अ ण में ...ा हुआ है, औरतें हमेशा सफ्फर करती रही हैं ।

It is the women who have borne the brunt of it. . . *(Interruptions)* .. .

SHRI SUBRAMAN'IAN SWAMY: There are women who trouble men... *(Interruptions)*...

SHRIMATI KAMLA SINHA; To you may be. But not to everybody. -

तो मैं इसलिए कहना चाहती हूं कि जो घटना हमारे देश में अभी घटी है, बाबरी मस्जिद की, यह केवल धर्म की बात नहीं है, बाबरी मस्जिद को बी०जे०पी०, आर० एस०एस० वाले और आर०एस०एस० के सारे जो एसोसिएट कम्पनी वाले हैं, उन्होंने केवल राजनीतिक मसले को ही इस्तेमाल किया है ।

It is the stepping stone to Delhi *gaddi.*

यह बात साफ हो जानी चाहिए । किसी के दिमाग में अगर कोई धुंधलापन हो तो यह बात साफ हो जानी चाहिए कि राजनीतिक दृष्टिकोण से यह काम कर रहे हैं । राम जी के लिए कोई प्रेम नहीं है इनको । बात सही है, मर्यादा पुरुषोत्तम राम के लिए इन्होंने कोई ऐसा काम नहीं किया है, यह दिल्ली की गददी हासिल करने के लिए किया है । लेकिन इस काम को करने के साथ-साथ मुझे तो आश्चर्य हो रहा था सुषमा जी जब बोल रही थीं, बोलने के साथ-साथ अगर दो बूंद आंसू गिराए होते उन्होंने, औरतें–हिन्दू-मुसलमान औरतें, छोटे-छोटे बच्चे, जिनके ऊपर अत्याचार हुए, जिस तरह से उनके ऊपर रेप हुए, उसके बारे में अगर कोई चर्चा की होती, कहा होता कि मैं औरत हूं और मैं इसके लिए शर्मिंदा हूं, तो मुझे खुशी होती। लेकिन यह उन्होंने नहीं कहा, उन्होंने अटल जी की तारीफ की, आडवाणी जी की तारीफ की, कल्याण सिंह जी का दलील लिया, लेकिन औरतों के बारे में एक शब्द नहीं कहा । तो जब कभी भी समाज में इस तरह के गदर होते हैं, मैंने कहा, औरतें सबसे ज्यादा सफ्फर करती हैं । दूसरा जो तबका सबसे ज्यादा सफ्फर करता है वह है मेहनतकश लोग, जिनको रोज-रोज मेहनत करके रोटी कमाना पड़ता है । वह दिल्ली में हो या दिल्ली के बाहर हो, कहीं भी हो, आप जाएं तो आप देखेंगे इस बात को कि लोग घरों से बाहर नहीं जा सकते, कर्फ्यू लगा हुआ है । बाहर नहीं जा सकते, कुछ खरीद नहीं सकते, चूल्हा चौका बंद है घर में, तो यह हालत होती है । इसलिए हमें चाहिए, सरकार को सख्ती से निपटना होगा इन हालात से । अगर सरकार सचमुच में चाहती है अपने कलंक को धो देना तो सरकार को बहुत सख्ती से आर०एस०एस० का असली चेहरा पहचानकर सख्ती से निपटना होगा, अगर दिल में कोई दुख-मुख हो तो गददी छोड़ देनी चाहिए । मुझे इतना ही कहना था ।

THE DEPUTY CHAIRMAN: The Home Minister has to speak now. Now I have another problem because Dr. Jain and some other Members have moved a resolution opposing the proclamation and he would like *to* speak when it is moved. Mr. Minister, you haven't yet moved the resolution.

SHRI SANGH PRIYA GAUTAM: Madam, 1 am on a point of order you have allowed four Members from the Janata Dal and only two from the BJP while ours is the highest number.

उपसभापति : आप तो बिना बुलाए ही बोल देते हैं बीच में । आप सहनशक्ति से बैठे होते तो मैं आपको जरूर बुलवा देती ।

I. STATUTORY RESOLUTIONS SEEKING APPROVAL OF THE PROCLAMATIONS UNDER AR TICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATES OF UTTAR PRADESH MADHYA PRADESH, RAJASTHAN AND HIMACHAL PRA DESH

II. MOTIONS SEEKING REVOCATION OF THE PROCLAMATIONS UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATES OF UTTAR PRADESH, MADHYA PRADESH, RAJASTHAN AND HIMACHAL PRADESH)

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I beg to move:

"That this House approves the Proclamation issued by the President, on the 6th December, 1992, under article 356 of th, Constitution, in relations to the State of Uttar Pradesh."

"That this House approves the Proclamation issued by the. President on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Madhya Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Rajashan."

(Interruptions).... 5.00

P.M-

SHRI SHANKAR DAYAL SINGH: (Bihar): I am on a point of order, a valid point of order.

मैं इसी पर कहना चाहता हूं । राजस्थान के बारे में मैं केवल यह कहना चाहता हूं कि जो कागज इन लोगों को मिला है उसमें राजस्थान के गवर्नर ने प्रधान मंत्री को पत्र भेजा है । आर्टिकल 356 यह कहता है कि कोई भी गवर्नर राष्ट्रपति को रिपोर्ट भेजेगा, प्रधान मंत्री को नहीं । फिर भी हमारे कागज में जो भी है... (व्यवधान)

उपसभापति : आपका कागज कौन सा है यह ?

श्री शंकर दयाल सिंह : : चेन्ना रेड्डी साहब ने जो अपनी रिपोर्ट भेजी है । He has sent that report to the Prime Minister.

THE DEPUTY CHAIRMAN: How did you get that report? (Interrup. *tions)*

SHRI V. GOPALSAMY (Tamil Nadu): He has got his own intelli gence agencies. »

THE DEPUTY CHAIRMAN: Has it been circulated?

श्री शंकर दयाल सिंह : हां सर्कुलेशन में मिला है ।

उपसभापति : आपका जो पोइंट है, वह बताएंगे ।

SHRI S. B. CHAVAN: Madam, I would like to clarify the position. Actually, what was sent to the Prime Minister, a copy of it has also been sent to the President and the President himself approved the proclamation. So that answers his point... *(Interruptions)* ...

श्री शंकर दयाल सिंह : चव्हाण साहब, मैं विरोध में नहीं हूं इसके । मेरा केवल संवैधानिक और जिस तरह के कागजात सदन में पेश किए जाते हैं, उनके बारे में पोइंट आफ आर्डर है । यहां जो चार राज्यों के बारे में है, जो भी दूसरी रिपोर्टें गवर्नरों की हैं वह राष्ट्रपति जी को सम्बोधित की गई हैं और राष्ट्रपति जी को सम्बोधन करके उसकी कापी प्राइम मिनिस्टर को और होम मिनिस्टर को भेजी गई हैं ।

This is perhaps a unique thing for me and I think for this 'House also. There are some experts and they can say. But I have got these two papers only, one in Hindi and another in English. The original letter written by the Governor of Rajasthan is in English. This letter, he has written to the Prime Minister and not to the President. This is my point of order.

SHRI S. B. CHAVAN: What the hon. Member is saying is correct that it was addressed to the Prime Minister and the copy of which was sent thereafter... *(Interruptions).*

SHRI SHANKAR DAYAL SINGH: No, please hear me. Madam, article 356 of the Constitution, which relates to the provisions in case of failure of constitutional machinery in States says, "If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on dn accordance with the provisions of the Constitution..."

एक्स्ट्रा आर्डिनरी गजट में जो कुछ भी आया है वह प्रेजीडेंट की ओर से, लेकिन यह जो लेटर्स हैं, उन्हें देखकर मुझे खुद आश्चर्य हो रहा है कि कापी भी इसमें नहीं लगी है । इस सम्बन्ध में मैं स्पष्टीकरण जानना चाहता हूं ?

SHRI SB. CHAVAN: Madam, the point which the hon. Member has raised, article 356, if the hon. Member would go through it, I am sure that he will himself be satisfied that the President after receiving the report has to be satisfied about the conditions prevailing. The Constitution is silent on this point as to whether it should be addressed to this person or that person. It is a question of getting satisfied. If the President... (*Interruptions)*

SHRI V. GOPALSAMY: What has been the practice of the House so far?

SHRI S. B. CHAVAN: I quite understand. See the fact ... (Interup-tions)

SHRI MENTAY PADMANABHAM (Andhra Pradesh): That means the practice is...

THE DEPUTY CHAIRMAN: Just a minute. What is the practice of this House? When the Leader of the House is on his legs, the practice is that we should hear him.

SHRI SIKANDER BAKHT (Madhya Pradesh): The point of order has to be settled... *(Interruptions)*

SHRI MENTAY PADMANABHAM: We are only assisting the Leader of the House. Under the Constitution if the Cabinet is satisfied, the President is deemed to have been satisfied.

THE DEPUTY CHAIRMAN: Let him answer. Let him finish his sentence. He is trying to explain to you. The point of order was raised in the Housr. I cannot give any direction ivntil and unless I get the information from the. person concerned, the Government.

SHRI G. SWAMINATHAN (Tamil Nadu): Madam, I stand on a point of order. "The President, on receiving the information" means, a letter should have been addressed to the President. Otherwise, there will be no receipt. Suppose somebody sends a letter to somebody and marks a copy to me; it does not become a receipt. "Receipt" means, a letter sent direct to the President. That will be the meaning under the Constitution. Suppose somebody writes a letter to somebody and sends a copy of it, the copy is received but the letter is not reieived... *(Interruptions)* ... The point always is that a letter has to be sent t_0 the person concerned. Who is the person concerned? The person concerned is the President. And then a letter has to be addressed to him... *(Interruptions)* .. .*Suppose* a person not concerned with him sends it to the Prime Minister... (Interruptions) ... The President, post is higher than that of the Prime Minister. I think this is not open to many interpretations. .. *(Interruptions)*...

THE DEPUTY CHAIRMAN: On your submission, let the Home Minister say something ... (Interruptions) .

SHRI S. B. CHAVAN: I have made the provision absolutely clear. If we go through Article 356, it merely states that after receiving the infor mation, the President has to be satis fied about the conditions prevailing and it is the Council of Ministers who have to be satisfied and they have to recommend to the President that the kind of action which is con templated under Arcicle 356 needs to be- taken. It is on that basis the President has to decide as to whether it satisfies all the conditions and whether an Ordinance should be promulgated under Article 356. That lis the only explanation.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : उपसभापति जी, मेरा व्यवस्था का प्रश्न है... (व्यवधान)

उपसभापति : : उनका भी था, उनका व्यवस्था का प्रश्न था, माथुर साहब बोलिए... (व्यवधान)

श्री सत्य प्रकाश मालवीय : जिस कारण से बहस हो रही है उस पर शंकर दयाल जी ने कहा कि सारे मेंबर्स को, पार्लियामेंट के मेंबर्स को डाक में गया... (व्यवधान)

उपसभापति: नहीं डाक में नहीं आया है... (व्यवधान)

श्री शंकर दयाल सिंह : पब्लिकेशन काउंटर पर जो हम लोगों को पेपर्स मिलते हैं उसमें हमको मिला ।

उपसभापति : डाक में नहीं गया है। पब्लिकेशन काउंटर पर जहां आंसर वगैरह रखे रहते हैं वहां कह रहे हैं मिला है क्योंकि मुझे नहीं मिला है इसलिए मुझे मालूम नहीं है ।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : मैडम, गृह मंत्री जी ने जो जवाब दिया है उससे स्थिति और उलझ गई है । उनका कहना है कि पत्र प्रधानमंत्री को लिखा गया और उन्होंने स्वीकार किया कि उन्होंने कॉपी राष्ट्रपति को दे दी । यदि ये न कहा जाता और केवल ये होता कि राष्ट्रपति स्वयंमेव संतुष्ट हैं तो ये बात शायद कानून की दृष्टि से उचित होती। जब गृह मंत्री यह स्वीकार कर रहे हैं कि पत्र प्रधानमंत्री को लिखा गया और उस पत्र की कॉपी राष्ट्रपति को भेजी गई, इसका मतलब यह है कि राष्ट्रपति ने जो निर्णय लिया वह गृह मंत्री के कहने पर लिया । उन्होंने अपना डिस्क्रैशन इस्तेमाल नहीं किया । जो गृह मंत्री को पत्र गया है वह प्रापर्टी है कैबिनेट की । तो कैबिनेट ने इंफरेंस किया है ।*

यदि उन्होंने स्वयं अपना डिस्क्रैशन इस्तेमाल किया होता तो हमें अहसास न होता लेकिन उनका यह कहना कि प्रधान मंत्री के नाम लिखा हुआ पत्र राष्ट्रपति को गया तो यह उल्टा है । राष्ट्रपति को स्वयं अपना डिस्क्रैशन इस्तेमाल करना चाहिए था... (व्यवधान) डिस्क्रैशन इस्तेमाल नहीं हुआ । तो मैं सदन से कह रहा हूं कि उस प्रोक्लेमेशन को रद्द किया जाए, और पुनः दूसरा प्रोक्लेमेशन लाया जाए ।

SYED SIBTEY RAZI (Uttai Pradesh): I am on a point of order... *(Interruptions)* ...

श्री सुरेश पचौरी (मध्य प्रदेश) : मैडम, माननीय सदस्य ने यह कहा है कि*

यह अत्यंत आपत्तिजनक है और इसे रिकार्ड से निकालना चाहिए और माननीय सदस्य को इसके लिए क्षमा याचना करनी चाहिए । महामहिम राष्ट्रपति के लिए इस प्रकार के शब्दों को प्रयुक्त नहीं किया जा सकता... (व्यवधान)

THE DEPUTY CHAIRMAN: On minute... *(Interruptions)* ...I hav heard it. Mathur Saheb, just minute please... *(Interruptions)* ...

मिस्टर जे० पी० माथुर, यहां कुछ मेंबर्स को ये आपत्ति है कि आपने शायद ये शब्द कहे कि *

मैं इसको निकलवा रही हूं... (व्यवधान)

*Expunged as ordered by the Chai

SHRI MENTAY PADMANABHAM: The Law Minister is here. He can explain the legal position. Otherwise, you can give uling.

श्री रामनरेश यादव (उत्तर प्रदेश) महोदया, इन्होंने राष्ट्रपति जी का अपमान किया है... (व्यवधान)

*श्री सिकन्दर बख्त: सर, साहिबा, मैंने कोशिश की है मालूम करने की । अगर शब्द का प्रयोग राष्ट्रपति के संबंध में हुआ है तो मैं उसको वापस लेता हूं।... (व्यवधान)

†نیتا وردھی دل شری سکندر بخت: صدر صاحبہ، میں نے کوشش کی ہے معلوم کرنے کی۔ اگر "بدھی" شبد کا پریوگ راشٹرپتی کے سنبندھ میں ہوا ہے۔ تو میں اس کو واپس لیتا ہوں ..."مداخلت"...

उपसभापति : सिकंदर बख्त साहब ने कहा कि अगर यह शब्द आया है तो वापस लेता हूं... (व्यवधान) एक मिनट, एक मिनट... (व्यवधान)

श्री जगदीश प्रसाद माथुर : मैंने कहा है कि उनके डिस्क्रीशन को इस्तेमाल नहीं हुआ सरकार ने उसको इंडोर्स किया है। जब कि वह सरकार से पूछते, उनको डिस्क्रीशन इस्तेमाल करने का मौका नहीं दिया । सरकार ने उनको मिसलीड किया है... (व्यवधान)

श्री शंकर दयाल सिंह : मैडम, मैं केवल इतना ही कहना चाहता हूं कि राष्ट्रपति के नाम से मध्य प्रदेश के गवर्नर का लैटर है जिसकी कापी उन्होंने प्राइम मिनिस्टर को, होम मिनिस्टर को भेजी है। हिमाचल प्रदेश के गवर्नर ने राष्ट्रपति को जो लैटर भेजा है उसकी कापी उन्होंने प्राइम मिनिस्टर को और होम मिनिस्टर को भेजी है । लेकिन जो राजस्थान के गवर्नर का लैटर है वह केवल प्राइम मिनिस्टर को भेजा गया है । कहीं भी उसमें इंडिकेशन नहीं है कि उसकी कापी राष्ट्रपति जी को और होम मिनिस्टर को भेजी गई है । सरकार की ओर से उस पर जवाब आना चाहिए । यह गंभीर मामला है । यह सदन की अवमानना का मामला है ... (व्यवधान)

SHRI S. B. CHAVAN: Madam, if in what the lion. Member has raised there is some constitutional and le ? validity, this is not the House which takes a decision in the matter.

