. (Interruptions). ..

SHRIMATI IAYANTHI NATARA-JAN: Madam, can you imagins a situation. . . . (Interruptions)....

THE DEPUTY CHAIRMAN: I have got to prote:t the rights of all the Mem bers. Boliye (Interruptions). . I am sorry . (Interruptions).. Just a minute. (In terruptions).. One Minute. Mrs. Jayan- thi Natarajan, let us understand out parameters also.. If, today, I have allowed you, for whatever reasons, to discuss the State Assembly, ... (Interruptions).. Please, one minute. . "Whether it is right or rong, I am not sitting in a seat of judgement here No. (Inierruptpm)..

SHRI S. JAIPAL REDDY: Expunge it, Madam,.. (Interruptions).. .

THE DEPUTY CHAIRMAN: Mr. Jai-pal Reddy, just a minute. I am on my feet. Please sit down. I am trying to tell you the seriousness of the situation of what has happened in any Assembly

in our country. This is a federal structure There are other Assemblies also, not only in Tamil Nadu. This country has got many State Legislatures. Today you are concerned with your Assembly. There are other Assemblies also. just a second, please. My concern is to keep the dignity of this House. We have never discussed the conduct of any Assembly in this House and more so that of a Speaker. I will never permit the conduct of the Speaker of a State Assembly or any other Assembly to be discussed here. Please rest assured. That is why we should know our parameters We should not make such a precedent in this House which will become difficult for us in future. Please, for whatever reasons you might be aggrieved, still, we should keep our senses..

SHRI S. JAIPAL REDDY: Under control!

THE DEPUTY CHAIRMAN: Under control.

SHRIMATI JAYANTHI NATARAJAN: I have only said that there would be turmoil. I have never said anything else. (Interruptions)...

THE DEPUTY CHAIRMAN: You cannot even mention "Speaker'. We cannot mention 'Speaker' because he is not in this House. He cannot defend himself. Whatever he has said, it is his jurisdiction. I will not permit it. I have seen you presiding over here for many years. Whether anybody likes or dislikes it, the dignity of the Rajya Sabha has to be maintained by all of you. We have to be careful, on whatever ground we are. It is a difficult situation. Please help maintain the dignity of this House.

SHRI G. SWAMINATHAN (Tamil Nadu); Madam, the matter I would like to raise is • • (Interruptions)... Madam, the matter I am raising is not of a particular State. This is the matter pertaining to the whole country because two main issues are involved.

THE DEPUTY CHAIRMAN: Be careful. I will apply whatever I have told earlier to you too. .. (Interruptions)...

SHRI G. SWAMINATHAN: I will be very careful. I will be within the parameters. If you think that I am exceeding the parameters, you tell me. One point that has been raised by Mrs. Jayanthi Natarajan was how control a Chief Minister or any Chief Minister if he is a corrupt Chief Minister and the only point she said was that the sanction has to be granted so that the Chief Minister can be prosecuted and the sanctioning authority will be the Governor of the State. This is the argument. Madam, the sanction of the prosecution against the Chief Minister is being given in the Code of Criminal Procedure under section 197.

That is under which the Governor the discretion because a Chief Minister has already been defined as a Government servant, a public servant. The Prime Minister is also a public servant. On that basis the Chief Minister can be prosecuted under the discretion of the Governor. The Prime Minister can be prosecuted by the President. Then, the Governor is being appointed by the President. The point is how the whole matter is being raised in the Tamil Nadu Assembly. Madam, the point is (Interruptions) ... I am not at all referring to any proceedings of the Assembly. ..(Interruptions). ... No, no please allow me to speak. I am talking about the Assembly, Madam.

THE DEPUTY CHAIRMAN: Mr. Swaminathan, one thing, first you don't look at that side. You are not addressing them. You are addressing the House.

SHRI G. SWAMINATHAN: The point is, today the Governor may give sanction to prosecute an Opposition-party thief Minister. Tomorrow after elections, may be another Chief Minister belonging to the Congress Party may be prosecuted by the Governor. Madam, this prosecution is a very dangerous proceeding because this is a kind of (Interruptions) . . . Any Chief Minister of any party can be prosecuted. Any Chief Minister of any party can be prosecuted. A Governor can belong to that ruling

party. Tomorrow there may be a Governor another ruling party may also be there. Madam, the problem is if you are going to give this kind of authority to sanction prosecution, then the incumbent Chief Minister may be prosecuted. Madam, not only the incumbent Chief Minister if we oppose the President, the President also can sanction prosecution of the Prime Minister. Under the same section as I have already read, our former President, Shri R. Venkataraman he has written in his biography—he was approached for prosecution of the then Prime Minister in the Bofors case. He did not know what to do. This is the position. Tomorrow AIADMK Party MLAs can join together and, with all respect to the Prime Minister I can say . (Interruptions). Tomorrow Mr. Harshad Mehta . . . (Interruptions)... We can also go to the President saying that we want prosecution of the Prime Minister. Madam, this will be a very bad precedent. The point that I would like to make is. ..(Interruptions)....

