उपसभापतिः स्टेच्यूरी रेज़ोल्यूशन के बारे में। आप किसके बारे में खड़े हुए हैं? आपका नाम है न उसमें?

श्री जगदीश प्रसाद माथुर : मैं "बारा" के बारे में बोलना चाहता हूं।

उपसभापतिः "बारा" के बारे में बाद में होगा, अभी तो सवा बारह है। ..(व्यवधान).. अभी स्टेच्यूरी रेज़ोल्यूशन शुरू हो गया है, जो लिस्टिड बिजनेस हैं। जैकब साहब, आप बोलिए।

STATUTORY RESOLUTION SEEKING APPROVAL OF PRESIDENT'S PROCALAMATION UNDER ARTICLE 356 IN RELATION TO MANIPUR

#### **AND** MOTION SEEKING REVOCATION OF PRESIDENT'S PROCLAMATION

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Madam, I rise to move:

> "That this House approves the Proclamation issued by the President on the 7th January, 1992, under article 356 of the Constitution, in relation to the State of Manipur."

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): मैडम, जैसा मैंने कहा यह बहुत जरूरी चीज हैं, जनता दल और कांग्रेस दोनों कटघरे में खड़ी हैं "बारा" के मामले में। ..(व्यवधान)..

श्री सुरेन्द्रजीत सिंह अहलुवालिया (बिहार)ः विहार की लालू प्रसाद सरकार बर्खास्त की जाए। ...(व्यवधान)...

**अंग जगदीश प्रसाद माथुरः** लालू प्रसाद सरकार हमेशा आतंकवाद को बढ़ावा देती रही है। वहां जातिवाद, आतंकवाद दोनों ...(व्यवधान)...

श्री**मती कमला सिन्हा (बिहार): यह** असत्य है। ...(ध्यवधान)...

**भी जगदीश प्रसाद माधुरः विहा**र की सरकार अपना विश्वास बिल्कुल खो चुकी है। ...(व्यवधान)...

रिस्पांड करेगी? त सिंह अहलुवालियाः जो दोषी लोग हैं उन पर कड़ी से कड़ी कार्रवाई की जाए और अगर राज्य सरकार दोषियों को सुरक्षा देती है तो राज्य सरकार पर कार्रवाई की जाए ?

### श्री जगदीश प्रसाद माश्रुरः बिल्कुल।

श्री सुरेन्द्रजीत सिंह अहलुवालियाः मैं आपके माध्यम से सरकार से मांग करता हं कि सरकार इस पर आज बयान दे।

उपसभापतिः सरकार ने सुन लिया है। अगर वह रिएक्ट करना चाहते हैं तो कर दें। वह जब रिएक्ट करेंगे, मैं इन्फार्म कर दूंगी।

# श्री यशक्त सिन्हा (बिहार): अभी तूरन सरकार कम से कम यह तो कहे कि वह क्या करने वाली है? सरकार बयान देगी या नहीं, इस पर भी सरकार नहीं

Why then have the Home Minister and the Minister of State for Home gone there? This is the simple question. We want to know whether the Government is going to make a statement or not (Interruption).

श्री राम नरेश यादव (उत्तर प्रदेश): बहुत ही खतरनाक है, सरकार को इस बारे में सदन को अवगत करांना चाहिए।

उपसभापतिः ऐसी बात है कि आफ्ने अपनी बात कही, अहलवालिया जी ने भी बोला। दोनों मंत्री बैठे हैं, जब वह रिएक्ट करना चाहेंगे, कर देंगे।

force anybody to react immediately for anything. And I have already called the Minister of State for the Statutory Resolution. Everything is closed now.

SHRI YASHWANT SINHA: We are appealing to him. We are not asking you to force the Minister.

SHRI M.M. JACOB: Madam, with your permission, I will respond to it. The Government is prepared to come up with a statement later, but not now.

THE DEPUTY CHAIRMAN: Not now. Please go ahead with the resolution. (Interruption). We cannot give you the time when.

SHRI M.M. JACOB: Copies of the report of the Governor of Manipur and the Proclamation have been laid on the Table of the House. Seven Members of

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[25 FEB. 1992] Proclamation under Article 356 in relation to Manipur specifically decided that today is devoted to

discuss the J&K affair. (Interruptions).

submission. (Interruptions).

the Manipur Legislative Assembly, which has a strength of 60 Members, were disqualified on... (Interruption).

SHRI DIPEN GHOSH (West Bengal): ... The business of the House is run by the decision from the Business Advisory Committee. It was decided that Jammu and Kashmir will be taken up.

THE DEPUTY CHAIRMAN: I will explain to you. I made an inquiry.

SHRI DIPEN GHOSH: Tt was decided that Jammu and Kashmir will be taken up today but suddenly the Statutory Resolution in relation to the State of Manipur has been taken up. (Interruptions)

THE DEPUTY CHAIRMAN: I will tell you the reason. The concerned Minister requested that since Lok Sabha is taking up J&K first, we will take up Manipur and after we conclude the discussion on Manipur, we will take up the discussion on J&K. We can spill it over to tomorrow. (Interruptions).

SHRI DIPEN GHOSH: That means the decision of the Business Advisory Committee can be changed by the Secretariat without obtaining the permission of the Hosue. (Interruptions).

THE DEPUTY CHAIRMAN: Let me explain to you. The Business Advisory Committee's decision is not being changed. The Business Advisory Committee took a decision that these two matters, which have got a time-frame, have to be taken up and the discussion on these has to be finished. It was decided that J&K will be taken up first but on the request of the Minister because he will be busy in the Lok Sabha, we are taking up Manipur first and the Minister is replying. After two-and-a-half hours, we will take up J&K (Interruptions).

SHRI DIPEN GHOSH: But the permission should have been sought from the House for that because it was

THE DEPUTY CHAIRMAN: All right. (Interruptions). Why are you interrupting him? Let him make his

SHRI DIPEN GHOSH: I think when the Leader of the Opposition has raised the question of taking up the Bofors investigation case, in that case, the Business Advisory Committee should not have been referred to. Instead, we could take it up immediately.

THE DEPUTY CHAIRMAN: No.

SHRI DIPEN GHOSH: Why not?

DEPUTY CHAIRMAN: Because that is not the procedure. We are going to discuss both. (Interruptions). Mr. Dipen Ghosh, don't argue on an issue which you know you are not going to win over. The thing is, the Business Advisory Committee took a decision to discuss J&K and Manipur-both. The Business Advisory Committee has not taken a decision to discuss Bofors. Mr. Minister, please go head. (InterrupJons).