SHRI YASHWANT SINHA (Bihar): Why?

SHRI S. B. CHAVAN: In this House, we can merely say wheth the order about the dissolution iv been properly scrutinised, and the President is satisfied or not. If the President is satisfied, that comes to us for ratification. If there be any legal lacunae, then there are other forums available where you can agitate on this issue, but not this forum. This is not the forum. (*Itnerruptions)*

SHRI YASHWANT SINHA: We cannot accept this logic. This lo [is] a dangerous logic. We cannot accept it. *(Interruptions)* Madam, the logic which has been just now mentioned before the House by the hon. Home Minister is a logic which cannot be accepted by this House. What he is saying is that since there are other courses of redressal which are avilable. this House cannot discuss it. I don't think the jurisdiction of the House is barred.

AN HON. MEMBER; Yes. It is barred.

SHRI YASHWANT SINHA: It is not barred. I am sorry. This House has every right. This particular House is the Council of States. If we are not bothered about these things, who else will be bothered about these? Which other House will be bothered about these things? If you have some redressal

* Expunged as ordered by the Chair,
† [] Transliteration in Arabic Script.

[Shri Yashwant Sinha]

available somewhere else, it does not mean that we will not be able to get that redressal here. That is a wrong logic, that is an erroneous logic.

श्री सिकन्दर बख्त : चेयरमैन साहिबा, मैं यह कहना चाहता हूं कि व्यवस्था का प्रश्न उठाया गया है । आप सेक्रेटेरियेट से मशविरा करके अपनी रूलिंग दीजिए । इस वक्त सरकार की सफाई देने का कोई सवाल नहीं है ।

He is in the dock. The Government is in the dock. You give your nik ing about that point of order.

THE DEPUTY CHAIRMAN: Until and unless I get the full facts, what the procedure is, what has happened, in the past and what is being done, I am not a lawyer to sit over in judgement. *(Interruptions)* Let me find out.

SHRI SIKANDER BAKHT: Until and unless the position is clear, this Motion cannot be taken up. This Motion cannot be taken up if the position is not clear. It is not pos-- sible.
(Interruptions)

THE DEPUTY CHAIRMAN: The. Minister has given his view, and *I* will now ask him to proceed.

SHRI SIKANDER BAKHT:

इस मसले को पहले हल कीजिए (व्यवधान)

How can we poceed? *(Interruptions)* THE

DEPUTY CHAIRMAN:

The letter has been written not to the

चिटठी लिखी है उससे डिनाई नहीं कर रहे हैं होम मिनिस्टर साहब । (व्यवधान) आप सुनिए तो इन्होंने डिनाई कहां किया ।

President in the case of the State of Rajasthan, which is written to the Prime Minister, and the Leader of the Ho ise has not denied it. Now if you dc not agree with this procedure,

what else can I say? We can have a vote on it.

SHRI V. GOPALSAMY: You kindly bear with us... *(Interruptions)*

SHRI SIKANDER BAKHT: A poinl of order has been raised. How car the motion be taken up if it is againsi the rules?

THE DEPUTY CHAIRMAN: You have expressed your view. I will request Mr. Madan Bhatia to speak

SHRI V. GOPALSAMY: Kindly allow us to express our viewsi

SHRI MENTAY PADMANABHAM This Js a legal matter. Why no' ask the Minister of Law to speak?

SHRI SIKANDER BAKHT: Ma dam,

आप अपनी रूलिंग दीजिए । (व्यवधान)

THE DEPUTY CHAIRMAN: Don'1 pmh a thing. I would not give mj ruling now; I will reserve it til I hear everyone else. " I am not giving any ruling now.

SHRI YASHWANT SINHA: have a point of order.

SHRI MADAN BHATIA (Nomina' ted): I think this whole controversj is based on a misconception of arti cle 356. There are two things aboui which we should be very clear. On is that under article 356, the satisfac tion of the President is not the indi vidual and personal satisfaction 0 the President. The satisfaction ha: to be the satisfaction : the Council of Ministers. Even if let us assume, the report is addresse to the President himself... *(Interrup tions)*

श्री सिकन्दर बख्त : यह ठीक नहीं है । **(व्यवधान)**

THE DEPUTY CHAIRMAN: Please keep quiet and don't give directions to the Chair. I want to hear him. Let me hear him because I should know others' viewpoint also. You don't allow me to hear other people.

. SHRI MAD AN BHATIA: The Governor writes the report, puts it into the envelope and sends it to the President and the President directly reoei- ves that report. Can the President proceed on that report? The answer in the Constitution is *'no'*. He has to forward this report to the Council of Ministers headed by the Prime Minister. Therefore, if the report goes direct to the Prime Minister instead of the President, it makes absolutely no difference because it, in fact, reaches the right hands under the Constitution. The Constitution further does not say—article 356 does not say that the report shall be addressed to the President in his person; it says: "The President on receipt of a report..." Receipt of a report by whom? The Constitution does not say 'receipt of the report by himself. Therefore... *(Interruptions)*.. .the report is received from the Governor by the Council of Ministers, the Council of Ministers has to apply its mind to that report and on the basis of that report they have to make recommendation one way or the other to the President and forward that report to the President. The Council of Ministers will say: This as the report which has been received and this is our recommendation and we are forwarding this report -ilong with our recommendation to you. Then the President has no choice. Let us be very clear. It is not [a] matter of today because if we say that the President has to be satisfied personnallv under article 356... (Interruptions)

SHRI SATYA PRAKASH MALA-VIYA; That is not the point at issue.

SHRI MADAN BHATIA: This will be a total perversion of the Constitution because it would raise a far-reaching question, namely; whether the President, under any provision of the Constitution, can act on his own discretion, overriding the discretion and power of the Council of Ministers. The answers has to be 'No'. Madam, I further submit that so far as article 356 is concerned, it further says;'.... on receipt of a report or otherwise...' The Constitution does not refer only to the report. *(Interruptions)*. Even without a report, the President can act on the advice of the Council of Ministers, *(Interruptions)*

THE DEPUTY CHAIRMAN: Just a minute, please. *(Interruptions)* You clarify, if you want. Otherwise, it is not necessary.

What they are objecting to — as I have understood—is that the Presi dent should have received the report directly from the Governor. This is the procedure, regular practice. It is only in this case. In the case of rest of the States, they have no objection. It is only in this case, in the case of State of Rajasthan. The papers that I have with me say: 'I, Dr. Shankar Dayal Sharmi, President of India, have received a report from the Governor of the State of Rajasthan... In this case,—this is their objection— the report should have gone directly to the President That should have been the proper procedure. It has gone to him indirectly. The report has gone to him indirectly. It is a technical error, as I look at it. The report should have gone to the President directly. It has gone *via* the Prime Minister. Therefore, this is only a mistake.

SHRI SHANKAR DAYAL SINGH: Then, why don't you dismiss the Governor for his lapse? What is this?

THE DEPUTY CHAIRMAN: I cannot dismiss the Governor. *(Interruptions)* It is for the President to take action. *(Interruptions)*

SHRI MENTAY PADMANABHAM: They prepare the report and the Governor signs it. It makes no difference whether it is sent to the President or not.

SHRI G. SWAMINATHAN: Madam, all the while, Governors have been sending their reports to the President. Even here, in the other cases, Governors have sent their reports to the President. As you have said rightly, only in this case, the Governor has sent it to the Prime Minister. But the question is whether, according to the Constitution, a Governor can send his report either to the President or to the Prime Minister. Can it be done? This point should be cla-rifled, whether a Governor nan send his report either to the President or to the Prime Minister.

SHRI V. GOPALPAMY: Madam, Kindly permit me.

THE DEPUTY CHAIRMAN: As I have understood the various provi sions of the Constitution, it is not clear, whether the reports should be sent directly, to the President, or, they can also be sent indir ectly. It is ambiguous In this case, it has come indirectlv. But we have to understand the nubstance of it. the substance of what is con tained in the report.

SHRI YASH WANT SINHA: Madam, you promised me that I would be called.

THE DEPUTY CHAIRMAN: Yes, Mr. Sinha.

SHRI YASHWANT SINHA: Madam, the notification is very clear. The notification says: 'Whereas I, Dr. Shankar Dayal Sharma, President of India, have received the report from the'Governor of the State of Rajasthan, and after considering the report atad other information received by me...' etc' etc., he came to the conclusion that article 356 should be invoked. IKTow, according to the Constitution, and, according to the notification which has been issued, the President, obviously, is in receipt of the report from the Governor. But according to the letter which has been shown to us by Shri Shankar Dayal Singh, this letter is addressed to the Prime Minister of India, by the Governor of Rajasthan. The Home Minister did say, a little while ago, that a copy of it was sent to the President. We would like to be satisfied, the Members of this House have a right to be satisfied, that this particular report of the Governor of Rajasthan was sent to the President of India. Now, somebody must stand up and say that it was sent. We have no evidence. From the papers which have been supplied to us we find that, obviously, ths report was sent to the Prime Minister. Then, who has sent the Governor's report to the President? Is it the Governor himself? Is it the Prime Minister? Is it the Home Minister? Who is responsible for sending it? This is something which needs to be clarified. How did the President of India come to receive a copy of the report of the Governor, which, obviously, was sent to the Prime Minister?

THE DEPUTY CHAIRMAN: The Law Minister is clarifying. Yes, Mr. Law Minister.

THE MINISTER OF STATE IN THE MINISTRY OF LAW. JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): Very respectfully I wish to draw your attention to the provisions of article 366, wherein it is said:

> "If the President, on receipt of a report from the Governor of » State or otherwise is satisfied..."

We will pause there and see that the Proclamation is issued by the President on 'his satisfaction'. Now there are two methods. One is, the Cabinet can directly recommend any report other than the report of the Governor to the President. Or, there

is a report from the Governor which has been received by the Cabinet, discussed and sent back after its satisfaction to the President. In the instant case, the report was sent—a copy to the President and the letter to the Prime Minister. The Cabinet discussed the report of the Governor recommended dissolution of the Assembly and also the Presidential Proclamation. So, the provisions under article 356 are satisfied. The only irregularity which is sought to be pointed out is that this letter in original and not a copy iught to have been sent to the President. This is all that has been made out. This Proclamation is made, on the recommendation of the Council of Ministers, by the President, based on the report of the Governor. Whether it is routed this way or that way, there is no constitutional illegality.

SHRI V. GOPALSAMY: Madam, just give me one minute.

THE DEPUTY CHAIRMAN: Sush-maji wants to speak. (Interruptions). I will allow you.

वह बोलना चाह रही है ! सुषमा जी आप कुछ कह रही हैं ?

श्रीमती सुषमा स्वराज (हरियाणा): मैडम मैं एक इतना निवेदन करना चाहती हूं कि यह एक संवैधानिक मसला है जो शंकर दयाल सिंह जी ने यहां उठाया है । इतनी चर्चा के बाद भी इस मसले का कोई सन्तोषजनक उत्तर अभी तक सदन में नहीं आया है आपने अपनी मंशा जाहिर की है कि मैं प्रोसीड करना चाहती हूं । मैं एक बात मीडिया सिर्फ उठाना चाहती हूं । यह जो अयोध्या पर बहस हुई है उसका उत्तर गृह मंत्री आज दे दें और यह जो मसला उठा है, जिसका कोई सन्तोषजनक हल अभी तक नहीं निकला है इसको कल तक के लिये स्थगित कर दें । यह कल हो जायेगा और आज अयोध्या के ऊपर बहस का जवाब गृह मंत्री दे दें और प्लीड भी कर लें ताकि मसले का हल कल सुबह तक निकल आये ।

SHRI S. B. CHAVAN: Madam, with regard to the query raised by my hon. friend, Shri Yashwant Sinha, with the decision of the Cabinet, copy of the report which was received by the Council of Ministers was also sent to the President.

SHRI N. K. P. SALVE (Maha rashtra): Madam, in this case, even if there is a departure from the pre cedent, it does not vitiate the Pro clamation. I am on the language of the article which is absolutely clear and unambiguous. *(Interruptions).* I am on the language of the section. It does not vitiate either the letter of the article or the spirit of the aniclc. Very respectfully I want to submit that the article says: "If the President, on receipt of a report from the Governor of a State or otherwise. ..". then he acts. Madam, what is required is that on receipt of a report from Governor he should act. Whether it comes via the Prime Minister or via airmail or post office, that is not material.

SHRI CHATURANAN MISHRA (Bihar): This is not the question.

SHRI N. K. P. SALVE: Now I am on the spirit of the article that even otherwise, if he is satisfied, the Proclamation can be issued. Madam, all that I want to submit is, maybe, it is a departure from the precedent, but if you are citing the authority of the article, the article in letter and spirit, in no manner whatsoever vitiates the Proclamation.

SHRI V. GOPALSAMY; Madam... (Interruptions). Madam, you promised to give me two minutes.

SHRI S. MUTHU MANI (Tamil Nadu); Madam, we are also Members. We should also be given a chance. As a Member I want to make only one point.

THE DEPUTY CHAIRMAN: I will permit. Yes, Mr. Gopalsamy.

SHRI V. GOPALSAMY: Madam, hon. Mr. Bhardwaj, our esteemed friend Mr. Salve and Mr. Bhatia have been sailing in the same boat. Madam, everybody knows about this *Beeause of this *we have also been victims earlier. The point is,*

This is the paint. Here,*

this report has been sent. Therefore, instead of sending the report to the President of India, if there has been no report at all from the Governor of Rajasthan, wc would not have raised the issue .. . *(Interruptions)* ... If there is no report at all from the Governor o'f Rajasthan... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Mr. Gopalsamy, no. I am not permitting any comments against the Governor. There is some procedural mistake. It should have gom directly to the President but it has come to the Prime Minister. In any case, the Council of Ministers have to send their recommendations. On that only the President will act. That procedure has been adhered to by the Government. The only advice that we can give from this House is, next time it should not happen... *(Interruptions)* ...

SHRI V. GOPALSAMY: Just a minute. If there is no report... .'.. *(Interruptions)* ...

SHRI PRAMOD MAHAJAN (Maharashtra): Oh God! Next time also? *(Interruptions)*

THE DEPUTY CHAIRMAN: In any case, we hope no other Governments are dissolved. . . *(Interruptions)* . Please sit down.

SHRI V. GOPALSAMY: I have not completed.

THE DEPUTY CHAIRMAN: Please sit down. It is over now.

SHRI V. GOPALSAMY: If there is no report, there is no issue at all.

THE DEPUTY CHAIRMAN: I tell you, a lot of discussion could have taken place ... *(Interruptions)* ... Please sit down. Just a minute. Many Members wanted to speak on this important subject .. . *(Interruptions)* .. .Please.

SHRI MENTAY PADMANABHAM: Madam, may I make a submission?

THE DEPUTY CHAIRMAN: No... *(Interruptions)...*

SHRI MENTAY PADMANABHAM; May be this is only a procedural lapse, but ultimately... *(Interr-v.ptions)* .. .Then why are we wasting the time of the House?

THE DEPUTY CHAIRMAN: Yes, we are wasting the time of the House... *(Interruptions)* ... Mr. Gopalsamy. please take your seat... *(Interruptions)* ...

SHRI MENTAY PADMANABHAM: This may be a procedural lapse....

SHRT V. GOPALSAMY: I have to complete it: Madam, the Governors are* . . *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Enough, enough, enough.

SHRI V. GOPALSAMY: There are only a few exceptions like Mr. Barnala. All others have become.* . . . *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Whatever Mr. Gopalsamy vha? said, please show me the record. I do not want anything against any Governor, I would not permit it... *(Interruptions* Please don't do this... (Interruptions) ...

* Expunged as ordered by the Chair.

SHRI V. GOPALSAMY: Madam, I accept what you say.. *(Interruptions)*

THE DEPUTY CHAIRMAN: Very very nice of you. I am thankful to you and obliged. How much time of the House have we wasted in this dis cussion. Many Members could have spoken on the subject. Now, that mat ter is closed •. *(Interruptions)*..... Please.

SHRI S. MUTHU MANI. Madam, kindly permit me.. *(Interruptions)*..

THE DEPUTY CHAIRMAN: Mr. Minister, please go ahead.

SHRI S. MUTHU MANI. Madam . . *(Interruptions)* . .

THE DEPUTY CHAIRMAN: I will allow you. .. (Interruptions).. 1 will allow you on a better subject when your voice is recorded and reported. Please sit down. ., (In. *terruptions)* ,.