THE DEPUTY CHAIRMAN: Mr. Swaminathan, what did you say? I can't hear when everybody gets up. How is Mr. Harshad Mehta connected with Tamil Nadu. Has he got any property there? No, no; do not talk about those things. It has got nothing to do with those things. Relevant things you talk.

SHRI G. SWAMINATHAN: Allright, Madam. The point that I would like to make is, how can an Assembly discuss about the Governor? Madam, there is a provision under the Constitution that a President in office can be impeached by the Parliament when he does something wrong. So also a Judge can be impeached by the Parliament. There is only one Constitutional functionary who cannot be taken to task either by the Legislature or anywhere. The Sarkaria Commission also discussed this matter whether impeachment of the Governor for his omissions and commissions can also be taken up by the Assembly. That was also taken up. The Assembly is

the place wherein the matter has to be discussed, otherwise, he is not under the control of anybody, he is directly under the control of the President. As President is the appointing authority, there is no parameter under which he is to be appointed. Madam. file Sarkaria Commission went into all these matters. It is nearly five years since the Sarkaria Commission's Report has been given to the Government and various discussions have also taken place in various places. Vet, Madam, an Ac-tion-Taken-Report on the Sarkaria Commission has not yet been given-*Madam, the Sarkaria Commission has discussed many important matters, including the Governor, and I would request the Central Government to see to it that an Action-Takn-Report should be given as early as possible, especially on the appointment of Governors. On the appointment of Governors, my hon. friend, Mr. Baby, has already stated. The parameters for (Interruptions).*

SYED SIBTEY RAZI: We have to adjourn, Madam. We have to go for *Namaj*. We have a tradition in this House.

श्री जनशंकर मिश्र : इनको नमाज पढ़ने जाना है (अवधान)

SHRI G. SWAMINATHAN: Madam, you said you would give me some time. *(Interruptions).*

SHRI V. NARAYANASAMY: Madam, I have also been permitted by the Chairman *(Interruptions).*

SHRI G SWAMINATHAN: The Sarkaria Commission has already given certain parameters. *(Interruptions).*

SHRI S.K.T. RAMACHANDSAN: I cannot be cowed down by these people. *(Interruptions).*

SHRI DIGVIJAY SINGH: What has happened to him?

SHRI S.K.J. RAMACHANDRN: I am the disciple of Kamaraj. I cannot be cowed down. *(Interruptions)* Had Kamaraj been there, the State would not have come to such a position. It is sad to see what is happening in Tamil Nadu today. *(Interruptions)-*

SHRI G. SWAMINATHAN: Madam, there are some parameters in regard to the appointment of Governors. *(Interruptions)* Governors cannot be appointed just like that. You cannot suddenly appoint Govenors. The State Governments have to be consulted before appointing the Governors. *Sometimes, it so happens that iati-mation is given to the Chief Minister. The Chief Minister is not consulted. There is a lot of difference between 'intimation' and 'consultation'*

The Sarkaria Commission has laid down certain norms under which a Governor has to be appointed. The Commission has said that the Governor should be a person who has been eminent in some field of activity. He should be a person who does not belong to the State. He should be a person who is not too intimately connected with the politics of the State to which he is appointed- He should be a person who has not taken any active part in politics, in general, and in the recent past, in particular-

These are certain norms Madam, which have been laid down. The Sarkaria Commission has said that these are the norms on the basis of which a Governor has to be appointed. The Sarkaria Commission has also said that sixty per cent of the Governors were politicians, disgruntled politicians, politicians belonging to the ruling party.

The Sarkaria Commission has also said that a person belonging to the ruling party at the Centre should not be appointed as a Governor. Otherwise, what happens is that, if he had been a member of the ruling

party,-if he had been a senior politician, if he had been an active politician, he may like to the line of the party at the Centre. Even after becoming Governor, he may act in the same manner as earlier because he may like to get another term, 01, he may like to be given some other assignment after his terms ends. That is why the Sarkaria Commission has said that once a person is appointed as a Governor, he should not be reappointed. As I said earlier, he should be a person who does not belong to the party ruling at the Centre. These are the main guidelines given by the Commission. They have also said...

THE DEPUTY CHAIRMAN: Who has said these things?

SHRI G. SWAMINATHAN: The Sarkaria Commission, Madam.

THE DEPUTY CHAIRMAN: thought it was Pandit Nehru,

SHRI G. SWAMINATHAN: Madam, the Sarkaria Commission has also said that there should be a National Advisory Panel which could consist of the Prime Minister, the Presiding Officers of both the Houses and Leaders of the Opposition. This panel could suggest names to the President For example, in the case of the Election Commission also, we have been talking about such a panel, similarly, a panel can be formed in regard to the appointment of Governors.