SHRI MM. JACOB: Thank you, Madam. Seven Members of the Manipur Legislative Assembly, which has a strength of 60 Members, were disqualified on 24th July, 1990 by the Speaker under the provisions of the Tenth Schedule to the Constitution. The Governor of Manipur, in his report dated 2nd January 1992, addressed to the President of India, had informed that with the Supreme Court delivering its judgement on 12th November 1991 removing disqualification of seven Members, there was a sharp step-up in political activities in the State. The Ruling United Front Government had 34 Members in the House. However, on 4th December 1991, the ULF strength was reduced due to the withdrawal of support of three Congress(S) Members. As the situation was confusing, a special Session of Legislative Assembly was

Shri M. M. Jacob] convened on 9th December 1991, by the Chief Minister to seek a vote of confidence. On the refusal of the Speaker to Idiot seats to the seven disqualified Congress(I) Members, the Congress(I) boycotted the Assembly Session. The ULF Government was able to secure a vote of confidence with 29 Members voting in favour of it excluding the speaker. The Governor further reported that three Members of the Legislative Assembly were disqualified on 31.12.91 under the Anti-Defection law. The Governor has also mentioned about the frequent change of loyalties by MLA's. According to the Governor, virtually two camps had been set up-one in the official residence of the then Chief Minister and another in the private residence of Shri R.K. Dorendra Singh, the leader of the Congress Legislature Party, confining the Members and allowing none others to come in or to go out. There were charges and countercharges regarding detention of MLA's under duress from both the camps. The Governor had further stated that even though the normal law and order situation in the State was under control, the sporadic activities of insurgent groups were posing serious problems. The Governor was of the view that the political instability would lead to a rapid deterioration of the situation. A Ministry with threats of its own stability and the administration under it was not likely to deal with insurgents with the irmness that was required. Frequent shifting of loyalties by some of the MLA's had added to the political instability. As a result, these events had brought the State Administration to a virtual standstill, the Governpr had further mentioned that Shri R.K. Dorendra Singh, Leader of the Congress Legislature Fatly had staked his claim to form the Ministry with a list of 33 Members in the House of sixty and declared that once he was invited to form a Ministry, he was confident of getting the support of many more Members. The Governor mentioned that out of 33

Members, ten were already disqualified and three were uncertain. The Governor added that he had no basis on which Shri Dorendra Singh's claim could be accepted as correct. The Governor did not favour formation of a Ministry as it would result in further defections. The Governor informed that he had explored all available alternatives to prevent or rectify a breakdown constitutional machinery in the State, but this had been of no avail. According to the Governor, if the existing state of affairs was allowed to continue for long, there would be serious and adverse repercussions on the State polity which was already beset with secessionist movement. The Governor had also mentioned that it would be preferable to suspend the Legislative Assembly because it would not be desirable so soon to have another election which in the existing conditions of Manipur was likely to be marred by a great deal of violence with some of the candidates enlisting the support of one group of extremists or another.

Secondly, it may also be possible for one side or the other to gather, even from the present House, adequate support to be able to form a stable Ministry. Thirdly, going by past experience one cannot reasonably hope that another election would result in the election of candidates with more stable party-loyalty or better political ethics.

In view of the foregoing facts, the Governor had recommended that the Proclamation may be issued by the President under Article 356 of the Constitution and the State Assembly kept under suspended animation.

The Governor had added that the situation in the meantime may be watched and if it appears that no party is able to secure adequate majority through legitimate means, the Assembly might be dissolved. The Governor of Manipur vide his message dated 5.1.92 further informed mat the State Council of Ministers in its meeting held on 4.1.92 had resolved to recommend him to dissolve the existing

Manipur Assembly under Article 174(2) (b) of the Constitution. Accordingly the Chief Minister, in a letter submitted to the Governor on 5.1.92 had advised him for dissolving the Manipur Legislative Assembly. The Governor stated that he was not acting on the advice of the Chief Minister as he had already reported on the situation.

The Union Government considered the Report of the Governor and the situation in Manipur and decided to recommend to the President of India to issue a Proclamation under Article 356 of the Constitution and keep the Legislative Assembly under suspended animation. The Proclamation under Article 356 of the Constitution was issued by the President on 7th January, 1992.

In view of the circumstances which I have just explained, I commend, Madam, that the Proclamation issued on 7th January, 1992 under Article 356 of the Constitution in relation to the State of Manipur be approved by this august House.

#ी जगदीश प्रसाद माखुरः मैं यह प्रस्ताव करता हूं किः—

"यह सभा राष्ट्रपति से सिफारिश करती है कि मणिपुर राज्य के संबंध में उनके द्वारा 7 जनवरी, 1992 को संविधान के अनुष्केद 356 के अधीन जारी की गई उद्योषणा का प्रति संहरण किया आए।"

महोदया, पूर्वी राज्यों की स्थिति बड़ी गंकीर रही है। कोई मी प्रदेश ऐसा नहीं है जहां पर शांति हो और कोई प्रदेश ऐसा नहीं है जहां की सरकार कोई जोड़-तोड़ न कर रही हो। मेघालय की स्थिति हमने देखी थी कि किस प्रकार से कांग्रेस ने वहां पर केवल अपने दल की सरकार बनाने के लिए जोड़-तोड़ किया, हॉर्स ट्रेडिंग की और अंत में ईमानदारी को दरिकनार करके अपनी सरकार बनाई।