SHRI S. B. CHAVAN: Madam. I move the following Resolution-.

"That this House approves the Proclamation issued by the President on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Himachal Pradesh."

So. these are the four Resolutions which I had 10 move because the understanding was that with this discussion on the statement that I have made, these four Resolutions also were to be considered, and that's why I had to move them.

DR. YELAMANCHIU SIVAJ1 (Andhra Pradesh): They have to be moved separately.

SHRI S. B. CHAVAN; I have moved them separately.

Madam, the kind of discussion that we have had on the most unfortunate incident which has taken place on the 6th of December...

THE DEPUTY CHAIRMAN: Let me say, "Resolution moved". At least I am correct in my procedure.

SHRI S, B. CHAVAN: All right. You do it for them.

THE DEPUTY CHAIRMAN; Let me allow Dr. Jain to move his motion.

बोलिए । आप अपोज कर रहे हैं ?

श्री सिकन्दर बख्त : मुझे पूछना है । शायद मैंने सुना न हो ।

Have you given your ruling on the point of order raised?

THE DEPUTY CHAIRMAN: Oh, yes.

SHRI SIKANDER BAKHT: What have you done?

उपसभापति : आपने सारी रामकहानी सुन ली है ।

श्री सिकन्दर बख्त : मैंने आपकी रूलिंग चाही थी ।

उपसभापति : कमाल है... (व्यवधान) कहानी, कहानी हुई... (व्यवधान) बोलिए जैन साहब । मूव कर दीजिए ।

DR. JINENDRA KUMAR JAIN (Madhya Pradesh). Madam, I rise to move the following motions-:—

(i) "That this House recommends to the President that the Proclamation issued by him on the 6th December, 1992, under article 356 of the Constitution, in relation to the State of Uttar Pradesh, be revoked."

(ii) That this House recommends to the President that the Proclamation issued by him on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Madhya Pradesh, be revoked."

[Dr. Jihendra Kumar Jain]

(iii) "That this House recommends to the President that the Proclamation issued by him on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Rajasthan, be revoked."

(iv) "That this House recommends to the President that the Proclamation issued by him on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Himachal Pradesh, be revoved."

The questions *were propoed.*

उपसभापति : अभी वे बोल लें, फिर आप बोलेंगे ? बाद में कि पहले बोलिएगा ? इनको बुलवा दें ? आप बोल दीजिए फिर उसके बाद रिप्लाई होगा ।

SHRI H. HANUMANTHAPPA (Karnataka): It is an independent resolution. It is not disapproving the Statutory Resolution.

THE DEPUTY CHAIRMAN: He is disapproving this.

SHRI H. HANUMANTHAPPA: No. It is an independent resolution.

THE DEPUTY CHAIRMAN: No, no, no, no, no. The same, he is disapproving. It is disapproval of it.

SHRI H. HANUMANTHAPPA: It is seen from the copy of the Resolution that it is an independent resolution seeking revocation of these Proclamations. It is not disapproval of what the Home Minister has moved.

THE DEPUTY CHAIRMAN; It is an independent resolution.

SHRI H. HANUMANTHAPPA: What he has read out is an independent resolution.

उपसभापति : आपने क्या पढ़ा है ?

श्री प्रमोद महाजन : जो पढ़ा है वह इसमें था ।

उपसभापति : जो छपा है वही पढ़ा है ।

श्री एस. हनुमनतप्पा जो छपा हुआ है. . .

It is an independent resolution. It is not disapproval of the Statutory Resolution. He has asked for disapproval of the Proclamations made.

उपसभापति : हां हां, पढ़ा है ।

SHRI V. GOPALSAMY: It is a very good point.

DR. JINENDRA KUMAR JAIN: Madam, I am willing to accept the suggestion of the hon. Member.

उपसभापति : उन्होंने वही पढ़ा है जो लिखा है ।

श्री ह्च ७ हनुमनतप्पा : लिखा है लेकिन डिसएप्रूवल नहीं लिखा है । इट इज एन इंडिपेंडेंट रिजोल्यूशन । वर्डिन्स देखिए ।

SHRI V. GOPALSAMY; You have scored a point. Mr. Hanumanthappa.

SHRI N. K. P. SALVE; This is a very important point.

SHRIMATI JAYANTHI NATARA. JAN (Tamil Nadu): Madam, we should vote on the Home Minister's Resolution.

SHRI H. HANUMANTHAPPA: It is not disapproval of the Home Minister's Resolution.

THE DEPUTY CHAIRMAN; I understand what our hon. Member, Mr. Hanumanthappa is saying, that he has moved his own motion.

SHRI H. HANUMANTHAPPA: Yes. It is not seeking disapproval of that. It is a separate thing.

THE DEPUTY CHAIRMAN: He lias moved the motion for revoking the Proclamations of President's rule, which has nothing to do with what the Home Minister has moved because the Home Minister has just moved it.

SHRI H. HANUMANTHAPPA: Yes.

THE DEPUTY CHAIRMAN: It is independent. ... *(Interruptions).*

SHRI H. HANUMANTHAPPA: That *is-* an independent resolution. It is not disapproval. So, they cannot be discussed together..... *(Interrup tions)*

THE DEPUTY CHAIRMAN: It is not being discussed together because the discussion is over now. Now we are allowing him to speak, and the Home Minister will reply.

SHRI H. HANUMANTHAPPA; It is an independent resolution. Let the Statutory Resolutions be finished. Then we can take it up. They cannot go together.

SHRI RAJNI RAN.TAN SAHU (Bihar): Right. Mr. Hanumanthap-*pa* is right.

THE DEPUTY CHAIRMAN: In any case, we will allow him to speak because he has moved the motion.

SHRI H. HANUMANTHAPPA: After this moiion is adopts-i, he can move it- It is an independent resolution. So, this motion can toe carried on. *(Interruptions)*

THE DEPUTY CHAIRMAN: Let me tell Mr. Jain. Mr. Jain the ob jection that Mr. Hanumanthappa is raising is that your motion is not disapproving the motion moved by the 'Home Minister now. Your motion, as it is reported in th-3 Order Paper, is an independent motion requesting the President to revoke the President's Raite. So, that would be taken up separately for voting.

SHRI H. HANUMANTHAPPA: Tomorrow.

THE DEPUTY CHAIRMAN; To-rnorrow or today, that we will decide. But what they are saying is that the Home Minister has moved another motion which we will put to vote. Then you can speak and he will reply. I have no objection.

DR. JINENDRA KUMAR JAIN: Madam,.. *(Interruptions)*

SHRI MENTAY PADMANA3HAM: Madam, if you are taking these two things separately, then let the Home Mmister go atead.with the Motion Then you take up Mr. Jain's motion. Let the Home Minister speak. We will put this motion to vote and then you allow Mr. Jain's motion to be taken up. (Interruptions)

THE DEPUTY CHAIRMAN; I agree; there is a technical point to it. The Resolution moved by the Home Minister is not for approving that, because the Home Minister has not moved it. So, he could not have disapproved it.

AN HON. MEMBER: If he had moved it, you would have allow him.

THE DEPUTY CHAIRMAN: Now he has moved it. You did not move it. before. You have moved it now. So, we can take it now as your motion.. You have moved it. I will allow you to speak, but it will be takes up separately.

SHRI MENTAY PADMANABHAM: Not at this stage. You can ask Mr. Jain to move his motion at a later stage.

THE DEPUTY CHAIRMAN; He has moved it. It is all right.'

श्री जगदीश प्रसाद माथुर : हमेशा होता यह है कि गृह मंत्री रेजोल्यूशन मूव करते हैं। यदि मूव करते समय बोलना चाहते हैं, बोलें, उसके बाद जो रेकोमेंडेशन देते हैं राष्ट्रपति जी को रद्द करने की, वह मूव करेगा और बोलेगा ।

[श्री जगदीश प्रसाद माथुर]

अगर गृह मंत्री पहले बोलना चाहते हैं तो दोनों का जिसक्शन इकट्ठा होता है वोटिंग भी एक साथ इकट्ठा होता है। ...(व्यवधान)

श्री रजनी रंजन साहू: नहीं होगा। ...(व्यवधान)

श्री हेच. हनुमनतप्पा: अब नहीं हो सकता है।

श्री जगदीश प्रसाद माथुर: हमेशा वोटिंग इकट्ठा हुआ है।

श्री हेच. हनुमनतप्पा: डिसएप्रूवल इकट्ठा होता है। यह डिसएप्रूवल नहीं है।

श्री जगदीश प्रसाद माथुर: दजनों बार वोटिंग इकट्ठा होता है।...(व्यवधान)

SHRI N. K. P. SALVE: Madam, I seek your ruling on one thing thai is very important. Throughout the practice in this House has been that there are statutory resolution whiih are moved disapproving a motion. But if there is a motion for revocation, which is a concept entirely different from that of disapproval, then I am afraid the revocation motion must be ruled out of order. It is on that I am seeking your ruling. Are these motions within the rules and the framework of our Rules of Business or are they out: of it? And if they are out of it, then they must be ruled out of order. (Interruptions)

THE DEPUTY CHAIRMAN: Let me take the opinion of this House. Let me find out from the Order Paper,

SHRI N. K. P. SALVE: Madam, they are out of order.

THE DEPUTY CHAIRMAN; I know that you have got a point of order. But first let me tell you what the Secretariat has told me; then, you might put your point of order differently. The Secretariat informs me that under article 123—Power.of President to promulgate Ordinances during recess of Parliament—there is a disapproval. But in the case of article 356, the practice has been that there is no disapproval. It is the motion for revocation to revoke it. So in the past we have taken them together. If the Leader of the House and the Member who has moved it agree and if the House agrees, we will let him speak. Tnen, we will put it to vote together... *(Interruptions)* ...

SHRI N. K. P. SALVE: Madam under article 123(2) an Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance shall be laid before both Houses of Parliament, etc. etc. etc. So the * distinction which you art-seeking to make between an ordinary legislation and this legislation is a distinction without difference. Therefore, nothing will turn on that. Therefore, my point of order survives that this motion is not in accordance with the precedent and the practice of this House. Therefore, it must be ruled out of order.

SHRI JAGESH DESAI (Maharashtra) ; Madam, I am on a point of order.

श्रीमती सुषमा स्वराज: इस तरह के मोशन की जिसएप्रूवल में फर्क है... (व्यवधान) पहले भी पास हो चुका है ...(व्यवधान) यह मोशन तो मूव ही नहीं हुआ है इसलिए डिसएप्रूवल किसका है ?...(व्यवधान)

THE DEPUTY CHAIRMAN: The Secretariat informs me that in the case of Manipur also, Mr. Jagdish Prasad Mathur had moved a motion under article 356. So we have taken it up in the past.

SHRI H. HANUMANTHAPPA: That does not mran we should follow the precedent. We should follow the rules. Once ithe mistake has taken place in the past, we should not go by the same precedent. It

has been brought to the noitee of the Chair today. Therefore, we warn your ruling. The motion for revoca tion is not in order. It should not bo taken up together. If you have done a wrong in the past it does not justify you to commit the *r-ame* mis take again.

THE DEPUTY CHAIRMAN: Nobody is justifying anything. I am only reading what has happened i" the past. I am not justifying it. I am only reading what has happened in the past.

SHRI H. HANUMANTHAPPA: On that day it was not brought to the notice of the Chair. But today it has been brought to the notice of the Chair .. *(Interruptions)*

DR. JINENDRA KUMAR JAIN: Madam, will you allow me to make a clarification? *(Interruptions)* ..

THE DEPUTY CHAIRMAN: Yes.

जैन साहब, आप कुछ बोल रहे हैं। आप बोलिए।

DR. JINENDRA KUMAR /AIM: The fact of the matter is that when I gave a notice of disapproval,, my language was for disapproval. Kut 1 was approached by an officer of the Rajya Sabha Secretariat and was advised that it would be better to word this in the manner in which it is written here. *(Interruptions).*

SHRIV. NARAYANASAMY (Pondicherry): Madam, he is the Member concerned and he has to move the resolution. Whatever he does behind our back cannot be referred to here.

THE DEPUTY CHAIRMAN: I think my right to hear him should be there. Let me hear what he says. Let me hear him.

SHRI H. HANUMANTHAPPA: Let him complete.

DR. JINENDRA KUMAR JAIN: Here is a Proclamation or sort of a Proclamation which killed four democratically elected Governments with their majority intact. Do the Members of the ruling party mean that in a democratic polity, the Opposition does not have a right to.. *(Interruptions).* What are you talking? What are they trying to say, Madam? You should allow me to make my point.

THE DEPUTY CHAIRMAN: Just now, the whole House was so agitated on an issue in which the proper procedure was not adopted. Now, should we sit and pass comments on the proper procedure of somebody else not being adopted? I think it will not be proper for us not to adopt the proper procedure because somebody will quote us tomorrow and ask why we did it. If we have done a mistake in the past, wo should not do it now. Whatever is the proper procedure, we will adopt. Let the hon. Home Minister speak and his Resolution be voted upon.

DR. JINENDRA KUMAR JAIN: Then, let. there be a debate on my motion. And, I will reply to the debate on my motion.

THE DEPUTY CHAIRMAN: If that is the wish of the House, we will do so.

DR. JINENDRA KUMAR JAIN: Then I agree. I have no objection.

SHRI DIPEN GHOSH (West Bengal): Madam, I am on a point of order.

SHRI JAGESH DESAI: Madam, he is a private Member. It cannot be allowed, it can only be a. *(Interruptions).*

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, what are you saying? *(Interruptions).* I have not given any ruling uptill now. It was my ob-

servation. I am still listening to everyone.

SHRI DIPEN GHOSH: Madam, I am on a point of order. I must get (Interruptions).

. DR. JINENDRA KUMAR JAIN: Please allow me to seek this clarification. I have no objection to the suggestion made by hon. Shri Hanu-manthappa. I only want that... *(Interruptions).*

SHRI H. HANUMANTHAPPA: Your motion cannot be taken up at ail. That is my suggestion.

DR. JINENDRA KUMAR JAIN: This motion is listed as an item of business. You cannot throttle the voice of the Opposition. This is a motion already admitted by the hon. Chairman and listed on the Business List. This has to be discussed. *(Interruptions).*

SHRI V. NARAYANASAMY: We can raise our objections.

THE DEPUTY CHAIRMAN: Let my allow Mr. Dipen Ghosh. *(Interruptions).* Order please.

DR. JINENDRA KUMAR JAIN: Madam, I am willing to listen to your orders whenever you make them. I only want my right to be protected. Let my motion which has already been admitted be discussed.

SHRI H. HANUMANTHAPPA: At the admission stage, I have taken objection to it- It is printed, listed, but not admitted. It is printed and listed, yes, but not admitted. At the admission stage, I have taken objection to it.

DR. JINENDRA KUMAR JAIN: Madam, should they obstruct the presentation of our view-points? Four Governments of ours have been dismissed. Will you not allow us to say what we want to say?

THE DEPUTY CHAIRMAN: You must say. But let me allow Mr. Dipen Ghosh to raise his point of or der.

SHRI DIPEN GHOSH: Madam Deputy Chairman, this is a Presidential Proclamation which has to be endorsed by both the Houses of Parliament within two months. Until it is approved or even if it is not approved now, or even if it is not placed for endorsement before the House, the Proclamation can be in force for two months. This is one aspect. It has to be approved or disapproved; it has to be voted with either 'ayes' or 'noes'. According to Kaul and Shakdher, a disapproval motion of a Proclamation whether it is of emergency or dismissal of a State Government, is not permissible. It is clear and categorical that no amendment, no modification and no disapproval is possible. The House may a proclamation. This is one aspect the resolution which steks to approve a proclamation. This is one aspect. Now after the Home Minister has placed it before the House, it is the property of the House and this House, in its wisdom, may not adopt it. *(Interruptions).*

DR. JINENDRA KUMAR JAIN: Are we not a part of the House?

SHRI DIPEN GHOSH: The resolution before the House cannot take any other form. As such, no amendment or substitute motion can be moved to such a resolution. A re-solution seeking disapproval of the proclamation is inadmissible as there is no provision under article 356 for such a resolution. The Secretariat has advised you also, as you stated.

THE DEPUTY CHAIRMAN: No. The Secretariat advised him and not me.