What we see now is that Governors are being appointed without consulting the Chief Ministers. They are just thrust upon the State. After them come to the State, sometimes, when they do not agree, they behave in a peremptory manner. Sometimes, they do not establish a proper rapport with the Chief Minister and they behave in an arrogant manner with the Chief Minister. As a result of this, no proper rapport, no proper relationship, is established between

the Governor and the Chief Minister.

These are all matters which the Government of India has to go into. This is creating a lot of tension. In this context, the Tamil Nadu Assembly adopted the Resolution. We have said two things. One is that the Governor should be appointed in consultation with the State Government. Secondly, there should be a panel which should make recommendations in this regard.

Another thing I would like to say here is that this kind of sanction for prosecution against a Chief Minister of any party would create a bad precedent. This is the first occasion where sanction has been given.

THE DEPUTY CHAIRMAN: Second occasion

SHRI G. SWAMINATHAN: No, Madam. You are referring to the Antulay case. It was different. There, the sanction was given after he quite the office of the Chief Minister. He went to the court. The lower court allowed it and the other court also allowed it. But this is the first occasion in the history of the Indian Constitution where sanction has been given for prosecution of an incumbent Chief Minister. Earlier, in the case of Mr. Kairon, a Commission was appointed by the Central Government.

Madam, in the end, I would say that This would set a bad precedent. Therefore, I would request that the opinion expressed by the Tamil Nadu Assembly should be taken into account.

SHRI S. JAIPAL REDDY: Madam, kindly permit me to speak on this.

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, permission was given by the Chairman in respect of these names. I will read out the names:

Shri Tindivanam G. Venkatraman, Shri V. Narayanasamy, Shri Sana. tan Bisi Shri Satya Prakash Malaviya and Shri Chaturanan Mishra. Your name should come. And then Mr. Malkani has sent his name.

SHRI S. JAIPAL REDDY: Madam, I have also sent my name.

THE DEPUTY CHAIRMAN: I have read out your name. Mr. Jaipal Reddy, these names were cleared by the Chairman and these names came to me. Now we have to adjourn the House for lunch because today is Friday... (*Interruptions*) At 2.30 we will take up the discussion on the Motion of Thanks on the President's Address because yesterday the House agreed to discuss that and we are going to have Private Members' business on Tuesday.

श्री संजय प्रिय गौतम : स्पेशल मेंशंस का क्या होगा ?

उप-भाषित : स्पेशल मेंशंस कल तो नहीं हो सकते । कल छुट्टी है । कल घर पर कर लियेगा ।

श्री त्रिलोकी नाथ चतुर्वेदी : (उत्तर प्रदेश) : यह अच्छा सुझाव दिया है आपने । हम बर्क करना चाहिये ।

THE DEPUTY CHAIRMAN: The House is adjourned till 2.30 for lunch.

The House then adjourned for lunch at eleven minutes past one of the clock.

The House reassembled after lunch at thirtyfour minutes past two of the clock, The Vice-Chairman (Miss Saroj Khap-arde) in the Chair.

RE. SITUATION IN TAMIL NADU— *Contd.*

THE VICE-CHAIRMAN (MISS SAROJ KHAPAROE): Now, we continue with the Zero Horn submissions. Shri Tindivanam G, Venkatraman.

SHRI TINDIVANAM G. VENKATRAMAN: Madam Vice-Chairman, I want to express my views over the Constitutional crisis between the Head of the State and the Chief Minister that has arisen in Tamil Nadu.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Venkatraman, kindly keep one thing in mind. I would not give anybody more than three minutes. So you should conclude, whatever you want to say, within three minutes.

SHRI TINDIVANAM G. VENKATRAMAN: Yes, I shall. The Constitutional crisis has arisen because a sanation has been accorded by the Governor. I wish to place on record that our party's stand in prinstple is that the post of Governor is not necessary at all. But, when *the* post of Governor is continuing, respe;t to that post must be given. That is our principle and that is also the view of the D.M.K. Party. In a federal setup, the Governor's post is not at all necessary. In the world also we see that there are some federal set-ups where there is no Government at all. Germany is one such federal set-up.

When the D.M.K. Party was in? power, we had enacted a legislation cared, the Public Men Inquiry Act, under which corruption charges against public Men were to be looked into. Unfortunately, when the A.I.A.D.M.K. Party came to power, that Act was repealed.

Now, what is happening in Tamil Nadu? For the past two years there has been a simmering cold war going on between the Governor and the Chief Minister. Nobody is able to know what the misunderstanding is but the fact remains that the Chief Minister did not visit the Governor for the past two years. On he other hand, the papers have reported that the Chief Minister has instructed specifically all the top officials, including the Secretary to the Governor, I.G. and so forth, not to