दूसरा प्रश्न हमारे सामने त्रिपुरा का है। सब लोग जानते हैं कि त्रिपुरा की कांग्रेस माइनॉरिटी में आ गई लेकिन फिर रोतों-रात स्थिति बदल गई। तो चाहे मिणपुर हो, चाहें मेंबालय हो, चाहे त्रिपुरा हो, चाहे असम हो, पूर्वी प्रदेशों के अंदर एक प्रकार से अस्थिरता बनी हुई है। अस्थिरता के कई कारण हो सकते हैं। लेकिन मुख्य कारण यह है कि जब से हिन्दुस्तान आवाद हुआ तब से देखी तो कांग्रेस के वहां पर सक्त में बने रहने की नीयते ही बहां पर अस्थिरता का मूल कारण है। दुख यह है कि कांग्रेस के पश्चात जब जनता दल की सरकार आई तो उन्होंने भी इसमें कुछ कमी नहीं की । सुझे दुख है कि मेरे साधी कहेंगे कि जनता दल की सरकार को आप ही सपोर्ट कर रहे थे। लेकिन हमने क्रिटिकल सपोर्ट दी थी कि हम जो बात उचित है उसी का समर्थन करेंगे और नहीं होगी तो नहीं करेंगे। मणिप्र के सिलसिले में जनता दल और कांग्रेस दोनों इकट्ठे रूप से मुज़रिम हैं। 1990 के चुनाव के पश्चात वहां पर एक चुनी हुई सरकार बनी। 6 दलों ने सरकार बनाई। इसमें जनता दल भी था। उसी के साथ कांग्रेस भी थी। कांग्रेस विरोधी दल में थी लेकिन दोनों दलों के अंदर गड़बड़ प्रारंभ हो गई। जनता दल के मीतर उन्होंने विस्फोट करना चाहा और चाहा कि हम सरकार में आ जाएं। मुझे दुख है कि हमारे भूतपूर्व गृह मंत्री श्री सुबोध कांत सहाय जी ने इसी निमित्त अपना व्यक्ति भेजा, खयं गए। मैं इसका उल्लेख इसलिए कर रहा हूं कि मैं जिम्मेदारी दोनों दलों पर डालना चाहता हुं, जनता दल पर भी और कांग्रेस पर मी। इंसी भांति कांग्रेस दल के भीतर ही एक विस्फोट हुआ, वह चाहते थे कि कांग्रेस के एक एम॰एल॰ए॰ स्वयं अन्य दलों के व्यक्तियों को तोडकर सरकार बना लें। इस गडबड के बीच में एक और स्थिति आ जाती है। वह स्थिति यह है कि जैसे गवर्नर महोदय ने स्वयं कहा है कि वहां पर खतरनाक स्थिति है। चाहे जेकब साहब ने वह हिस्सा पूरा पढ़ा या नहीं पढ़ा मैंने सुना नहीं। वह कहते हैं कि वहां पर स्थिति यह है कि वहां पर जितने आतंकवादी हैं उनके संबंध किसी न किसी दल के नेताओं के साथ बने हुए हैं। चाहे अनता दल के हों, चाहे नेशनल फंट के हों, चाहे कांग्रेस के हों ऐसी स्थित में वहां पर चुनाव कराना कठिन है, यही वह कहते हैं और कहते हैं कि वहां पर सरकार बने रहना कठिन है। परन्तु दुख यह है कि कांग्रेस के नेताओं ने अपनी सरकार को बनाए रखने के लिए एक बार नहीं, दो बार नहीं, बार बार गृट बदले हैं, रंग बदले हैं। अभी भी गर्वनर की रिपोर्ट प्राप्त हुई है, मैं नहीं कहता कि गर्वनर की रिपोर्ट इंडिपेंडेंट है या नहीं क्योंकि यहां से कांग्रेस के नेता वहां जाते रहे हैं, गृह मंत्रालय के लोग जाते रहे हैं। मिसते रहे हैं। जिस प्रकार से मेघालय में हमको संदेह पहले था कि केन्द्रीय सरकार की मिली-भगत होकर स्पीकर और वहां के गवर्नर ने मिलकर द्वारा सरकार बनाई है भैं चार पहल इसके सामने रखना चाहता है।

पहला पहलू यह है कि मणिपुर के अंदर एक आंतकवाद फैला हुआ है। वहां पर टैरोरिस्ट कार्यकाही है। दूसरी स्थिति यह है कि इस सारे प्रकरण में स्पीकर की स्थिति खराब की गई है। स्पीकर ने जहां मेघालय के अंदर बेईमानी की, गड़बड़ की, खयं सत्ता में आना बाही, उसी प्रकार कांग्रेस के नेताओं ने, जनता दल के नेताओं ने ऐसी स्थिति पैदा की कि स्पीकर के पद की भी

## [श्री जगदीश प्रसाद माध्रर]

गरिमा समाप्त कर दी। यहां तक स्थिति आई है, महोदया, कि स्पीकर संप्रीम कोर्ट से दंगा कर रहा है। सुप्रीम कोर्ट एक फैसला देता है, उसको नहीं मानता है। उसके ऊपर चार्जेंज जो लगाए जाते हैं वह नहीं मानता, उसको बुलाया जाता है तो वह नहीं मानता कि क्या नतीजा निकलेगा। इसलिए मैं दोनों दलों के लोगों से जनता दल के लोगों से अपील करना चाहता हं कि आप अपनी राज सत्ता बनाए रखने के लिए एक छोटे से प्रदेश में सरकार बनाए रखने के लिए यों जुडिशियरी और लेजिस्लेचर के बीच में झगड़ा खड़ा करना चाहते

तीसरी स्थिति यह है कि वहां के जो अध्यक्ष हैं कांग्रेस के वह भी अपने दल के भीतर गडबड करना चाहते हैं। तो तीन बातें मुख्यतः इसमें हैं। नंबर एक कि क्हां की स्थिति बडे आतंकवाद से फैली हुई है। आतंक है, अनिश्चितता है, इस अनिश्चितता को समाप्त करने के लिए एक ही रास्ता होना चाहिए था कि या तो सरकार बनाई जाती या एसॅबली को भंग करके चुनाव करवाए जाते। बीच की स्थिति को बनाए रखना अनुदित है, उचित नहीं है क्योंकि इससे और हॉर्स-ट्रेडिंग The questions were proposed. बढ़ेगी।

मैं कांग्रेस के नेताओं से पूछना चाहता हूं कि क्या वह यह समझते है कि वह ओड-तोड करके सरकार बना लेंगे? गर्दर्नर साहब स्वयं कहते हैं कि ऐसी स्थिति नहीं है। गृह मंत्री ने स्वयं कहा है मेज्योरिट हो सकती है। गवर्नर ने उसको स्वीकार नहीं किया है। शायद वह कह सकते हैं कि हमारे कांग्रेस के लोग इतने ईमानदार हैं या गवर्नर इतने ईमानदार हैं कि उनके इस दावे को स्वीकार नहीं करते। स्थिति यह है कि अन्दरखाने अभी भी अनिश्चितता है। कांग्रेस जोड-तोड करके सरकार बनाना चाहती है। हमारी विनती है कि इस सारे दंगे को खत्म करके असेम्बली डिजोल्व करें और इलेक्शन करायें। असेम्बली क्योंकि है इसलिए वहां लोकतंत्र है लेकिन गवर्नर राज है इसलिए लोकतंत्र नहीं है। यह स्थिति हमेशा बनाए रखने के लिए लोकतांत्रिक ढांचे का ढोंग सरकार राज करती जाए यह उचित नहीं है। इसका रास्ता एक ही है कि यदि आपके पास मेज्योरिटी है तो सरकार बनाइये। लेकिन स्थिति यह है कि वहां न फ्रेंट की मेज्योरिटी है और न कांग्रेस की मेज्योरिटी है। इसलिए आवश्यक है कि वहां पर शीम्रातिशीम्र असेम्बली भंग करके चुनाव कराये जायें। दूसरा कोई रास्ता नहीं है। यदि