SHRI DIPEN GHOSH: Maybe, on the basis of certain precedents, sometimes[1], in some eases, the revocation

resolution was taken up together considered and proclamation passed and the revocation resolution defeated But the question is, unless the proclamation is aproved, how can one mow a revocation resolution? Now you have stated that it can be taken up together. How can we do so? First of all, the House has to approve of ii and then alone the revocation resolution can be moved and not before that. So that way, this motion can come. I don't mind it. Dr. Jain is entitled to move a motion at a subsequent point of time if the House fails to adopt it. If the House adopts it. then alone the revocation resolution can come; otherwise not. This is my point of order.

श्री जगदीश प्रसाद माथुर: मडम, इतने सालों से दसियों बार यही पद्धति रही है, हमें अपने पुराने प्रिसिडेंट को तोड़ना नहीं चाहिए। अगर साथ-साथ कोई डिसकस होता है तो कोई आकाश नहीं फटेगा। मैं समझता हूं कि गृह मंत्री महोदय भी स्वीकार करेंगे कि उनका प्रस्ताव है, वह बोलना चाहें तो बोलें वरना नहीं बोलना चाहें तो इधर से मोशन हो, दोनों पर डिसकशन, जैसा हमेशा होता है, होना चाहिए। ... (**व्यवधान**)...मैडम, दसियों बार सालों से हमारी यह परिपाटी रही है। अब उसे तोड़ने की आवश्यकता क्या है, समझ में नहीं आता। मेरा निवेदन है कि आप पुरानी परिपाटी को जारी रखें। उस पर कोई आपत्ति नहीं है। बेकार की बहस कर रहे हैं हम... (**व्यवधान**)...

श्री दिग्विजय सिंह (बिहार): सदन ज्यादा समय नहीं बैठा रहेगा।

उपसभापति: क्यों नहीं बैठा रहेगा? दस बजे तक बैठेंगे, अगर काम पूरा नहीं होगा।

श्री दिग्विजय सिंह: कौनसा काम हो रहा है और नहीं होगा तो कौनसा पहाड़ टूट जाएगा। ...(**व्यवधान**)...

उपसभापति: हाउस में आप इतने गणमान्य सदस्य हैं इस बड़े सदन के। सदन से कौनसा ज्यादा जरूरी काम है आपको घर पर। ...(**व्यवधान**)...

I know that there is a discrepancy and the Members are agitated and I hey have got their views.

लेकिन, जो पुराना प्रोसीजर था, उसी के बेसिस पर यह हुआ। मेरा सदस्यों से यह निवेदन है कि समस्या बहुत गंभीर थी, जिसके ऊपर इतना डिसक्शन हुआ। हम लोगों ने समय बढ़ाया और सबको बोलने का मौका दिया। कुछ सदस्य जो नहीं बोल पाए, उनके लिए दुख है। अब सवाल यहां यह है कि आज चूंकि यह बात हो गई है, आइंदा इसका ध्यान रखेंगे कि बराबर प्रोसीजर अपनाएं। चलिए, आप लोग सब तैयार हो जाइए, जैन साहब दस मिनट बोलेंगे। ... (**व्यवधान**)...चलिए, आप दस मिनट बोल दीजिए और उसके बाद उनका जो रेजोलूशन है चव्हाण साहब का, वह जवाब हो जाएगा।

श्री शंकर दयाल सिंह: पांच मिनट, मैडम।

उपसभापति: चलिए, पांच मिनट। अब पांच मिनट में क्या बोलेंगे? चलिए पांच मिनट, दस मिनट आप बोल लीजिए। उन्होंने आखिर दिया है, इतनी मेहनत की है, थोड़ा ध्यान करिए अपने मैम्बर के लिए। ...(**व्यवधान**)...जैन साहब, आप परवाह मत करिए। मैंने इजाजत दे दी है। आप बोलिए।

DR. JINENDRA KUMAR JAIN: Madam, various objections raised by some knowledgeable senior Members in this House are symptomatic of a very destructive wrong politics that is now prevailing. *(.Interruptions)*

THE DEPUTY CHAIRMAN: What did he say? *(Interruptions)*

SHRIMATI JAYANTHI NATARA JAN. Madam, as a matter of grace, you allowed him to speak even though a wrong procedure is toeing adopted. 6.00 p. M.

DR. JINENDRA KUMAR JAIN: I am duty-bound to present here my party's viewpoint. So I need not be dictated how I shall put my viewpoint.

उपसभापति : जैन साहब, यहां ग्रेस वगैरह का सवाल नहीं है। आपने एक गलत प्रॉसिजर एडॉप्ट किया था, हाउस ने मेहरबानी करके आपको अलाऊ करने की इजाजत दी है। हाउस अगर परमिट करे तो ही चेयर परमिशन देती है। हाउस ने एग्री करा . . . (व्यवधान) . . . हम गलत काम की इजाजत नहीं देते। चेयर कभी गलत काम की इजाजत नहीं देती । The House agreed; so I permitted you.

अभी आप अपने भाषण को अपनी चीज तक महदूद रखिए, बाहर मत जाइए।

THE DEPUTY CHAIRMAN: No, no; you put the way you like. ... *(Interruptions)*...

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu); Why do yuu cast aspersions on the Member? You have got a right to express your viewponit; we have no objection. But don't cast aspersions on the hon. Member.

DR. JINENDRA KUMAR JAIN: Our nation at the moment is indeed going through a trying period. There are many problems. Besides the tension that is now prevalent in this House and outside—I will come later to the causation, what really caused that tension—, I must also remind all the Members of the House of the national agenda. We have four more important problems—problems of overpopulatin, poverty, illiteracy and corrupt inefficient and nonfunctioning Government.

श्री हेच. हनुमनतप्पा : पावर्टी, पाप्-लेशन, उसके ऊपर राम कहां से आया ? . . . (व्यवधान) . . .

THE DEPUTY CHAIRMAN: Order. . .. *(Interruptions)* . . . Let him finish in five minutes. Please don't interrupt him.

श्री हेच. हनुमनतप्पा : आपने वर्ल्ड कर दिया सारा, अब बात करते हैं । . . . (व्यवधान) . . . पापुलेशन, पावर्टी . . . (व्यवधान) . . . राम को लेकर के सारा . . . (व्यवधान) . . .

THE DEPUTY CHAIRMAN; He is a doctor; that is why he is talking about population and poverty. Let him speak.

श्री प्रमोद महाजन : मैडम, वह हनुमान हैं, उनको राम की याद आना स्वाभाविक है ।

श्री हेच. हनुमनतप्पा : हनुमान का मंदिर तोड़कर आपने राम का मंदिर बनाया ।

DR. JINENDRA KUMAR JAIN: Madam, I feel sorry that instead of paying attention to such major issues concerning the nation today, all efforts are being put up to obstruct the re-construction of Ram Temple at the birthplace of Lord Rama, Madam, I feal that these four Resolutions should have been discussed separate-Ay because...

मौलाना ओबैदुल्ला खान आज़मी (उत्तर प्रदेश) : यह डा० अम्बेडकर का सर्टिफिकेट दे रहे हैं वहां पैदा होने का ।

DR. JINENDRA KUMAR JAIN: I believe these should have been discussed separately because these Proclamations raise very fundamental issues. In my humble opinion these four Proclamations are violative of our Constitution. They are illegal. They are our procedural improprieties. One was just now discussed here but I want to point out another impropriety. Please don't forgi.[1] that a Cabinet meeting was held on the 15th of December and after the Cabinet meeting the messages went around and repoifte were obtained. Madam, Proclamations of this kind

are the products of a polities o double standard, politics of convenience and I believe that the remedy offer ed by the Proclamation is worse than the disease. The BJP ideology is not a cause of disease but is the solution of the problem. I want to submit here that we are acting as safety-valves, we are the sane and the constitutional instruments an;l pathways to channelise the hurt and humiliation of a majority population of Tndia. .. . *(Interruptions). ..*

श्री शांति स्वरूपी (उत्तर प्रदेश) : मैडम, यह कहां की बात कर रहे हैं? भई, क्या बना रहे हो?

DR. JINENDRA KUMAR JAIN: In a situation like this when the national body politics *13* suffering from a disease, don't start beating the doctor. They have to reach ihe doctor . . . *(Interruptions) . ..*

SHRI S. K. T. RAMACHANDRAN: What can the patient do? (Interruptions) ... You are no docotrs. You are perverted doctors. *(Interruptions*

DR. JINENDRA KUMAR JAIN: Madam, this statement is an answer-given by the hon. Minister of State for Home Affairs, Shri M. M. Jacob. Jt was given in the Lok Sabha on 12th March, 1992 and in this answer the hon. Home Minister, Shri M. M. Jacob, has stated that 38 temples were destroyed in Kashmir in the lest two years. If hurt is caused by destruction of the religious places to one community, it may hurt other communities also. So, inaction, partisan politics and insensitivity of the Government have hurt the Hindu sentiments and we are nut to be bl-pmed. *(Interruptions)...*

Madam, let me now come to the i.nconstitutionalitv of tho dismiss! of the U.P. Government. We all knew that the Chief Minister had resigned. The Chief Minister had resigned. *(Interruptions)..,* On the afternoon of 6th December, the hon Chief Minister of U.P., Shri Kalyan Singh, had resigned. I would like to know —instead of accepting his resignation the Government was dismissed—what 1 he need was for tho dissolution. of the State Assembly. 1 want to refer to an incident which happened in this country in 1973 when the pre-s-.nt Prime Minister of India, Shri P. V. Narasimha Rao was the Chief Minister of Andhra Pradesh . On 17 th audi 1973, on the grinds of his failure to control the law and order situation in the wake of the Telon-gana movement... (Interruptions)... Shri Narasimha Rao had resigned and... *(Interruptions)...* Shri Brahmanand^ Reddy had resigned. The resignation of the Chief Minister wits accepted. The Assembly was suspended but not dissolved. I want to refer to the speech made by hon. Shri Narasimha Rao at that time and he said, I quote: "During President's rule the Assembly would be suspended and not dissolved." He spoke to the Members of the Legislative Assembly, "You will remain Members but not function as such." It is euot-<?d in the *Times of India* dated 18th March, 1973. Why was this double standard? What was done to the Congress Government should be done to the Opposition-ruled States also. I also want to bring to your notice somr things which are basic to the Constitution. Is the Constitution a document which is meant for one day or is it a guiding document which should be used in perpetuity? This provision of the Constitution has been invoked In the wake of the incident of 6th December. Well, there are facts and there are perceptions. Perceptions are there because of the distortion. I wish to submit before y«u and I wish to inform the hon. Members of this House that we are living in an information age. Whatever happened on the 6th of December was not a matter of fiction. It is video-recorded. The video-recordings are available with the Government of India. They are also available with me. Please allow me some time to show you the entire thing. ...(Interruptions)...

SHRI V. GOPALSAMY; Madam, we are very much interested in seeing the video-tapes. Let him show them in the Central Hall.

DR. JINENDRA KUMAR JAIN: Some of the recordings would prove the realities and one can see that and I am sure the nation is ready to see that.

श्री राम नरेश यादव : महोदया, यह तैयार होकर वीडियो लेकर गए थे दिखाने के लिए।

DR. JINENDRA KUMAR JAIN: The demolition of the said structure began at about 12 O' dock! on that day. It continued till the evening of 7th December. At best it is a failure of the management. After all, please do not forget that the *Kar Seva* was permitted by you. It was allowed by the Supreme Court ... *(Interruptions)* . ..

SHRI S. JAIPAL REDDY (Andhra Pradesh). Let him go on record ... (Interruptions) ...

THE DEPUTY CHAIRMAN: Please I have permitted him to speak. Do not disturb him. Please... *(Interruptions)* ...

उनका 5 मिनट का टाइम है, उन्हें बोलने दीजिए . . . (व्यवधान)

DR. JINENDRA KUMAR JAIN: Madam, Shri Kalyan Singh has declared everywhere that he would not like to do what General Dyer did... *(Interruptions)*...

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ); The Supreme Court did not allow *Kar Seva* of this nature. This is a unique Kar *Seva.* What the Supreme Court allowed was the safety of the structure and the Kar *Se\a* which meant *bhaians* and *kirthans.* This obstruction was never allowed by the Supreme Court ... (Interruptions)...

DR. JINENDRA KUMAR JAIN: Madam, what went wrong was ... *(Interruptions)* ...

उपसभापति : जैन साहब, आप कोर्ट का रेफरेंस न दीजिए। आप सुप्रीम कोर्ट के बारे में न बोलें तो बेहतर है। जो बोलना है तो फिर पूरा ही बोलना पड़ता है। खाली आईसोलेशन में बोलना उचित नहीं है, क्योंकि उन्होंने क्या डॉयरेक्शन दिया था वह पूरा टेबल पर आना चाहिए। आप अपनी बात कहिए।

DR. JINENDRA KUMAR JAIN: What I want to say is what went wrong with the symbolic *Kar Seva* which was the intention... *(Interruptions)* ...

SHRI CHATURANAN MISHRA: So what happened is only symbolic ... *(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Shri Kalyan Singh had said every day and everywhere that he would not order fire on the Kar *Sevaks.* He said he would not do what General Dyer did in Jallianwalla Bagh... (*Interruptions,)* ...

मौलाना अबैदुल्ला खान आजमी : यह वाक्या किसी जालियांवाला बाग में कम है? क्या सफाई दे रहे हैं आप?

DR. JINENDRA KUMAR JAIN: What I wanted to say is that on the tesis of one days incidents which is at best management's failure... *(Inter-, ruptions)* ... This Government has set a bad precedent by dismissing duly elected Governments with two thirds majority. On the basis of one days action.... *(Interruptions)*..

THE MINISTER OF STATE IN THE MINISTRY OF PASLIAAMENT-ARY AFFAIRS AND MINISTER OF STATE! IN THE! MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): The management's failure is a good reason for dismissal ... *(Interruptions)*...

THE DEPUTY CHAIRMAN; The Minister wants to say something... *(Interruptions).*

SHRI H. R. BHARDWAJ: Madam, let us not misguide the House. This matter was debated in the Supremo Court for more than two weeks and every time and every day Shri Kal-yan Singh told untruths befor$_e$ the court and finally what they did is the best ground for dismissal. What else, what more shame could they have brought to the country than what they have already brought?... *(Interruptions)...*

उपसभापति : नहीं वह मंत्री है, कुछ लॉ प्वाइंट पर बोल रहे हैं इसलिए एलाउ करना पड़ता है...**(व्यवधान)** मुझे मालूम नहीं रहता कि आपके मन में क्या है ?

श्री प्रमोद महाजन : मैडम, ऐसे अगर लॉ प्वाइंट पर बोलते रहे तो इनको अनलॉफुल एक्टीविटीज में पकड़ना पड़ेगा।

उपसभापति : मुझे मालूम नहीं यह क्या बोलने वाले हैं...**(व्यवधान)** मुझे क्या मालूम डाक्टर साहब क्या बोलने वाले हैं ?

DR. JINENDRA KUMAF. JAIN: Madam, I wish to remind my friends from the Communist Party, who have been very vocal in suppress.ig a voice of wnat happened in 1959 when the Kerala Government was dismissed. What was their stand? I would like to know what stand my Communist friends had taken before the Sarkaria Commission. They said before the Sarkaria Commission that article 356 should be scrapped altogether because they said in this article 356 there was danger to federalism. Today this danger to federalism has become the protector of secularism . *(Interruptions)* . . .

Madam, I want to know, if the BJFs State Government failed in Uttar Pradesh, how about the failure of the other State Governments? I support what my friend, Mufti, Mohd. Sayeed and some other hon. Members said. If the failure was in Uttar Pradesh, the failure was also in Maharashtra; the failure was also in Gujarat. Why this double-standard? *(Interruptions)*

SHRI SUBRAMAN1AN SWAMY (Uttar Pradesh): In Tamil Nadu also.

SHRI V. GOPALSAMY: Mr. Swa-rriy must have been in the Tamil Nadu Assembly.

DR. JINENDRA KUMAR JAIN: If there can be a failure .. . *(Interruptions)* ...

SHRI SUBRAMANIAN SWAMY: What about Tamil Nadu where there was a free hand? *(Interruptions). ..*

THE DEPUTY CHAIRMAN: Now, Dr. Jain, will you please conclude? *(Interruptions).*

SHRI G. SWAMINATHAN: Mr. Swamy can go to the Tamil Nadu Assembly. . *(Interruptions)* . .

SHRI SUBRAMANIAN SWAMY: There are so many communal riots there.

DR. JINENDRA KUMAR JAIN: If there was falure of the State Government of Uttar Pradesh I would like to know from you, *it* there not a failure of the Central Government? If the Uttar Pradesh Government had to be dismissed or if the Uttar Pradesh Chief Minister had the duty or the decency or the public responsibiliy of resigning, how can the Central Government escape the responsibility and the duty of resigning and getting dismissed otherwise?