आपको लगता है अभी कराना उचित नहीं है तो जैसा पंजाब के अंदर किया और यह सोचते हैं कि थोड़े दिनों के अंदर जो आतंकवाद है, विखराबाद है काबू में कर लेंगे तो आप दो-तीन महीने और ले लीजिए और काब कर लीजिए लेकिन अनिश्चितता की स्थिति बनाये रखना गलत है। गृह मंत्री जी इस सारी स्थिति को साफ करें। पहली बात यह है कि कांग्रेस के नेता क्या करना चाहते हैं? दूसरे यह कि गवर्नर ने जो रिकमेंडेशन की थी कांप्रेस ने उसे क्यों नहीं माना? तीसरे यह कि जनता दल के नेताओं से कहना चाहता हं आप अपने लोगों को काब में करिये। आप आतंकवाद को फैलाने में सहायक मत होइये। सच बात यह है कि आपके कितने दिन और बचे हैं यह परमात्मा ही जानता है। अगर आप बचे रहे तो कुछ कर पायेगे लेकिन आपका अस्तित्व खतरे में है। आप इस छोटे से प्रदेश को क्यों खतरे में डालना चाहते हैं? दोनों दलों से यह अपील करना चाहता हूं कि मणिपुर में या सारे पूर्वी प्रदेशों में अपने छोटे से हित के लिये. छोटे से स्वार्थ के लिए वहां खतरा पैदा मत करिये। इतनी विनती करके गृह मंत्री जी से यह चाहता हं कि वह मेरे प्रश्नों के उत्तर दें।

SHRI V. NARAYANASAMY (Pondicherry): Madam Deputy Chairman, I rise to support the motion moved by the hon. Home Minister in proclaming President's Rule in Manipur. Madam, Manipur is a sensitive State in the northeastern region. The political instability there will not only effect that State but adjoining States also. It is a known fact. My friends sitting on the other side will not refute it. The defection game in the northeastern region was started by the Janata Dal Government. Madam, there was Congress rule in Manipur. One of the Central Ministers in the then Janta Dal Government went there, manipulated and saw to it that the Janata Dal and the Congress (S) withdrew support. Then the Janta Dal Government was installed. They did not stop at that. The Janata Dal Minister went to Goa and toppled the duly elected Congress Government there. Therefore, किया जाए और ऊपर से पहां से केन्द्र की. कांग्रेस Madam, when it comes to the question of unstable Government wherein the Central Government imposes

approval of President's

President's Rule, we see hue and cry from the other side. But the factual position is that the previous Government did not have the majority.

According to the available information, Congress was about to produce a list of MLAs and they showed a strength of 34. Still the Governor was not satisfied. The reason given by the Governor as we can see in the report is that seven MLAs were being disqualified and apart from that, the MLAs supporting the Congress were inadequate and they were shifting loyalties and therefore he was not in a position to accept it. Though I have my reservations on the judgement of the Governor, I would like to submit ... (Interruption)...

SHRI S. JAIPAL REDDY (Andhra Pradesh): What are they?

SHRI V. NARAYANASAMY: I am coming to it. The strength of any political party has to be decided on the floor of the House. The Governor should have given the party this opportunity. He has taken a decision on his own judgement. But we accepted it. A point has been raised by the hon. BJP Member that in Tripura, Congress party has been reinstalled. Everybody knows about it. In Meghalaya also Congress has been reinstalled. In Tripura there was an alliance. There was some difference of opinion. They patched up the difference and the party with the majority and with the support of TUJS formed a Government.

SHRI **JAGDISH** PRASAD MATHUR: In the meantime the Chief Minister recommended the dissolution of the House. Why did he recommend it?

SHRI V. NARAYANASAMY: The Chief Minister recommended the dissolution of the House.- Under the circumstances he could not have done anything else. There was no clear majority. Let us go into the hard facts. The reason being that the TUJS which had extended support, which was a partner in the Government, had started having some difference of opinion... (interruptions)...

SHRI S. S. AHLUWALIA: Why do you go to Tripura?

SHRI V. NARAYANASAMY: It was

raised by the hon. Member from the other

THE DEPUTY CHAIRMAN: We are discussing Manipur; so pfease confine yourself to Manipur only. We are not discussing Tripura. You may jump into Goa or may go to Pondicherry. Please confine yourself to Manipur. We have only 2Vi hours; so pleasse conclude in time.

SHRI V. NARAYANASAMY: There was an understanding and a popular government was installed in Tripura. Therefore the criticism raised by the other side has no ground.

At the present juncture, the party figures are like this. The Congress party has got 13 and the unattached MLAs are seven, the Manipur Janata Dal has seven, Congress(S) has three and the Manipur National Assembly has one and so on and so forth. Each political party, each political group wanted to form a Government. With a lot of aya rams and gaya rams majority could not be ascertained. Even if we go by the Governor's report, he has stated that there was no need for dissolution of the Assembly. To my mind it is very clear. If the Assembly were to be dissolved we would have to go for, elections. Manipur being a small State, the legislature is very small in number and hence there is more scope for toppling the Government. This is very frequent in the North-Eastern States and other small places. Therefore the Governor had his apprehensions that even if elections were to be held again, instability would still persist in the State. Manipur has become a terrorist-bound area. Now, the people are more sensitive to these issues and, therefore, holding elections frequently will be a problem. Also there is every possibil that the plitical parties can prove their majority on the floor of the House in a future occasion...(Interruptions).

**SHRIMATI BIJOYA** CHAKRAVARTY (Assam): You will get the power from behind.

SHRI V. NARAYANASAMY: If we wanted to have power from behind, by this time we would have formed the Government in Manipur, if that is your analogy.

SHRI S. JAIPAL REDDY: May I put one question? The hon. Member has himself conceded that this process has witnessed the mushrooming of Aaya Rams and Gaya Rams. Do you want another Government to be constituted with the strength of Aaya rams and Gaya Rams? Will they reflect the will of the people? Will they represent the people of Manipur? Why has the Assembly been placed under suspension and not dissolved and how can you say that an election will lead to an unstable formation?

SHRI V. NARAYANASAMY: The hon. Leader of the Opposition has rightly asked, when there will be Aaya Rams and Gaya Rams business, why should the Assembly be kept under suspended animation? When the policies framed by one party are acceptable to some political parties, they come together and form the Government. We should not stop them. Why should you stop' them when they prove the majority to form the Government? You have to see that nobody meddles with the affairs of the legislators. Nobody takes away the legislators. If you had raised this point, I would have accepted with you. When they join together for the purpose of the Government to function, you cannot stop it in a democratic country. Therefore you should not rule out that possibility also. Therefore, the Governor's recommendation for keeping the Assembly under suspended animation is acceptable to me under the present circumstances in Manipur. I fully support the resolution moved by the hon. Home Minister. Regarding the apprehensions of the Members from the other side that there would be meddling and the Central Government should not interfere, I would say that the power should not be used for forming the Government, whether it is your party or my party. But the powers that have been vested with the Centre had been misused by your Government. That I can prove with facts and figures and also name the States in which you have meddled. You have done it in Manipur. Now you are asking as to why we have not dissolved. You could muster your strength and form the Government. We have got the precedent from you. Therefore, I say that the

criticism of the Government does not hold good because the Central Government is going by the Governor's report. Sometimes you accuse the Central Government saying that it is ignoring the Governor's report. Therefore, I say that the Governor's report is acceptable under the present circumstances. Therefore, I fully support the resolution moved by the hon. Home Minister and I hope the Members from the other side also will fully support this resolution so that the Governor's report as it is accepted. In future, when the circumstances change and when a popular government comes to power, we will also be supporting that Government. Kindly don't forget that it is in the North-Eastern region and is a very sensitive area. We should not play politics there. We should go by merits and democratic norms. With these words, I conclude.

W. KULABIDHU (Manipur): Madam Deputy Chairman, I thank you for giving me this opportunity to say something regarding the Presidential proclamation in relation to Manipur. The honourable Home Minister has stated very clearly that the Cabinet resolution of the United Legislature Front Government of Manipur was for dissolution of the present Manipur Legislative Assembly. honourable Home Minister has not elaborated or explained why the recommendation, the Cabinet decision, of the Government of Manipur was not taken into consideration, why it was rejected. Before coming to that point I would like to submit the incidents which took place before 7th January, 1992 when the Presidential proclamation was made. The dismissed United Legislature Front Government of Manipur comprised six political parties of which the Janata Dal and the Manipur People's Party were two major partners. It had a strength of 34 MLAs in a House of 60 whereas the Congress originally had 26 MLAs. Now, as has been stated by the honourable Home Minister, on 23rd July, 1990 some 14 Congress-I MLAs had left the party and they had passed a resolution for formation of a regional Congress Party under the name and style of Manipur Congress. The Speaker of the Manipur Legislative Assembly was approached for

giving recognition to the split of the Congress-I Legislature Party, and Manipur Congress Party in the State of Manipur. Immediately after applying for recognition as 'Manipur Congress' in the Manipur Legislative Assembly, 7 of those 14 Congress-I MLAs who had left, went back and they said that their signatures were obtained under duress. So, out of those 14 Congress-I MLAs who had left the original party, 7 MLAs again redefected to the original party. And then there was a proceeding for disqualification under the Anti-Defection Law, the 52nd Amendment which is popularly known as the Anti-Defection Law. Now, the Speaker of the Manipur Assembly disqualified those 7 MLAs who went back to the original fold, the Congress-I party. Now two cases are going on before the Supreme Court. I will not be able to go into the details or merits of the case before the Supreme Court; that is sub judice. But in this connection I would like to make a submission about the contentions of the two parties, the contentions of those 7 Congress-I MLAs who went back to the Congress-I fold and who were disqualified by the Speaker of the Manipur Legislative Assembly—they filed a Writ Petititon before the Supreme Court of India—and the remaining 7 Congress-I MLAs who had left and who did not go back to the Congress-I fold and who were declared as an Unattached Group) they were not allowed to be recognised as 'Manipur Congress'. Now, regarding the decision of the Speaker too, I may not be entitled to speak for or against the honourable Speaker's decision. But the fact was that the Congress-I Legislature Party had 26 MLAs and of them 7 MLAs were expelled by the High Command, by the Manipur State Congress President with the approval, with the advice, of the Congress-I High Command. So they were expelled from the original Congress-I Party and the Manipur Speaker refused to recognise them as Manipur Congress Regional Party.

Now, these seven expelled Congress(I) MLAs also went to the Supreme Court with a writ petition for giving them recognition as a regional party, the Manipur Congress, and that still remains

undecided and that is now *sub judice*. I would not like to go into the merits of a case which is now *sub judice*. So, in this way, defections take place in a State like Manipur, rather a little more frequently. This is a very unfortunate phenomenon. Of course, in some other States also defections take place like Maharashtra or Punjab or Tamil Nadu. But, in the North-Eastern States, defections are more frequent than in the rest of the States in the country. Anyhow, these defections are going on, unfortunately, in the North-East, whether it is Meghalaya or Manipur or Tripura or Nagaland. But this is the unfortunate part of the whole thing.

Now, coming to the events leading to the issue of the Presidential Proclamation, as submitted by the honourable Home Minister, since the beginning of December, 1991, practically from the 3rd of December 1991. three Janata Dal MLAs and three Congress(S) MLAs defected to the Congress(I) camp. Now, it is an accepted fact that Shri R.K. Dorendra Singh, the leader of the Congress(I) Legislature Party in the Manipur Assembly started camping there since the beginning of December 1991 and these three Janata Dal and three Congress(S) MLAs were kept confined. There is now a controversy as to whether they were staying voluntarily in their camp. The family members of those MLAs claim that they were forcibly confined under threat and coercion and what not. Regarding this, my learned friend, Shri J.P. Mathur, has spoken and he also spoken about extremism and the extremist activities in the State of Manipur. I am very sorry to state that the leader of the Congress(I) Legislature Party has also taken the help of the overground extremists—now they are overground—and, in this way, adoption of such unfair tactics and taking the help of armed personnel, armed gangs, have been going on. The honourable Home Minister has stated, on the basis of the Report of the Governor, that Shri R.K. Dorendra Singh is claiming to have 33 MLAs in his camp. Madam, of those 33 MLAs, ten were disqualified by the Speaker of the Manipur State Legislative Assembly. Now, the burning problem, the hot issue, is that the Supreme Court

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of India, on the 27th of November, 1991—the Constitution Bench of the Supreme Court—had passed a short order that the disqualification of these seven MLAs was quashed, but the reasons and the detailed judgment would follow. But the reasons and the judgement, quashing the disqualification of those seven MLAs, have not come out as yet. On the 9th December, 1991, when these three Janata Dal MLAs and three Congress(S) MLAs defected to the camp of the Congress(I), a question arose whether the United Legislature Front was enjoying the majority support or was reduced to a minority.

Now, to avoid that controversy, the Chief Minister of Manipur, on the advice of the Governor, wanted to have a vote of confidence in the Legislature on the floor of the House itself. So the Speaker of the Manipur Assembly convened a one day session of the Manipur Assembly on the 9th December 1991. The question arose whether those seven Congress(I) MLAs who were disqualified by the Speaker will be allotted seats or not. Now, I am afraid to go into the merits of this and I am also not entitled to go into the merits of the Supreme Court's order quashing the disqualification. The Speaker of the Manipur Legislative Assembly, as you know, stated that he is unaware of this, except from newspaper reports; no intimation, no direction or communication has been made to him that the seven MLAs who were disqualified by him are revived. On the 9th December he refused to allot seats to those seven MLAs. Now the question raised by the hon. Speaker of Manipur was whether those seven disqualified MLAs are to be revived as 'Manipur Congress' MLAs or as independent MLAs or as Congress(I) MLAs. That was the point raised by the hon. Speaker of Manipur Legislative Assembly regarding his inability to allot seats for those seven MLAs. This is their claim. But the detailed judgment of the Supreme Court is not yet written up till today. Now, the contempt case for disobedience of the Supreme Court's order is also going on before the Constitution Bench, the hearing of which is on the 27th, the day after tomorrow. Anyway, I would not

like to go into that and as I said I am not entitled to give my opinion about the merits. But these are the factual parts submitted by the hon. Speaker, regarding the allotment of seats, whether they were revived as Congress (I) MLAs, whether the Supreme Court intends to revive them as Manipur Congress MLAs for unattached, independent MLAs. So that is the explanation furnished by the hon. Speaker in the Supreme Court case. Now, the claim made by the Congress(I) Legislature Party leader, Shri R.K. Dorendra Singh, that he has got the support of 33 MLAs minus these seven MLAs, which will come down to 33 minus 7 = 25 or 26...(Time Bell rings)Madam....