Madam, the hon. Home Minister has said in his statement that a CBI enquiry has been instituted. He has also said that a judicial authority has I have been appointed to go into the h?r psnings. The reports are still awaited. But the findings have already

(Dr. Jinendra Kumar Jain) been prejudged and it has already dismissed the four duly elected State Governments before the judicial authoriy could act or before the CBI would give its opinion. Madam, some meanings have been distorted. I am pained to say here and I would like lo put it on record, the people who are ignorant, let them know that the RSS is an organisation which is engaged in a number of community development works. The organisation is engaged in community development and it should not be called a communal organisation... *(Interrupt tions)*

SHRI SUBRAMANIAN SWAMY: Are you a member?

DR. JINENDRA KUMAR JAIN: Madam, I come to the rest of the BJF States. I want to ask the hon. Home Minister the reading, and the meaning of article 356. The basic condition for President to impose President's rule under article 356 of the Constitution is that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. This article says that there have to be conditions. He cannot presume. There is no provision for a pre-emptive action under article 356. How did he invoke article 356 on the basis of a pre-emptive ac~ tion? Madam, it does not mean that our Constitution docs not have an article for a pre-emptive action. He has the power and the pre-emptive nction is allowed for imposing President's rule wide article 352.

उपसभापति : अब आपके पांच मिनट बहुत लंबे हो गए। आप तो अखबार पढ़ रहे हैं इस हाउस में। अपना भाषण करिए, I won't disallow अखबारों को मत पढ़िए।

SHRI SANGH PR5YA GAUTAM (Uttar Pradesh): He is making rele-r vant points.

SHRI SUBRAMANIAN SWAMY: Has his faith in the Constitution come back?

DR. JINENDRA KUMAR JAIN: Madam, under article 352, the Government has certain powers in case of actual occurrance of war or external aggression or armed rebellion. But the Government did not invoke this article. There is another article. When this was discussed my hon. friend, Shri Madan Bhatia, read the Constitution ruling and he read about the dismissal of the nine State Governments *by* the Janata Government. And he also read the ruling of the Supreme Court in this case. And this Government, the Central Government and the other three State Governments... (Interruptions)...

SHRI MADAN BHATIA: I did not read the newspaper. I read the judgement of the Supreme Court which is the law.

DR. JINENDRA KUMAR JAIN: la our Constitution, which is federal Constitution, Dr. Bhimrao Am-bedkar, said that the State Governments are as sovereign as the Central Government. As the Central Government is elected by the people, the State Governments are also elected by the people... *(Interruptions)* ...

SHRI SUBRAMANIAN SWAMY: Does he think that the State Govern-men thas the power... *(Interruptions)* . .. He does not know the basic constitutional law .. . *(Interruptions)* ...

DR. JINENDRA KUMAR JAIN: Madam. I am ouoting Dr. Bhimrao Ambedkar and I am quoting from the debates of the Constituent Assem-ly. What I want to say ... *(Interruptions)* ... I want to make a submission here. If secularism is san-crosanct, I agree. Let a political debate take place at a mature level n-at Parliament level where it can be discussed whether your kind of pseudo-secularism or our kind of real secularism should be practised in this country. But if secularism is san-crosanct, can we sacrifice democracy?

Can there t>e secularism without democracy? This sort of a practice. . .. *{Interruptions) ...*

THE DEPUTY CHAIRMAN; Please conclude. Next I have the Home Minister to speak. It is quite late. Please conclude.

DR. JINENDRA KUMAR JAIN: This country has believed in SATYA-MEVA JAYATHE and this SATYA-MEVA JAYATHE is being crushed under unilateral propoganda. An unfair propoganda on Radio and Television is unleashed on the nation... *(Interruptions,)...*

SHRI MENTAY P ADMAN ABH-AM: What about you$_r$ affidavit in the Supreme Court? . .. *(Interruptions)*

DR. JINENDRA KUMAR JAIN: We are being blamed... (Interruptions) ... We are being blamed by the whole media the whol$_e$ Parliament. All non-BJP partie are trying to mom ... (Interruptions)... trying to throttle... *(Interruptions!)...*

SHRI MENTAY PADMANABHAM: That is unparliamentary. He should apologize.

SHRI SUBRAMANTAN SWAMY: He should apologize or at least withdraw that word.

SHRI MENTAY PADMANABHAM: He has to withdraw. Let him withdraw . You can let him off if he withdraws.

DR. JINENDRA KUMAR JAIN: The real issue at this juncture... *(Interruptions) . . .* The real issue was the reconstruction of the Ram Temple ... *(Interruptions) ...*

THE DEPUTY CHAIRMAN: * will look at the record. I would not allow the world 'mob'. I will request Mr. Jain not to repeat it.

DR. JINENDRA KUMAR JAIN: The real issue at Ayodhya was the reconstruction of the Ram Temple at Ram Janamabhoomi which in our Hindu context ... (In.!erruptious) ...

मौलाना ओबैदुल्ला खान आजमी : वहां बाबरी मस्जिद थी। यह गलत कर रहे हैं कि राम टेम्पल तोड़ा गया। यह हाउस को गुमराह कर रहे हैं। इसको नोटिस किया जाए। (व्यवधान)

مولانا عبید اللہ خاں اعظمی : وہاں بابری مسجد تھی۔ یہ غلط کر رہے ہیں۔ کہ رام ٹیمپل توڑا گیا۔ یہ ہاؤس کو گمراہ کر رہے ہیں۔ اس کو نوٹس کیا جائے۔" مداخلت"۔

DR. JINENDRA KUMAR JAIN: Madam, there are evidence. There are literary evidences. There are historical evidences. There are arch-aelogical evidences. There are revenue records.

THE DEPUTY CHAIRMAN. I have given too much time... *(Interruption)* . It is too much. I request you to please take your seat.

DR. JINENDRA KUMAR JAIN. I am concluding.. (Interruptions) ... I wish to make an appeal to you and to the hon. Members in this House that they should not indulge in any distortion of facts. Let us try to understand what is the basic malady.

उपसभापति : आपने अपनी बात कह दी, बैठ जाइये । (व्यवधान)

DR. JINENDRA KUMAR JAIN: T'.-,e basic Hindu-Muslim conflict is not our creation. This malady has been therefor the last 700 years. We must understand what the Hindu... *(Interruptions) ...*

SHRI S. K. T. RAMACHANDRAN: They have destroyed our philosophy. They have destroyed our culture, our sovereignty and peace in this country. *(Intrruptions)...*

†[ ] Transliteration in Arabic Script.

THE DEPUTY CHAIRMAN: Just a minute. I allowed only five minutes and then I have allowed already 25 minutes.

DR. JINENDRA KUMAR JAIN: It is all interruptions.

THE DEPUTY CHAIRMAN: I allowed you five minutes. I have permitted you five minutes, and five minutes cannot be made into 25 minutes. आप बैठ जाइये।

DR. JINENDRA KUMAR JAIN Please give me four minutes

THE DEPUTY CHAIRMAN: No. 5 मिनट के 25 मिनट हो गये हैं।

DR. JINENDRA KUMAR JAIN: Madam, *1* wish to make a request. Please understand one basic philosophy. That is, we must understand the causation ... *(Interruptions)...*

THE DEPUTY CHAIRMAN; Please do not stretch the goodwill of the House so much.

DR. JINENDRA KUMAR JAIN: Allow me to conclude. I am the Mover of the Resolution. Please allow me to conclude.

THE DEPUTY CHAIRMAN: I, say, please *do* noi, refer t_0 that oc-cause you are speaking in this House with the goodwill of the Members of this House. You are not speaking *by a* right of your Resolution which was decided... *(Interruptions)* ... Please tak_e your seat.

DR. JINENDRA KUMAR JAIN: Madam, I do not accept that. I am speaking in this $Hous_e$ as my right 1 request you to allow me to con elude. *(Interruptions).*

THE DEPUTY CHAIRMAN: Jain saheb, I permitted you for a long time, and the Home Minister has to reply, and we have to have the voting. Members are sitting here. We have other business. We might take up some other business. There are people in this country who are suffering, who are hungry. The planes art not running. There are so many problems which we have to look after...

DR. JINENDRA KUMAR JAIN: Allow me to conclude in two minutes.

THE DEPUTY CHAIRMAN: You spoke very well. Please take your seat.

DR. JINENDRA KUMAR JAIN: Madam, this is unfair. I am the Mover of the Resolution.

THE DEPUTY CHAIRMAN: Your Resolution has no meaning.. .

DR. JINENDRA KUMAR JAIN: I must be given two minutes. You allow me two minutes, Madam, *(Interruptions)* Heavens will not fall if I am allowed to conclude... (Interruptions)

THE DEPUTY CHAIRMAN: With the permission of the House, with the will of the House I permitted you. Now, if the House wants you to speak the whole night, please speak. I have no objection.

SOME HON. MEMBERS: No, no.

DR. JINENDRA KUMAR JAIN: Madam; I am concluding.

श्री जगदीश प्रसाद माथुर: महोदया, उनको दो-तीन जुम्ले कहने दीजिये।

THE DEPUTY CHAIRMAN: All right. Allowed.

DR. JINENDRA KUMAR JAIN: Madam I want to refer to some of the hon. Members, like Smt. Renu-ka Chowdhury, like Shri Jagmohan and others who spoke, and rightly so, that the blame cannot be put exclusively on the BJP, and we all are

responsible. If everybody is responsible, why Wang only the BJP Government? *(Interruptions)* Madam, I wish to request you that this is a very important issue. Please listen to my voice. Please do not suppress... *(Interruptions)*

SHBI MENTAY PADMAN ABHAM; Madam, may I clarify? He is misquoting our colleague's remark here. Mrs. Rehuka Chowdhury said that not only the BJP, the Government is also equally responsible for this calamity. That is what she said, and the others said. *(Interruptions)*

DR. JINENDRA KUMAR JAIN: Madam, I want to say that at this time, we need sanity, and we need systematic study as to what is o nation... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: instead of

उपसभापति : चव्हाण साहब, अब आप बोलिये ।

DR. JINENDRA KUMAR JAIN: It requires an understanding of the issue...

throttling the voice of the BJP.

THE DEPUTY CHAIRMAN: Yes, ,

उपसभापति : जैन साहब, अब आप बैठ जाइये ।

now the reply.

SHRI S. B. CHAVAN: Madam Deputy Chairperson, I must express my gratitude to all the hon. Members *for the kind of candid discussion that we had on this very important issue which, if I am permited to say so. . . . *(Interruptions)*

मौलाना ओबैदुल्ला खान आजमी : हम लोगों को बोलने नहीं दिया गया। हम लोगों को अछूत बना दिया गया। बैठे बैठे आप अपना आभार प्रकट कीजिये और हम लोगों की बातों को न सुनने की . . . (**व्यवधान**) . . .

مولانا عبیداللہ خاں اعظمی : ہم لوگوں کو بولنے نہیں دیا گیا۔ ہم لوگوں کو اچھوت بنا دیا گیا۔ بیٹھے بیٹھے آپ [illegible] آبھار پرکٹ کیجیے اور ہم لوگوں کی باتوں [illegible] سننے کی . . . "وراخلات"

SHRI S. B. CHAVAN: I think he will try to understand the feelings...

मौलाना ओबैदुल्ला खान आजमी : इतने खतरनाक और इतने अहम मुद्दे पर हम लोगों की आवाज रोकी गयी। हमें बोलने का मौका ही नहीं मिला।

مولانا عبیداللہ خاں اعظمی : اتنے خطرناک اور اتنے اہم مدے پر ہم لوگوں کی آواز روکی گئی۔ ہمیں بولنے کا موقع ہی نہیں ملا۔

THE DEPUTY CHAIRMAN; If the Members want, I can read out the names of Members who wanted to speak. Let me read out the names. But it is the paucity of time that we have to consider

मौलाना ओबैदुल्ला खान आजमी : हम तो आपके माध्यम से होम मिनिस्टर साहब के सामने कुछ जायज बातें रखना चाहते थे, उनकी नालेज में डालना चाहते थे, हम तकरीर नहीं करना चाहते थे। मैडम, हम सिर्फ . . .

مولانا عبیداللہ خاں اعظمی : ہم تو آپکے مادھیم سے ہوم منسٹر صاحب کے سامنے کچھ جائز باتیں رکھنا چاہتے تھے۔ انکی نالج میں ڈالنا چاہتے تھے ہم تقریر نہیں کرنا چاہتے تھے۔ میڈم۔ ہم صرف...

उपसभापति : देखिये, अभी बहुत से लोग थे . . . (**व्यवधान**) . . .

मौलाना ओबैदुल्ला खान आजमी : मैं तो सिर्फ चार मुतालबात उनके सामने

†[ ]Transliteration in Arabic Script.

रखना चाहता था। उन चार मुतालबात को अगर आपकी इजाजत हो तो मैं रखूं। उन चार मुतालबात को उनके सामने रखकर अपनी बात खत्म कर दूं।

مولانا عبیداللہ خاں اعظمی: میں تو صرف چار مطالبات ان کے سامنے رکھنا چاہتا تھا۔ ان چار مطالبات کو اگر آپ کی اجازت ہو تو میں رکھوں ان چار مطالبات کو انکے سامنے رکھ کر اپنی بات ختم کر دوں۔

उपसभापति: आजमी साहब, अगर मैं आपको इजाजत दूंगी तो 5-10 को इधर से भी करना पड़ेगा।...(व्यवधान)... यह विवाद का समय नहीं है। यहां 17 लोग कांग्रेस की तरफ से नहीं बोल पाये हैं। हर पार्टी से चार-चार, पांच पांच लोग नहीं बोल पाये हैं।

मौलाना अबदुल्ला खान आजमी: मैं कोई तकरीर नहीं करना चाहता।

مولانا عبیداللہ خاں اعظمی: میں کوئی تقریر نہیں کرنا چاہتا۔

उपसभापति: वह तकरीर ही होती है सब।

मौलाना अबदुल्ला खान आजमी: जो लोग मरे हैं उनके लिये गवर्नमेंट की तरफ से कुछ मुतालबात है? जो लोग विकलांग हैं उनके लिये गवर्नमेंट की तरफ से मुतालबात हैं क्या...

مولانا عبیداللہ خاں اعظمی: جو لوگ مرے ہیں ان کے لیے گورنمنٹ کی طرف سے کچھ مطالبات ہیں۔ جو لوگ وکلانگ ہیں انکے لیے گورنمنٹ کی طرف سے مطالبات ہیں کیا...

† [ ] Transliteration in Arabic Script

श्री एस० बी० चव्हाण : वह बोलूंगा।

उपसभापति: अगर होम मिनिस्ट साहब अपनी तकरीर में आपके मुतालबे को कवर नहीं कर रहे हैं तो जरूर आपसे कहूंगी कि आप अपनी बात उनसे कहें।...(व्यवधान)... उनकी बात सुन तो लीजिये। अगर आपकी बात खुद कह रहे हैं तो ठीक है, अगर नहीं कह रहे हैं तो आपको जरूर बोलने दिया जायेगा। यह भी देख कर लीजिये, ठीक है?

श्री संघ प्रिय गौतम: मुझे मुतालबात करना है।

उपसभापति: आप भी मुतालबा करना चाहते हैं?

SHRI S. B. CHAVAN: Madam, want to express my gratitude for very lively discused) that we hv Everybody is aware of the fact tr it has shaken the foundations of 01 polity and that is why every one us is feeling very concerned abc the future of the country. Let "have n_0 doubt about it. Actua] every effort was being made to s that we succeed in finding a soluti to the problem. But having attem ted all the methods that were avE able to us, the Prime Minister c his best, all ot'her people also tri their level best to see that an ami a'ble solution could be found and t nath of confrontation was avoided ' the extent possible. But after havr talks for a number of days-two met i^gs were held in a very good atmo i-v'-ere, and the third meetings w also fixed—I have not been able on still annreciate as to what exactly w the reason which actuated the VT unilaterally to take a decision th the *Tear seva* will begin from the 6 of December. It is still a mystery 1 me and. I have been trying to unde stand from a number of people but do not get any satisfactory reply that point which clearly establish that they were not interest in the talks at all a

they were interested in continuing the *kar seva* as it was prescirfoed by the Supreme Court. And where did they want to do the *kar seva"!* They wanted to do it at 2.77 acres of land where the Supreme Court also said that you cannot have any constructional activity; it has to be some kind of nominal religious activity which San be carried out. Later on, a num-Der of people went on saying what exactly they had in mind and ultimately affidavits were filed before the Supreme Court and the Supreme Court every time gave the U.P. Government sufficient time to consider all aspects of the question. At one time the Supreme Court even thought of appointing the Central Government as the receiver, on its behalf. But the senior counsel for the State of U.P. said that they v/ould discuss the matter with all the religious heads and that they would try to prevail upon them to see that no order of the Court was violated.