THE DEPUTY CHAIRMAN: You can continue. Your calculations are there; You have to take some time. (*Interruptions*)

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Madam, the Congress (I) party makes calculations very quickly.

THE DEPUTY CHAIRMAN: That's why I am giving him more time; (Interruptions)

SHRI W. KULABIDHU SINGH: Now, I am not acquainted with the intricacies of law, even though I was a student of law.

1—P.M. Madam, under clause (1) of article 163 of the Constitution, the decision of the Cabinet regarding the dissolution of the Assembly is stated to be obligatory and mandatory. The President of India and the Central Government are bound to accept the advice, the suggestion of the Cabinet for dissolution of the Manipur Legislative Assembly. That was the only solution, democratic solution to this problem which my learned friend, Mr. Jaipal Reddy referred to as 'Aya Ram and Gaya Ram' Madam, I am sorry to speak out t at one MLA defected four times within one month, two MLAs have defected, have crossed and re-crossed the floor three times in the month of December, and many of them have done so two times. Madam, with this happening of one particular MLA defecting four times in a month, and two hon. MLAs defecting....

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AN HON. MEMBER: Very honourable Members indeed!

SHRI W. KULABIDHU SINGH:., three times in a month and four MLAs two times in a month...

SHRI DIPEN GHOSH: It should be referred to the Guinness Book of Records.

SHRI S. JAIPAL REDDY: As and when Mr. Jacob forms the Congress(I) Government in Manipur, this record will be further improved.

AN HON. MEMBER: In Meghalaya, they have already done it.

# भी सुरेन्द्रजीत सिंह अहलुकालिया : जयपाल रेड्डी जी, कहानी आप ही से शुरू होगी।

SHRI W. KULABIDHU SINGH: Madam Deputy Chairman....

SHRI M.M. JACOB: He is supporting what I stated in my speech.

SHRI DIPEN GHOSH: It deserves incorporation in the Guinness Book of Records.

SHRI W. KULABIDHU SINGH: My point is that the Cabinet decision recommending dissolution of the Manipur Legislative Assembly should have been accepted. About the Governor of Manipur, it is not a question whether the Cabinet decision was after the Ministry has been reduced to a minority. While they were in an absolute majority, the dissolution decision by the Cabinet was taken on the 4th of January, 1992. On that day, I happened to be in Delhi. And the hon. Chief Minister of Manipur, Shri R.K. Ranbir Singh, sent a FAX message to me on the morning of 5th January. Immediately, a copy of the FAX message of the resolution of the Cabinet recommending dissolution of the Manipur Legislative Assembly was submitted to the hon. Home Minister personally by myself. I personally handed over a copy of the FAX message to the hon. Home Minister, Shri S.B. Chavan around 4.30 p.m. on the 5th January, 1992. And I submitted another copy of the FAX message to the hon. Prime Minister's office. Unfortunately, I could not get an opportunity of handing it over to the Prime Minister personally as he was very busy. I left it at the Prime Minister's

office. And a third copy was also submitted to the hon. President of India in the same evening at about 5 p.m. on the 5th January. So, the Cabinet decision for dissolution of the Manipur Legislative Assembly was submitted first to the hon. Home Minister, Shri S.B. Chavan, theh to the Prime Minister's office and then to the hon. President of India in the same evening.

The Presidential proclamation was issued late night on 7th of January. On the 6th of January, National Front leaders, led by Shri Madhu Dandavate, Shri Unnikrishnan accompanied by me called on the Prime Minister at 9.30 P.M. and apprised him of the position, the nature of defections taking place, the floor-crossing, recrossing, horsetrading etc. According to him, it was a tussle between the judiciary and the Speakers. He spoke also about the Speaker of Manipur and said that it was a tussle between the judiciary and the Speaker and he would like to refer the matter to the President of India and he promised to communicate his decision next day. On the next day, that is on the 7th, there was this proclamation rejecting the Cabinet decision for dissolution of the Assembly and keeping the Assembly under animated suspension. The purpose and the motive for keeping the Assembly under animated suspension is to do the mischief, as stated by Shri J.P. Mathur. in order to foist a Congress-1 Government with the help of defectors.

Lastly, I would like to submit that 22 MLAs are in the United Legislature Front who have never crossed the floor and who abide by the decision of the party and they remain in the original party. Such MLAs in the Congress-I camp are only 13 in number. and Shri R.K. Dorendra Singh has claimed that these 13 MLAs are not subject to antidefection law.... (Interruptions). So I would submit that this was a sinister attempt on the part of the Congress I party.

The Governor in his report did not recommend dissolution of the Assembly. He only forwarded the Cabinet decision for dissolution. I do not understand why His Excellency the Governor of Manipur. Shri Chintamani Panigrahi was not

[Shri W. Kulabidhu Singh]

pleased to recommend the Cabinet decision for dissolution. He simply forwarded it. It is very surprising. The Governor is also being charged by the Congress-I camp. But he continues there; he has not been removed from the State of Manipur. But nobody can question because he is non-partisan; he does not follow the dictates of the Congress High Command or the State Congress leaders. In the press I found that the State Congress leaders of Assam, Meghalaya, Manipur and even Tripura were demanding the removal of the Governor of Manipur for his disallowing the attempt to foist Congress-I Government in Manipur with the help of defectors. The reason behind this attempt is that if a minority government is foisted somehow, by hook or by crook, many MLAs will rush towards the Congress-I camp. That is the sole reason for which the Assemply is being kept under suspended animation. Therefore, I wholly disapprove of the Presidential Proclamation. This should not be approved by this august House. It should be rejected outright.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उपसभापति महोदया, मैं स्थराष्ट्र मंत्री के परिनियत संकल्प का समर्थन करता हूं और जगदीश प्रसाद माधुर जी के प्रस्ताव के विरोध में खड़ा हुआ हं।

महोदया, मणिपुर हमारे ख्याल से एक शन्तिप्रिय राज्य है और करीब सवा अठारह लाख लोग उसको भारत देश का एक हिस्सा बनाकर रख रहे है, रह रहे है। माधुर जी ने अपने प्रस्ताव में इसका विरोध करते हुए खुद ही स्वीकार किया कि वहां आतंकवादी गतिविधियां चल रही है। मैं आपके माध्यम से माथुर जी से पूछना चाहता हूं कि जहां आंतकवादी गतिविधियां चल रही हो वहां क्या करना चाहिए?...