The Supreme Court was giving orders. I have got copies of all the affidavits filed by the U.P. Government and also the orders passed by the Supreme Court. I must really find out from the hon. Members. I have come to this conclusion that there is something basically wrong. They have been promising in the National Integration Council. The Chief Minister had written more than half-a-dozen letters to me. They nave been promising, in the shape of affidavits to the Supreme Court. Now, they want us to believe. Emphatically, the Leader of the Opposi-fton was nleased to say that this was not their plan. The hon. lady Member, in her own very eloquent style, also said: 'Please do not misunderstand us. This was not our intention that tha whole thing should be destroyed'.

First of all, every one of us, who knows the history of the RSS, is almost certain that it is a disciplined organisation. I have had the opportunity of going through an article written by Mr. Sanjay Kaw, on 4th December, in the 'Statesman', in which he had given the details as to what kind of arrangements were m'ade. Not a single person could enter that area. Himself being a journalist, he also could not find entry. He described himself as a *kar sevak* and, at half-a-dozen places, he was checked. He had to produce the authority letter, that this was the authority *vftio* had certified that he was a real *kar sevak.* He saw the entire thing and thereafter he had decribed it. He had gliven a very vivid description as to what kind of arangements were there. Nobody could enter. Nobody could infiltrate. About a thousand people, as they were a little dobutfv were driven away. They were drive away.

SHRI MENTAY PADMANABHAM: Even then, the Government failed.

SHRI PRAMOD MAHAJAN; Mr. Sanjoy Kaw himself entered and he says that nobody could enter!

SHRI S. B. CHAVAN: It is a fact. I think you would also agree. Have you, or, have you not, made this kind of arrangement? Right from the place where he stayed, right from the start, he had to carry the certificate of your *shakha.* Whoever had gone there, he had to produce a large number of certificates. Everybody had to be satisfied that he was a genuine fear *sevak.* Nobody could possibly enter that area. This was a foolprooof arrangement you had made. Thereafter, do you want us to believe that this was not your plan?

SHRI DIPEN GHOSH: Madam, the hon. Home Minister has referred to the article by Mr. Sanjay Kaw, in the 'Statesman'. This article appeared In the 'Statesman' on 4th December. The demolition took place on 6th Dec_ ember. When did you read this article? After 6th December, or, before 6th December?

SHRI S. B. CHAVAN: I must candidly admit that I read this article after 6th December, not before 6th December.

SHRI MOHAMMED AFZAL *alias* MEEM AFZAL (Uttar Pradesh): What were the officers in the Home Ministry doing?

SHRI S. B. CHAVAN: When I was trying to prepare myself for this debate, I was just collecting all the information that was available So that I would be able to reply to the points which the hon. Members would raise here. *(Interruptions)*

SHRI T. A. MOHAMMAD SAQHY (Tamil Nadu): What was the Government doing, before 6th December?

श्री मोहम्मद खलीलुर रहमान : (आन्ध्र प्रदेश) : आपके आफिशियल्ज़ क्या कर रहे थे (व्यवधान)

†شری محمد خلیل الرحمٰن : آپ کے آفیشیلز کیا کر رہے تھے ... "مداخلت" ...

श्री एस० बी० चव्हाण: आप हद से ज्यादा आगे बढ़ने की कोशिश कर रहे हैं (व्यवधान) हम भी समझते हैं कि आप क्या कह रहे हैं। (व्यवधान)

उपसभापति : सब के साथ सुनिये। बोल रहे हैं। आपने अपने सवालात रखे हैं। उन्होंने डिस्टर्ब नहीं किया। उनको बोलने दीजिए। वे लीडर हैं हाउस के।

SHRI S. B. CHAVAN: I must say, I am not prepared now to believe that there was any such proposal. You have to admit this fact that they had a different kind of plan and still they are telling us that we should believe them. In fact, we have believed them. There is no doubt about that. We have believed them.; We have put full faith in. them. But unfortunately, I have to admit that they have betrayed us very badly and that was not anticipated from that section at all. You could have straight told us that we do not believe in doing this kind ol a thing, but the method that you have adoutted clearly indicates thai something was going on in our mind, but you wanted to do the same thing through some agency instead of dir ectly getting yourself involved ir. it. Otherwise, there was no reason I have been trying to understand what is the loeusi standi of the pec pie who got possession of the 2.71 acres of land, who are they? The lane has been acquired by the U.P. Government and when we ask them, this question, "are they your agents" they never bother to reply to thai kind of a question. All other questions, all other letters are being re pied to, but when I askod the,, "AM they your agents have you authorised them," there is no reply and tha is why at least now there is tha doubt which is created in the mine of the Government that in fact, yoi had soma kind of a plar: of actiot which you did not want to disclost and 30111MM' are the 6th. yoi pleaded total helplessness that thing! have gone so far that you could no possibly control. Otherwise, eithei BJP or VHP or RSS pleading thi kind of a helpnessess is something o which I have not heard at all. RSS is known for the kind of discipline they will never say anything whicl others will not believe. But this S for the first time that you have ad opted this kind of a course and tha is why I say that the total founda tion of the polity has been shakei and this we will have to seriousl: consider. This is[1] the time when am fully in agreement with wha hon. Yashwant Sinha described tha day, that "this is the time whei when you have to have some kin< of an introspection." This event cai still lead, us for some kind for a poll

† [ ]Transliteration in Arabic Script.

heal polarisation. There are major issues which the country is facing today. There is the issue of poverty. There is the issue of a large number of rural areas not being developed.

AN HON. MEMBER: Issues of scams.

SHRI S. B. CHAVAN: Development in agriculture, industry, all others things have to' be faced, but during this Session we find it is only Ri,m Janam Bhoomi and nothing else. In the lower House, hardly anything, we could not get through any business; it is only Ram Janam Bhoomi. And if I understand correctly, this was a deliberate decision taken at Ujjain. Mandal Commission was very much in their mind. In order to- divert the attention of the people from the Mandal Commission and the implications of the same,, this is the new thing which has been deliberately attempted by them in order to create some kind of a dissension among the people that real issues need not be solved^ these are the issues which could be attended to later and it is only the M'an-dir-Masjid which, in fact, should get attention of all the people and let every member engage himself only in this which, according to me, is a non-issue. If non-issues get the priority and priority issues just get diverted, I arn sure this will be the greatest disservice that we will be doing to the poorest man in this country. That is why it has become absolutely necessary for us to have a complete rethinking about the entire thing. There are occasions in the history of a country when you have to have a complete rethinking on the kind of ideology that you have, the kind of thinking you so far have. We have differences—there is no doubt about it—but we never thought in terms of this kind of a holocast in our country We never anticipated it. In fact, I must very candidly admit before all of you that some kind of an attempt was going on against the wishes of the Court. Doing something on the 2.77 acres of land was something that I could have, to some extent, understood. But every one of them gave a complete understanding that there was no question of the disputed structure being destroyed at all. And in spite of that, the 2.77 acres of land remains as it is and they have destroyed the structure . That is why, this is the proper time when all the political parties will have to come to some kind of an understanding. If we really want India to progress—progress in the agricultural field, progress in the industrial field, progress in all other aspects of life—then first things will have to be attended to first. If there is no peace and tranquillity in the country, whatever plans we might prepare, ultimately no plan is going to' succeed unless we restore this kind of a confidence among all sections of the people, particularly, the minority communities.

So, I have no grudge against them. If they have to say something in a very abusive language also against me, I have to understand their feelings, try to understand what they should have thought of the entire thing. So, there is no question of my misunderstanding them. I have the least amount of doubt in my mind that something very much wrong has been done to them and they are perfectly within their rights to react very sharply to whatever had happened.

A large number of people have been killed. I have the full list with met. Almost 1,200 people have lost their lives and almost 4,900 people have been injured. Now they are trying to collect the figures about the property which has been destroyed. About two or three days back, almost every officer was engaged in seeing that normalcy is brought about, and thereafter they will attend to the rest of the things. Now they are attending to it. Ex-

cept, perhaps, in one State, almost everywhere things are now normalized. So it should be possible for them to give the estimate of the property which has been damaged.

Now, they have made an announcement. In the beginning it was Rs. 50,000 each for those who were killed and Rs. 5,000 each for those who weve injured. Now, almost uniformly, it is Rs. 1 lakh in most of the States, barring one State...

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): It *is By. 2 lakhs now.*

SHRI S. B. CHAVAN: That's why I was very particular that I should speak after the Prime Minister did so that I know what he has announ ced. Now it is generous. Instead of Rs. 1 lakh, now it is going to be Rs. 2 lakhs for every person who has died. After all, it doesn't mean anything if an earning member of a family wers to die and the children become helpless. I must also bring to your notice that we have the National Foundation for all the child ren who have become orphans. They can also be accommodated. Govern ment takes the responsibility aiid they will be paying them Rs. 400 to 500 par month—I do not know it exactly. Till hs attains the age of 18 wi go on paying this amount so that he doesn't grow as a disgrun tled member of the society. So, first of all that was the point which I wanted to inform the House. Madam I have great .....

SHRIMATI KAMLA SINHA (Bihar): Madam, I want to know from the hon. Home Minister what compensation will be given to the women who have been abused by rape and to the children who have lost their parents and all other family members.

SHRI S. B. CHAVAN: There ate some announcements which the hon. Prime Minister has made on the floe of the other House, about which still have to get information. I car not possibly off-hand tell you whs kind of compensation is to be give to them to all the women who, i fact, have been very badly treated If their husbands have been killec then, of course, they are entitled f the amount of money that otherwis they would have been entitled to. B I do not know the exact figure. No do I have the exact figure of the tots amount of money disbursed so far

Madam, there is *g* constraint whic I have to keep in mind, and that *i* why I have got to be very brief. On is about some matters being agitate before the Supreme Court in the con tempt matter. Some are in the Hig Courts where a number of thing have been challenged. We ourselve have appointed an inquiry commis sion under the Commissions of Ir quiry Act. Some cases have als been given to the CBI for a definit enquiry. Now, the point which th hon. Members would like to unde: stand ...

SHRI INDER KUMAR GUJJRA (Bihar): Before you go to the nex point, my hon. colleague has sugges ted that something very vital or moe important has to be done for th ladies who have been dishonoured, would suggest that the minimum tha the Government should do is totrea it at par with murder because it i a worse more heinous crime tha that. Any lady who is dishonourec must get compensation at the mini mum at the level of a person killed

SHRI RAFIQUE ALAM (Bihar) The criminals whosoever they mi be must be punished.

SHRI S. B. CHAVAN: I would nc be able to say exactly.

SHRIMATI KAMLA SINHA: 1 possible, they should be rehabilitated

† [ ] Transliteration in Arabic Script

SHRI S. B. CHAVAN: But there are a number of implications of the same. I will try first to find out from the announcement which ihe Prime Minister was pleased to make in the other House.

SHRI INDEER KUMAR GUJRAL: I was hearing him. He did not cover this point. But, I think, you will kindly keep in mind that the suffering of a lady dishonoured is worse than death. I think, that is why this has to be done.

THE DEPUTY CHAIRMAN: Mr. Home Minister, I agree with the suggestion made by the lady Member and I support it. Thosa women have to be protected. To whichever religion or caste they may belong, they have to b_a protected properly and provided for. ... (Interruptions)

SHRI SUBRAMANIA.N SWAMY: I have another point.

उपसभापति : उन्हें बोलने दीजिए । पहले वह पूरा बोल लें, फिर आप ।

SHRI S. B. CHAVAN: If you want toask me any question, let me first finish. ... *(Interruptions)*

THE DEPUTY CHAIRMAN: Let him finish. Let him finish. Let him finish. Then you make your point. You may suggest whatever you like.

SHRI SUBRAMANIAN SWAMY: On this point itself, 2.77 acres of land has now come back to the hands of the Central Government. WiU those two temples, Sakshi Gopal and Sankat Mochan, be rebuilt or not because they were destroyed by the vandals of the BJP Government and the Hindu sentiment is that these two temples should be rebuilt thereon?

SHRI S. B. CHAVAN: I cannot possibly immediately react to what the hon. Member is asking. Certainly, we will have to consider a number of issues which get involved in this very important issue.

Madam, there are two other points which the Leader of the Opposition also referred to, and they are with respect to delinking that. At one stage he said that you would have to delink the 2.77 acres of land and the disputed structure. In fact, this was the very issue which was raised by L. K. Advaniji also in the other House. I had merely requested him, and I am requesting you also. Now, since the land-acquisition has been totally set aside, the question does not arise. But, still, for my own satisfaction, is the Leader of the Opposition prepared to give me a plan, authenticated plan, which they have in mind because they were saying, "For three or four years it is the *Garbhagraha* which is going to be constructed, and thereafter the question of extending it to other disputed area will be considered. We will have enough time to consider all these aspects." So, you please give us your authenticated plan. The structure is no more there now. Land acquisition of 2.77 acres has also been set aside. So, it becomes a totally academic exercise. There is no meaning left to it. (Interruptions)

SHRI PRAMOD M AHAJAN: If you give an assurance that you would implement our plan, we will submit it to you.

SHRI MENTAY PADMANABHAM: You have already executed your plan. (Interruptions)

SHRI S. B. CHAVAN: I would like to announce what the Prime Minister has said in the other House.

SHRI R. K. DHAWAN (Andhra Pradesh): I entirely agree with what Mr. Gujral and the Deputy Chairman have said regarding compensation to rape victims and others. But i is case you are going to consider such

a proposal. I suggest there should be a cut-off date for complaints to be filed because it will create a lot of problems for the administration. And once such a word goes that the Government is agreeing ... (Interruptions) I say there should be a cut-off date.

SHRI S. B. CHAVAN: I cannot off hand give any assurance to "the House. Certainly we will keep this in mind; and try to put this across to all those who are concerned with it and thereafter would take a decision. (Interruptions)

Now, Madam, I would like to announce what the...

श्री मोहम्मद अफजल उर्फ मीम अफजल : मैडम, सारे हाउस को एसोसिएट करना चाहिए । पूरे हाउस को एसोसिएट करना चाहिए इसके साथ ।

شری محمد افضل عرف م. افضل : میڈم سارے ہاؤس کو ایسوسیٹ کرنا چاہیے۔ پورے ہاؤس کو ایسوسیٹ کرنا چاہیے اسکے ساتھ۔

श्री संघ प्रिय गौतम : गृह मंत्री जी, आप एक बात और बता दीजिए . . .

उपसभापति : गृह मंत्री जी का भाषण हो जाने दीजिए ।

श्री संघ प्रिय गौतम : क्या आप मस्जिद बनाएंगे, क्या मन्दिर बनाएंगे या वही स्थिति रखेंगे . . . (व्यवधान) . .