श्री जगदीश प्रसाद माश्रुरः ईमानदारी से काम करना चाहिए। दलगत नहीं आना चाहिए।....

**श्री एस॰ जयपाल रेड्डी** : ईमानदारी से काम करना It is the scarcest commodity in the world today.

**भी स्रेन्द्रजीत सिंह अहल्**वास्त्रिया : हां, वह तो ईमानदारी ऐसी है, अभी हमारे मणिपुर के सदस्य बता रहे

THE DEPUTY CHAIRMAN: It is a very funny comment.....

यहां आतंकवाद चल रहा है वहां ईमानदारी और जहां आतंकवाद नहीं है वहां बेईमानी।

श्री स्रेन्द्रजीत सिंह अहल्वालिया: उपसभापति महोदया, अभी बता रहे थे कि कितने सदस्य कहां से आए, तो जयपाल रेड्डी जी बड़े प्रसन्न हो रहे थे। पर, जयपाल रेड़ी जी की इंफोरमेशन के लिए बताना चाहता हं कि 11 जनता दल के सदस्यों में से 7 तो चले गए, मणिपुर जनता दल बना लिया उन्होंने और केवल 4 जनता दल के रह गए।...

श्री **एस॰ जयपाल रेडी**: कब गए? श्री स्रेन्द्रजीत सिंह अहल्खालिया : आप देखिए, न! पुछिए, कितने जनता दल के सदस्य आपके साथ है?

SHRI S. JAIPAL REDDY: If the hon. Member yields, I would like to set the record straight. After the Chief Minister recommended dissolution of the Assembly, these MLAs were induced to defect, by seduction, by the Congress (I).

SHRI MM. JACOB: I strongly say 'No'. It was not done.

**श्री स्रेन्द्रजीत सिंह अहलुवालिया :** उपसभापति महोदया, जिस पार्टी ने एण्टी डिफेक्शन लॉ का कानून बनाया था क्योंकि कुछ पार्टियों तो आयाराम-गयाराम की पद्धति पर ही जिंदा रहती थीं।...

श्री जगदीश प्रसाद माधर : कांग्रेस पार्टी ने बनाया।... (व्यवधान)

ब्री सरेन्द्रजीत सिंह अहलवालिया : आपकी पार्टी तो जिंदा ही रहती थी आयाराम - गयाराम से और यह रेड्डी जी की। पार्टियां तो बनती है, पैदा होती है आयाराम - गयाराम से।

श्री जगदीश प्रसाद माधुर: अब वह कांग्रेस की तरफ से पैदा होती है।

श्री सुरेन्द्रवीत सिंह अहलुवालिया : कांग्रेस तो मां है पार्टियों की। वह तो गर्भ हैं ही, वह तो सब पार्टियों की मांहै। (**व्यवधान**)...

SHRI S. JAIPAL REDDY: Today, the Rajya Sabha has witnessed a highly legalised defection of Member of Parliament.

**JAGDISH PRASAD** MATHUR: Not defection. It is abduction. Legalised abduction.

श्री सुरेन्द्रजीत सिंह अहलुवालियाः महोदया, माधुर जी, जयपाल रेड्डी जी खुद जानते है, वह खुद ही जरा कुरेदकर देख लें किस पार्टी से आए है, कहां बैठे है। खैर, उपसभापति महोदया, मणिपुर का मसला बहत से लोग बहुत तरह से देखेंगे, पर यह एण्टी डिफेक्शन ला इस देश में आयाराम-गयाराम की पद्धति को समाप्त करने के लिए हुआ, इस पद्धति को समाप्त करने के लिए कानून बना।...(व्यवधान)...

श्री जगदीश प्रसाद घाश्रुर: कांग्रेस को टूटने से बचाने के लिए बनाया गया।...

**जी सुरेन्द्रजीत सिंह अहलुवालिया**: यह तो आपकी सोच है। यह आपकी अपनी खोज हो सकती है।

श्री जगदीश प्रसाद माश्चर: खोज नहीं, वास्तविकता है।

श्री सुरेन्द्रजीश सिंह अङ्गुल्वालिया: तो यह अद्ययसम-गयासम की पद्धित को समात करने के लिए कानून बना और उस कानून की भी धरिजयां उड़ा दीं क्वोंकि उसके माध्यम से भी आयासम-गयासम के लोगों को नहीं सेका जा सका।...

उपसभापति : यह डिपेक्शन में राम को क्यों असीट रहे हो?

**श्री सुरेन्द्रजीत सिंह अङ्गलुवालिया :** माथुर जी ने उसका प्रस्ताव उठाया ।...

उपसभापति : गलत करा माधुर साहब ने।

श्री जगदीश प्रसाद माखुर: यह आफ्की कांग्रेस वालों ने दिया है आक्तराम-गयाराम नाम हरियाणा में खैर, आयासिंह-गयासिंह कर दीजिए।

**उपसभावति** : आया एमएलए - गया एमएलए कहिए, तो ज्यादा बेहतर होगा।

भी सुरेन्द्रजीत सिंह अङ्ग्लुबालिकाः सिंह जब आता है तो जाता नहीं है।

श्री जगदीश प्रसाद माश्वर: जाता भी है, मांद में जाता है।

श्री सुरेन्द्रजीत सिंह अहलुवालिया: राम जहां आता है वहीं रह जाता है।

उपसभापित महोदया, इसकी शुरूआत उस ककत हुई जब केन्द्र में सरकार बदली और यह जो नार्थ-ईस्ट के छोटे-छोटे स्टेट हैं, जहां पर शांति थी और अच्छी तरह से वहां की विधान सभाएं चल रही थी, उसी बीच केन्द्र से मंत्रियों ने जाकर, बैठकर नानाप्रकार से प्रलोभन देकर, वहीं डिफेक्शन करकाया! वहां चुनाव हुए, चुनाव के नतीजे आए और उस वक्त भी कांग्रेस सिंगल लारजेस्ट पार्टी के नाम पर उभरी और उसमें भी काफी हेरा-फेरी करके सरकारें बनीं। कहीं-कहीं पदों का दुरूपयोग किया गया।