श्री एस. बी. चव्हाण : जितनी भी जोर से आप चिल्लाएं, उसकी वजह से मैं जो कहना चाहता हूं, वही कहूंगा, दूसरी चीज नहीं कहूंगा ।

उपसभापति : ऑर्डर प्लीज, होम मिनिस्टर साहब को जरा ध्यान से सुनिए ।

श्री सिकन्दर बख्त : चव्हाण साहब, मैं एक मिनिट ले सकता हूं आपका ? मैं कुछ समझा नहीं था, बातें कुछेक हो रही थीं, आपने कहीं, उसके बाद दोबारा से जिन औरतों की बेइज्जती हुई उनका जिक्र किया गया, लेकिन अगर बात फिर वहीं आ गयी है तो मैं अपनी पार्टी की तरफ से यह कहना चाहूंगा कि मुझे गुजराल साहब की तजवीज से पूरा इत्तफाक है। वह पूरी जिंदगी मौत की जिंदगी होगी इसलिए उनके कम्पेनसेशन को पूरे तरीके से देखना चाहिए ।

شری سکندر بخت : چوان صاحب۔ میں ایک منٹ لے سکتا ہوں آپکا۔ میں کچھ سمجھا نہیں تھا۔ باتیں کچھ ایک ہو رہی تھیں آپنے کہیں۔ اس کے بعد دوبارہ سے جن عورتوں کی بے عزتی ہوئی ان کا ذکر کیا گیا۔ لیکن اگر بات پھر وہیں آگئی ہے تو میں اپنی پارٹی کی طرف سے یہ کہنا چاہوں گا کہ مجھے گجرال صاحب کی تجویز سے پورا اتفاق ہے۔ وہ پوری زندگی موت کی زندگی ہوگی اس لیے انکے کمپینسیشن کو پورے طریقے سے دیکھنا چاہیے۔

श्री एस. बी. चव्हाण : इसी को अलग-अलग कहने की आपको जरूरत नहीं है ।

श्री शंकर दयाल सिंह : मैडम, इसे पार्टी का सवाल नहीं बनाएं, यह मानवता का सवाल है ।

उपसभापति : ऑर्डर प्लीज, इसे पार्टी का सवाल नहीं बनाए, शंकर दयाल जी आप कृपया बैठ जाइए। कभी कोई बात अगर चेयर से आती है तो मुझे लगता है कि उसमें हाउस शामिल ही होता है । तो आप लोग जो बोले या नहीं बोले, सब उन महिलाओं के साथ

† [ ] Transliteration *in* Arabic Script

सहानुभूति रखते हैं और जो बात मैंने कही, वह आप सभी लोगों की तरफ से थी।

SHRI S. B. CHAVAN: The announcement which the hon. Prime Minister made in the other House was this. In addition to the ex-gratia relief in the case of deaths, grievous hurt or damage to the property, the Government of India will recommend to the State Governments that the victims of recent communal riots may also be given the following assistance: (1) employment to widows, wards of families affected by the communal riots. Where an earning member of the family bag "been lolled or permanently incapacitated: (2) allotment of tenaments and house sites to families rendered houseless; (3) allotment of shops, space for kiosks for families to restart their business; and (4 bank loans for capital investment and also working capital for re-commencement of the industries and business affected in the riots. Similar measures will also be taken in the Union Territories. This was the announcement which was made.

SHRIMATI KAMLA SINHA; That is not going to help dishonoured women. What should be done to them? *(Interruptions')*

SHRI S. B. CHAVAN: I have taken note of your point. I am not competent to take a unilateral decision and make an announcement here in the House. I will consult a number of other Ministries and thereafter take a final view about it.

. One point I would like to deal with is regarding the issues which the Leader of the Opposition was raising. One issue about which some kind of a reference was made and which is still under reference a«d which I have not been able to understand was about the Lucknow Bench of Allahabad High Court. He said the Hig>h Court did not give the judgment and that is why people felt rather restive about the whole thing and did this kind of a thing. I do not know what the connection between the two is.

श्री सिकन्दर बख्त : कौनसा हिस्सा नहीं समझे, मैं दोबारा आपकी पेश-ए-खिदमात कर दूंगा।

†شری سکندر بخت : کون سے حصہ نہیں سمجھے۔ میں دوبارہ آپکی پیش خدمت کر دوں گا۔

श्री एस. बी. चव्हाण : आप जरूर बताइए मुझे, लेकिन मैं समझना चाहूंगा।

7.00P-M.

1 don't find any kind of connection between the two. Why before tine 6th the Allahabad High Court did not give the judgement—whether the judgement was favourable -or against you is a matter on which I don't think any Government for that matter can bring about any kind of pressure on the Allahabad High Court. This point was also agitated befor$_e$ the Supreme Court. The Supreme Court also said "It is impossible for us to give any kind of direction from the Supreme Court. However, we would request them to expeditiously dispose of the case." That is the only thing they have given. I have got with me the entire proceedings. So it is not on hearsay that I am saying this thing. It is on the basis of the record that I am saying that the Supreme Court had stated this thing. So also when we say that the judiciary is completely independent, to expect the Government that we should try and represent the matter by saying "you have to expedite the case" will also be rather too much. Merely feecause the judgement was delivered rather late, why should it lead you to attack the mosque? This is something I am not quite able to understand. So this was a point which, in fact, I was not quite able to understand and that is why I should put across this kind of a question.

Most of the points raised here by the hon. Members were of a general nature. Everybody was dissatisfied "Th$_e$ Government should have acted in the matter immediately."

† [ ] Transliteration in Arabic Script.

That is the main thing which was raised by almost all the Members. Whosoever spoke here, he did refer that this mosque was demolished at about 12.30 or so and thereafter the whole work continued up to 11.30 A.M. on the 7th. According to us they continued up to 7 o'clock on the 6th. But according to some other sources, they say that they continued their work till 11.3a A.M. on the 7th. That is how it was stated. But according to my information, the whole thing was completed by...

SHRI INDER KUMAR GUJRAL-. The whole thing was completed by 11 P.M. on the 6th.

SHRI S. B. CHAVAN: So whether it was continued up to 7 o'clock or up to 11.30 p.m. is not the point. The only point, as I said in the beginning, is the question of credibility and we did believe that. Till 11.30 we were regularly getting the reports from Ayodhya. We are in possession of all the reports. Every source reported that things are peaceful and nothing is going to happen. All of a sudden at 11.35 or at 11.40, some people rushed towards the mosque and all the PAC forces, the police forces who were standing there have almost gave a full opportunity to them. "You can go ahead. We will just stand by and see what is going to happen." Even the para-military forces were actually in the charge of the Government of Uttar Pradesh. Since the morning we were getting in touch with the Government of Uttar Pradesh and telling them that we had placed 194 companies at their disposal and whenever they required these companies, they can be utilised. There was no difficulty about it. But you will be surprised to know that from the very beginning they were totally opposed the idea of para-military forces being stationed there. Even they say that we should withdraw it. At that stage you will be surprised to know that they wanttd me to deploy some more force in the Terai region and get back the PAC from there. I said "What is the idea of exchanging the PAC with the para-military forces that we are sending?" Ultimately, since the State Government felt it necessary, 25 companies had to be sent to the Terai region. Instead of the para-military forces, it was the PAC battalion which was brought back by the State Government. At about 12.30 we got the requisition. The orders were absolutely clear that they need not wait for orders from above. As soon as they get the requisition, they have the orders to move in the matter. And, it was with a 20-minute time-lapse that they could move. At 12.30 or 12.45, we got some kind of a requisition that 50 companies were required to be moved to Ayodhya and the Commandants in charge of the para-military forces readied the forces and said "We are now prepared". They requested the

District Magistrate to accompany them. He refused to accompany them and said, "No, I cannot come with you." This was going on for almost half an hour and thereafter^ they wanted him to give in writing that he did not want to accompany them. Ultimately, if fire has to be opened or some of a force is to be used, the District Magistrate has to accompany them. Ultimately, he agreed. Having gone three kilometres, he got another message and thereafter, he said. "I have ve-ry clear orders that I cannot proceed and I have to go back". Our forces insisted, "Unless you give in writing that you do not want us to proceed further, we are not prepared to go back." He gave it in writing. We have the written sort of thing wherein he had said that force was not to be used. So, the entire force was returned by about 2.30 because the road-blocks had to be cleared and they had to go on foot for almost three kilometres. Having gone three kilometres on foot, they were sent back. And, what happened thereafter is- everybody's knowledge now.

The meeting was held at about 6.00 P.M. wherein we had to take a decision as to what to do under those circumstances. Some people asked, "why is it that the Central Government took the decision of dismissing the Government?" Of course we have dismissed the Government. I do not deny that. We have dismissed the Government. They did not act in spite of the letters that we had been writing to them. Many hon. Members in their speeches, said that the Government had prior intimation and still we did not act on it From whatever source we had the slightest information about any damage to the structure, we communicated it to the U.P. Government saying^ "This is the kind of information which is being supplied to us. Please look into the matter and see that nothing of that kind happens". At about 7.00 P.M. we had to take the decision. After the decision was taken, the matter was sent to the President. By about 9.15 or so, the imposition of President's rule was made in U.P.

A point was raised asking, "Why is it that you thought it was necessary that not only the State Government should be dismissed but the House also should be dissolved? Why did you not keep it in suspended animation?"

SHRI INDER KUMAR GUJRAL: Befort you go to that, please give me a minute. I am glad that you have explained it. I would like you to explain to me two more points also. The first is, are you in good terms with your friend, the Minister for Defence who has got a video film of six hours? Have you seen it? If you have seen it, does the video film show—I want you to confirm or deny it—that the activity was continued till 11.15 or 11.30, that is, two hours after you proclaimed President's rule in that State? The second is, did you personally or any of your responsible officers see the BBC's and the CNN's projections from 12.15 onwards? If you did not was it not a serious dereliction of duty on the part of your department not to keep itself informed on the basis of visuals being shown which all of us were seeing about the things happening? And, why did you take time after that to go lazily about it?

श्री जगदीश प्रसाद माथुर : इसी सम्बन्ध में मैं एक बात और पूछना चाहूंगा। हमारी जानकारी है कि प्रधान मंत्री महोदय के पास एक फिल्म है। क्या प्रधान मंत्री महोदय के पास जो फिल्म है, वह आपने देखी है ? यदि नहीं देखी है तो देख लें और हम भी चाहेंगे कि वह फिल्म हमें भी दिखायी जाए। .... (व्यवधान)

यह आप जानते हैं कि कोई भी कैमरा सारी फिल्म नहीं ले सकता है। डिफैंट केमराज होते हैं। एक केमरे की फिल्म प्रधान मंत्री जी के दफ्तर में हैं, यह हमारी मुकम्मिल जानकारी है। हम चाहेंगे कि आप भी देखें और उसको बिना एडिट किए हमें भी दिखाएं।

SHRI S. B. CHAVAN: Madam, about the film which is still in the possession of the Prime Minister, I cannot straightway say anything. I would like to find out and if the Prime Minister allows, then only things can happen. I cannot possibly say on his behalf whether this video film should be shown or should not be shown. *(Interruptions)* I do not know. I have not seen it myself. I was dealing with the point of dissolution of the State Assembly. A question was asked, "Why is it that the Government thought in terms of not keeping the Assembly under suspended animation? Why did the Government think in terms of dissolution of the State Assembly?" I must tell you vevy frankly. .. (Intemtp-*iions)*

SHRI YASHWANT SINHA: Ma-dam it is a very important point

which he has not answered. When I was speaking, I had said that these Points must be answered. Now if the Minister is glossing over it, if he is not answering, then I would like to have your ruling whether we raise it now or raise it later. I have only got up because you have allowed others to raise these points.

THE DEPUTY CHAIRMAN: Mr. Gujral did not ask me but he being a senior Member, I didn't object. But I request the hon. Members,let the Home Minister finish his speech. If you have any points which you think are relevant and are not being answered, you may ask them. Butj we are not opening another discussion. *(Interruptions')*

SHRI YASHWANT SINHA: But certainly junior or senior, Members have a right to get a reply to specific points which have been made in the course of the debate—specific, important and unavoidable points. *(.Interruptions)*

SHRI S. B. CHAVAN: There area large number of points which have been raised by the hon. Members and I have pleaded my inability... *(Interruptions)*

THE DEPUTY CHAIRMAN: It is not a question of a Member being senior. I respected Mr. Gujral and I am not guilty of it. If he asks a very pertinent question, I allow it. I don't stand on such formalities that they should take my permission. But if he has a pertinent point, I allow it. There is no question of being senior or junior. You are quite a senior Member. You have been a Finance Minister. So you come in that category. Now let him speak-

SHRI S. B. CHAVAN: Madam, because of certain inhibitions, in fact, the details which I am trying to give, wll also become controversial. Having appointed an Enquiry Commis-sion and the CBI having been ordered to look into the matter, if I were to give all the details in this House, then I will be prejudicing the working of both of them. But there are certain issues which have been raised to which I have got to reply. But it does not necessarily mean every point. If I were to give the reply here; it will be very embrassing for the Government also. Hence I will request the hon. Members to kindly appreciate this kind of a situation.

SHRI YASHWANT SINHA: Then why are we having a debate?

SHRI S. B. CHAVAN: I was just trying to reply to the point which was raised. "Why is it that the Government did not think it in terms of keeping the Assembly under suspended animation rather than dissolution of the Assembly?" We have sufficient experience with the U.P. Government and with the same kind of officers continuing and all the Members of the Assembly remaining the same, if the same Government is to come into power, we will be totally ineffective in that area and we could not have done anything and that is why dissolution was the only reply that we could possibly think of and that is why we had to dissolve the Assembly. There was no option but to dissolve the House. I am absolutely clear on that point that there is no difficulty about it. *(Interruptions)*

THE DEPUTY CHAIRMAN: I request the Members not to interrupt.

SHRI S. B. CHAVAN: I would not yield on that issue at all. Barring this point, I don't think even in the case of dissolution of three or four State Assemblies, any other point was raised by the hon. Members barring one point which Dr. Jain was pleased to raise and the relevant point in that case was only about keeping the Assembly under suspended 'animation. Why is it that the Government has' not kept the Assembly *vn-*

der suspended animation? Why it it that the Government has dissolved the Assembly? In this respect I wanted to give this kind of reply. Madam, on the 7th, I had to face... (In*tertuptions)*...

श्री शिवचरण सिंह (राजस्थान): राजस्थान असेम्बली के लिए क्या गवर्नर ने आपको लिखकर भेजा था कि इसे डिजोल्व किया जाए?

श्री एस. बी. चव्हाण: इसके लिए मुझे गवर्नर की जरूरत नहीं है। यह डिसीजन हम यहां पर ले सकते हैं। वहां पर क्या चीज होनी जरूरी है और कौनस हालात मे कौन सी चीज जरूरी है उसके लिए कैबिनेट में बैठकर ये सारी चीजें सोची गईं कि अगर हम सस्पेंडेड एनीमेशन में...

If we keep the Assemblies in suspended animation, there will always be fears in the minds of all the officers concerned that they might come back again and the s'ame kind of situation which prevailed on the 6th would be repeated. That is why this was a deliberate decision that the Government had to take with the kind of experience that it had on 6th. On 6th the same thing had happened. On the 7th also it Was the same. I am just trying to bring to the notice of the House that there was a large crowd on 6th night. We were announcing and requesting them to *go* out of the town. Special trains were arranged. Some buses were also arranged in order to see that they vacate it but thereafter it came to our notice that some move was afoot there which clearly indicated that some people would not vac-'ate, would not go out; Government of India seems to be having something else in their mind. This dissolution and dismissal of the Government had not reached some people and that is why they were thinking in terms of retaliation. The entire mob was in a mood of retalia tion. They were having all kinds of weapons or other things in their hands. That is why before sending Hie forces... (Interruptions)... Let nie finish and thereafter we will consider all other things... (Interruption) ... I won't yield, please. 1 won't yield please.

उपसभापति: माथुर साहब, प्लीज बोलने दीजिए, एक-एक कदम पर रोकेंगे तो कैसे काम चलेगा।

श्री संघ प्रिय गौतम: कहां गये सी.आर.पी. वाले? कहां गए इनके इंटेलिजेंस वाले... (**व्यवधान**)

उपसभापति: अभी वह बोल रहे हैं, वह कह रहे हैं, जिम्मेदारी ले रहे हैं .... (**व्यवधान**)

श्री जगदीश प्रसाद माथुर: ऐसे वक्तव्य से तनाव पैदा होता है मैं आपके पास हर प्रकार के हथियार थे, मैं समझता हूं यह उचित नहीं है। आप बड़ी जिम्मेदारी से बात कर रहे हैं .... (**व्यवधान**)

उपसभापति: माथुर साहब, प्लीज .... (**व्यवधान**)

श्री जगदीश प्रसाद माथुर: इसको सही कहें। यह पूरी तौर से सच नहीं है।

THE DEPUTY CHAIRMAN: Mathur gahib, please take your seat.

SHRI S, B. CHAVAN; There was a crowd of almost two lakh and fifty thousand by the 6th evening. The next day, almost seventy thousand people might have vacated that area. And thereafter, again the same question arose about some of the officers. Of course, we propose to take action against all those offcers who behaved in a particular manner, who did not co-operate with our paramilitary forces or the Army Commanders who had gone there to enforce law and order. The S. P. and the

D.M. who, in fact, were not cooperating had to be sent out. We will see that proper action is being taken against the officers who were responsible. If 1 mistake not, the Collector, the S.P., the D.I.Gs. and the I.Gs. of that area were put under suspension and necessary action against them will be taken.

श्री ईशदत्त यादव : केवल डी० एम० और एस० एस०पी० सस्तैंद है वहां पर... (व्यवधान) सबको ही किया है ।

SHRI S. B. CHAVAN: But the assessment of the Commandos who, in fact, were supposed to go to Ay-*sdkj'3 was they did say that tizey* had to take the overall situation into account and the mob was in a belligerent mood and if they did not go there at a time of their choosing, might be, they would have to shoot down a large number of peopel who were trying to create problems, either by blocking the way or by their threatening force. So, in the evening of 7th we took the decision that paramilitary forces had to reach there. It was at this time that we could insist on the commandoes to see that they reach Ayodhya and take possession of the disputed structure and also the area. I must say-that the new force which we have raised, the Rapid Action Force, was in the front and the rest of the people were following them. Of course, at one or two places We had to use lathi-charge and thereafter we hnd t_0 use teargss and thereafter some kind of firing had to be resorted to, but only a few people were injured in the incident. In order to avoid large-scale blood-shed we did not ask the forces to move during the daytime. we had asked the. forces to go there during the daytime the position would have been rather very difficult and there was no point id unnecessarily sending the forces there during the daytime. The time when the neoDle were trying to move out from the area was the time which actuallv weighed with us. There are other issues which the hon. Members have raised. But I must say that I don't have sufficient information at this time at my disposal. I will require som_e more time and then wtill be able to supply the information to the hon. Members who are interested in finding it out from me as to what happened and in which area. I will only inform the hon. Members that in the case of the four States where the President's rule has been imposed, the point of the Government is that if we allow them to function as they are, the banned organishations may not be controlled. Every Chief Minister was openly proclaiming "I belong to the RSS", as if he wanted to invite trouble for himself. Now, I have been told a different story. But still every Chief Minister and most of the Ministers—I have seen their records—I must say most $_0$f them, belong to the RSS. This kind of organisation has been declared illegal by the Government.' If we have to impose the ban, get the people arrested, get their properties seized, get their bank accounts frozen and take any further action in the matter, with the kind of Governments which were functioning in those areas it is almost impossible. It is impossible to expect this kind of a Government which is totally wedded to a particular ideology to discharge the responsibility expected of it. *(Interruptions)* . ..

SHRI JAGDISH PRASAD MATHUR; You cannot take such steps against them. It is a mistake ... *(Interruptions)* ...

इस ढंग से आप नहीं कर सकते। ... (व्यवधान)

उपसभापति : बैठ जाइए, बैठ जाइए .... (व्यवधान)

SHRI JAGDISH PRASAD MATHUR: You cannot take such a decision. This is a basic flaw. *(Interruptions)* . . You cannot take such a

decision. Your decision is only partisan. ... *(Interruptions)*...

THE DEPUTY CHAIRMAN; la-thur Saheb, please.

आप बैठ जाइए . . . (व्यवधान)

THE DEPUTY CHAIRMAN: Ma-THUR, You cannot movr on a presumption. *(Interruptions)*... The Law Minister is here. Let him condemn the presumptions. *(Interrup-t'ons)* ...

THE DEPTTTY CHAIRMAN: Ma-thur Saheb, please (Interruptions) . . STou please sit dov/n *(Interruptions)*

श्री जगदीश प्रसाद माथुर : ये कहते हैं कि हमें लगता है नहीं किया . . . . (व्यवधान)

उपसभापति : अगर आप यह चाहते हैं कि यह मामला खत्म हो, इसके बाद वोटिंग होकर हाउस ऐडजार्न हो तो उनको बोलने दीजिए। आप बीच में इंटरप्ट मत कीजिए।

That is the end of the matter. *(Interruptions)* ...

SHRI S. B. CHAVAN: Actually this is what the Chief Ministers have stated and the r-ports of the Governors also clearly show... *(Interruptions)* . ..

THE DEPUTY CHAIRMAN: Order please. (Interruptions) ...

SHRI JAGDISH PRASAD MATHUR:*

THE DEPUTY CHAIRMAN; I permitanything to go on record except the Home Minister's reply. *(Interruptions)* ...

SHRI S. B. CHAVAN; I have this kind of information ... (Interruptions) ...

SHRI JAGDISH PRASAD MATHUR:*

THE DEPUTY CHAIRMAN: I am not permitting you. It will not go on record. *(Interruptions)* ... This is This is not going on record. Please, Home Minister. (Interruptions)...

SHRI S. B. CHAVAN; All these *kar sevaks* when they returned; were received by the Chief Minister and the Ministers. (Interruptions) ...

श्री जगदीश प्रसाद माथुर : अगर गुनाह किया है तो रहम तो करिये। (व्यवधान) आपने लोकतंत्र की हत्या की है। (व्यवधान)

उपसभापति : आप बैठ जाइये।

SHRI S. B. CHAVAN; The Governor submitted a report... (Interrup *tions)* ... that if the State is to be run... (Interruptions)... as per the provisions of the Constitution two things are necessary... *(Interruptions)* ...

SHRI JAGDISH PRASAD MATHUR; That is illegal... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Please, you had your time and you spoke. . (Interruptions) ... Please take your seat... *(Interruptions)* ..

SHRI PRAMOD M AHA J AN. It is not correct... *(Interruptions)* ...

THE DEPUTY CHAIRMAN; Please sit down... *(Interruptions)* .. .

SHRI PRAMOD M AHA J AN; Let him name the Chief Minister who went to the railway station... (Interruptions) ...

THE DEPUTY CHAIRMAN I won't permit. I am not permitting... *(Interruptions)* ...

श्री प्रमोद महाजन : यह तो ऐसे होम मिनिस्टर हैं कि कौन आई०जी० सस्पेंड है, कौन डी०एम० सस्पेंड है यह भी मालूम नहीं है। (व्यवधान)

*Not recorded.

He referred to the Chief Minister. Which Chief Minister? ... *(Interrup-" iions)...*

SHRI S. B. CHAVAN; The governor made it absolutely clear I have the report of the Governor where he said in unmistakable terms that the State cannot be run as per the pro-* isions of the Constitution and there was no alternative but to dismiss the Government • • • (Interruptions) ...

SHRI JAGDISH PRASAD MATHUR: That is wrong. That is unconstitutional *(Interruptions)...*

SHRI S, B. CHAVAN: Under these circumstances I had to dismiss. I hsd no other alternative ...*(Interruptions)* There were 3 few officers wno did not coope'rate with the Government ... *(Interruptions)...*

उपसभापति : यह चीफ मिनिस्टर का नाम पूछ रहे हैं ?

श्री एस० बी० चव्हाण : नाम नहीं मालूम ।

श्री प्रमोद महाजन : आप बिल्कुल गलत कह रहे हैं। आपको कुछ पता नहीं है। **(व्यवधान)**

श्री एस० बी० चव्हाण : मेरे पास नहीं है। मैं आपको नाम भी दे सकता हूं। **(व्यवधान)**

श्री कैलाश नारायण सारंग (मध्य प्रदेश) : आप नाम लीजिए कौन मुख्य मंत्री है **(व्यवधान)**

SHRI YASHWANT SINH: Madam, we do not expect the Home Minister of the country to make a statement in this House which he cannot substantiate. The Home Minister has to substantiate what he is saying... *(Interruptions)...*

SHRI S. B. CHAVAN; I sra prepared to substantiate that the Members of the Govemuwrit were very much there... (Interruptions,) .

SHRI YASHWANT SJNHA; Then, Mr. Minister, for what reasons are you not menitoning the names in the House? We want to knc>w the names. Mention them ... *(Interruptions)...*

SHRI S. B. CHAVAN: I am not yielding *(Interruptions) .*

उपसभापति : इनको भाषण पूरा करने दीजिए ।

श्री प्रमोद महाजन : कैसे पूरा करने दें यह कोई भाषण है। **(व्यवधान)** पहले तो कार सेवकों का स्वागत करना कोई गुनाह नहीं है। फिर भी अगर कहते हैं गुनाह है तो नाम बता दीजिए।

श्री एस० बी० चव्हाण : आपके हिसाब से गुनाह नहीं होगा लेकिन जो आगनाइजेशन इल्लीगल है उनको रिसीव करना गुनाह है यह मैं आपको बता देता हूं। **(व्यवधान)**

SHRI PRAMOD MAHAJAN: He has to withdraw -othervMSs he has to tell us the name of the Chief Minister... *(Interruptions)*

SHRI S. B. CHAVAN; I do not want to say. Now I will request the House... *(interruptions) .*

SHRI PRAMOD MAHAJAN. He has to tell the names • • • (Interruptions) .. .

THE DEPUTY CHAIRMAN: You go back ... *(Interruptions)* I will not permit you to stand in the well of the House... *(Interruptions)* Couia you go back to your seat? *(Interruptions)* You go back... *(Interruptions)*

पहले आप अपनी जगहों पर शांति से बैठिये। बैल में आएंगे तो जवाब कोई ज्यादा अच्छा नहीं होगा। मैं उनसे पूछ रही हूं। माथुर साहब आप बैठिये, मैं पूछ रही हूं जब आप बैठेंगे तो तभी जवाब मिलेगा। आप चुप रहेंगे तभी तो वे बोलेंगे। आप एक साथ बोलेंगे तो जवाब कैसे देंगे?

श्री सिकन्दर बख्त: सदर साहिबा, क्या होम मिनिस्टर साहब चीफ मिनिस्टर का नाम बताएंगे?

†نیت وردی دں شری سکندر بخت: صدر صاحبہ کیا ہوم منسٹر صاحب چیف منسٹر کا نام بتائینگے

उपसभापति: वे कह रहे हैं कि अभी नाम नहीं दे रहे हैं।

श्री सिकन्दर बख्त: ऐसी हालत में यह बात उन्हें नहीं कहनी चाहिए थी ...(**व्यवधान**)। मेरा कहना यह है कि अगर उन्हें मालूम नहीं था तो यह एलीगेशन नहीं लगाना चाहिए था।

†... سکندر بخت ... میں یہ بات ... میں کہنی چاہیے تھی ... "مداخلت" ... کہنا یہ ہے کہ اگر انھیں معلوم نہیں تھا ... چاہیے تھا

श्री प्रमोद महाजन: कार सेवकों को बसों तक पहुंचाना गुनाह नहीं है, उन्हें गाडियों तक पहुंचाना गुनाह नहीं है, लेकिन कार सेवकों का स्वागत करना गुनाह है ....(**व्यवधान**)।

This Government must b$_e$ dismissed... *(Interruptions)* ...

THE DEPUTY CHAIRMAN; I will put the resolution to vote . .. *(Interruptions)* ...

SHRI PRAMOD MAHAJAN: He should withdraw it. .. (Interruptions)

† [ ]Transuteration in Arabic Script.

श्री सिकन्दर बख्त: सदर साहिबा, नाम तो बताया जाय।

†شری سکندر بخت: صدر صاحبہ نام تو بتایا جائے۔

SHRI M, M. JACOB: H$_e$ has the right to say what he wants to say. The Minister has got the freedom to say what he wants to say... *(Interruptions)* ... He cannot be compelled t$_0$ say what he does not want to say. .. (Iiiien-upttoris) ...

SHRI AJIT P. K. JOGI (Madhya Pradesh): He has a right... (Itfiter-*ruptions)*...

SHRI PRAMOD MAHAJAN; It is not a question of any rule-book. He has already made an allegation that the Chief Minister of the dismissed States went to the railway station to welcome the fear *sevaks.* I would like tc know who are those Chief Ministers. .. *(Interruptions)* . ..

'HE MINISTER OF STATS OF THE MINISTRY OF SURFACE TR-^NSPORT (SHRI JAGDISH TYT-LER): He said 'cheap Ministers', not Chief Ministers'... *(Interruptions).. i*

SHRI VlStfVjrr P. SOGIT !Maharahtra) . I appeal to th=» Leader of the Opposition... (Interruptions) ...

श्री सिकन्दर बख्त: सदर साहिबा, मैं यह पूछ रहा हूं कि होम मिनिस्टर साहब ने एक बयान दिया है। उसमें इल्जाम साफ है और इल्जाम के तौर पर कहा गया है। तो सवाल यह है कि यह बताइये कि वे कौन थे और कौन-से स्टेशन पर गये थे। आपने पहले फरमाया कि वे जवाब दे रहे हैं। इसलिए जवाब तो आना चाहिए।

†[ ]Transliteration in Arabic Script.

شری سکندر بخت : صدر محترمہ میں یہ پوچھ رہا ہوں کہ ہوم منسٹر صاحب نے ایک بیان دیا ہے اس میں الزام صاف ہے اور الزام کے طور پر کہا گیا ہے۔ تو سوال یہ ہے کہ یہ بتایئے کہ وہ کون تھے اور کون سے اسٹیشن پر گئے تھے۔ آپ نے پہلے فرمایا کہ وہ جواب دے رہے ہیں اس لیے جواب تو آنا چاہیے۔

SHRI VISHVJIT P. SINGH; I arieal to the Leader of the Opposite n to control his party. . (Interruptions,) ...Madam, I am. on a point of order. I may be allowed.

THE DEPUTY CHAIRMAN: Yes, I am allowing.

SHRI VISHVJIT P. SINGH: Today this House has been plunged into a discussion which has been of a level... *(Interruptions)*...

SHRI PRAMOD MAHAJAN: What is the point of order? ... (Interrup tions) ,..,

THE DEPUTY CHAIRMAN: I would reply to that.

SHRI PRAMOD MAHAJAN: What is the level of the discussion?

SHRI R. K. DHAWAN: They are welcomed by the Chief Ministers... *(Interruptions)*...

SHRI V. NARAYANASAMY: AH the Ministers garlanded the *'kar sev-aks'.* They garlanded and received the *'kar sevaks'.* Why do you... (Interruptions)...

THE DEPUTY CHAIRMAN: Please order... (Interruptions)... Mr. Jam, please sit down. I am not permitting you. Please... *(Interuptionns)*...

SHRI VISHVJIT P. SINGH: My print is, ar$_e$ we going to waste the time of this House on peripheral discussions or are ^{we} going to strengthen. .. (Interruptions)....

SHRI PRAMOD MAHAJAN: It is the dismissal of three Governments.

† [ ]TransliteratiOn In Arabic Script.

The Home Minister is alleging that the Chief Ministers received the 'kar sevaks' at the railway stations... *(Interruptions)* ... He does not have proof.

SHRI R. K. DHAWAN: They were received in their chambers and in their houses. He has never used the words 'railway-stations'. How do you say ... *(Interruptions)*... He has never used the word 'railway-stations'.

उपसभापति : धवन साहब आप बैठिए ।

I will look at the record and find out. Please take your seats ... (Interruptions) ... I will look at the record and see whether he said they were received at the railway-stations or where. I will look into that... *(Interruptions)*... I do not know what he said. I will see.

आप लोग चुप रहेंगे और मेरी बात सुनेंगे ? आप अगर मेरी बात सुनें...

Now there is a dispute whether they were ... *(Interruptions)*... Mr. Jain, can you just keep quiet for one minute? Let me find out from the record whether the Home Minister said that they were received by the Chief Ministers at the railway-stations or anywhere. I have no way to find out... (Interruptions)...

SHRI SIKANDER BAKHT: Madam Deputy Chairman, you do not need to look at the record. Let the Home Minister say where they were received... (Interruptions)!...

SHRI S. B. CHAVAN: I cannot disclose the source here. If there is anything which they have in mind, certainly I will exchange ideatf with the Leader of the Opposition as to what exactly is the information Ik the possession of the Government. I will try to satisfy him. But I possibly disclose it in this House.

THE DEPUTY CHAIRMAN: Now that witter is closed. I will pasfcon

to the Statutory resolutions The question is:

"That this House approves the Proclamation issmed by the President on the 6th December, 1992 under article 356 of the Constitution, in relation to the State of Uttar Pradesh."

The motio *was adopted.*

THE DEPUTY CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 15th December. 1972, under article 356 of the Constitution, in relation to the State of Madhya Pradesh."

The motion was, adopted.

THE DEPUTY CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the Pre* sident on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Rajasthan."

The motion tuas adopted.

THE DEPUTY CHAIRMAN; The question is;

"That this House approves the Proclamation issued by the President on the 15th December, 1992, under article 356 of the Constitution, in relation to the State of Himachal Pradesh." *The motion was adopted,*

THE DEPUTY CHAIRMAN: Since the Statutory Resolutions... *(Interruptions)* ... have been adopted the Motions stand barred and need not be put to the vote of the House.

The House is adjourned till 11.00 a.m. tomorrow.

The House then adjourned at forty-one minutes p"ast seven of the clock till eleven of the clock on Tuesday, the 22nd December, 1992.