महोदया, शर्म तो उस वक्त आती है जिस वक्त हम देखते हैं कि एक विद्यान सभा में, जो कि राज्यों में गणतांत्रिक अधिकारों का मंदिर है, उस मंदिर का संरक्षक, वहां का स्पीकर इन घाराओं का दुरूपयोग करता है और दुरूपयोग इसलिए नहीं करता है कि उसे कुछ खामी नज़र आ रही है, दुरूपयोग इसलिए करता है कि वह अपने मन-मताबिक वहां की राज्य सक्ता जिन्दा रखना चाहता है। ऐसी ही शुरूआत उन्होंने की जब 24 जुलाई 1990 को 7 सदस्यों को उन्होंने डिस्क्वालिफाई किया। दुर्भाग्य की बात यह है, महोदया, कि इन 7 सदस्यों ने सुप्रीम कोर्ट में याचिका दायर की और उस याचिका का फैसला 12 नवम्बर, 1991 को हुआ। अभी मिणपुर के माननीय सदस्य बता रहे थे कि उस स्पीकर के आर्डर को क्वेश करके सुप्रीम कोर्ट ने, उच्चतम न्यायालय ने निर्णय दिया, पर बड़े अफसोस की बात है कि 12 नथम्बर, 1991 को निर्णय दिया जाता है कि इन सातों को फिर से एम॰एल॰ए॰ बहाल कर दिया जाए और उन्होंने उस डिस्क्वालिफिकेशन के आर्डर को क्वेश किया लेकिन 27 दिन तक यह सुप्रीम कोर्ट का आईर मणिपुर की विधान सभा में नहीं पहुंच सका। इसके लिए कौन जिम्मेदार है? स्पीकर ने जब अखबार में पढ़ा. उसका क्या फर्ज बनता था? हमारे देश में आम नेता कहते फिरते है कि हमारे देश में बड़ा बाब की सरकार चलती है और इतिफाक से हमारे यह स्पीकर महोदय का नाम भी बड़ा बाबू है- बड़ा बाबू सिंह। जिस तरह बड़ा बाबू अपनी नुकताचीनी के माध्यम से तौर-तरीके निकालता है और जहां उसको फायदा मिलता है, उसी के हिसाब से फैसले लेता है, यह बड़ा बाबू सिंह ने भी उसी तरह लगा दिया और बड़े आराम से कह दिया कि मुझे पता नहीं है कि क्या फैसला हुआ और अपने एक इंस्टीट्युशन को बचाने के लिए, रक्षा करने के लिए अगर मुझे कंटेम्पट आफ कोर्ट के तहत जेल भी भेजना हो, पेनल्टी भी लगानी हो तो उसके लिए भी तैयार हं, लेकिन मैं इन्क्वायरी नहीं करूंगा। इम्फाल में बैठकर दिल्ली सुप्रीम कोर्ट के रजिस्ट्रार को टेलीफोन नहीं करूंगा। यह किसका फर्ज बनता था? अगर वह गणतांत्रिक अधिकारों के एक मंदिर के संरक्षक थे तो उनका फर्ज बनता था कि वे दिल्ली में अपनी स्टेट के सरकारी वकील से उस आईर के बारे में पुछते। मैं सिर्फ मणिपुर विधान समा की खामियों को ही उद्दत नहीं करना चाहता, उसके साथ-साथ एक और सवाल को उठाता हं कि उच्चतम न्यायालय में 12 नवम्बर, 1991 को एक फैसला हुआ हो और वह 9 दिसम्बर, 1991 तक हमारे देश के ही एक राज्य में, पूर्वोत्तर राज्य में वह फैसला न पहुंच सके जबकि आज सब हाई कोर्ट और सुप्रीम कोर्ट में फेक्स की मशीनें लग गयी हैं। यह क्या खामी है? या इस पर मी कुछ खर्चा किया गया है कि उच्चतम न्यायालय का जो फैसरता है वह वहां नहीं पहंच सका, उसका भी कोई बंदोबस्त किया गया है। उपसभापति महोदया, बडे शर्म की बात है कि देश के सबसे बड़े कोर्ट उच्चतम न्यायालय का फैसला 27 दिनों तक इम्फाल नहीं पहुंच सका और अगर पहुंच भी सका तो स्पीकर की टेबिल पर नहीं पहुंचा। इसके पीछे क्वा कारण था? कारण यही था कि जब 9 दिसम्बर को सदन में बोट आफ कांफिडेंस

## [श्री स्रेन्द्रजीत सिंह अहलुवालिया]

लेना था तो इन सात सदस्यों को मताधिकार नहीं दिया गया. इन सात सदस्यों को विधान सभा कक्ष में प्रवेश करने की अनुमति नहीं दी गयी। इस तरह से यह चीज एकदम साफ होती है कि जिनको यह फैसला सूट नहीं करता था उन्होंने इसको रोककर रखा और अपने एफिडेबिट में स्पीकर ने कहा कि चुंकि कि मेरे पास पूरा फैसला नहीं आया है, वह फैसला मेरे तक नहीं पहुंचा है, अखबारों में पढ़ा है और अगर इसके लिये मेरे को कंटेम्ट आफ कोर्ट या दूसरी चीज के तहत मुझे जेल भेज दिया जाये या जुर्माना किया जाये तो मैं देने के लिये तैयार हं और जेल जाने के लिये तैयार है। यह एक स्पीकर कह रहा है, जो उस राज्य के लोगों के गणतांत्रिक अधिकारों का संरक्षक है। जो बड़े अफसोस की बात है। महोदया, और तो और, मैं मान लेता कि यह भी झुठ है, सुप्रीम कोर्ट का फैसला देखने के बाद ही फैसला लिया होगा उन्होंने 9 दिसम्बर के बाद 31 दिसम्बर को तीन और मेम्बर्स को डिस्क्वालिफाई कर दिया। यह तो एक नयी प्रणाली पंकड ली, नया रास्ता पंकड लिया कि सदन की संख्या को कम करने का इससे अच्छा तरीका और कुछ नहीं हो सकता है कि जो भी पार्टी जीतकर सरकार बनाने की कोशिश में लगी हुई है उसकी पार्टी के सदस्यों की, संख्या कैसे कम की जा सकती है और इन्होंने उसी तरह 31 दिसम्बर को फिर तीन सदस्यों को डिस्क्वालिफाई कर दिया। महोदया, इस तरह का मसला मेघालय में भी आया था। पर मेघालय के स्पीकर से कम से कम कुछ सीखने की जरूरत थी कि जब स्पीकर का फैसला हुआ तो अंततः उन्होंने सुप्रीम कोर्ट के फैसले को माना और मानकर ही फैसला लिया। पर यहां तो जो भी आदमी या जो भी लीडर, जो भी नेता, जो भी दल सरकार बनाने के लिये अपनी याचिका देता है उसके सदस्यों को निलंबित करने की कार्यवाही शुरू हो जाती है।

उपसभापित महोदया, हम लोगों ने इस सदन से एंटी डिफेक्शन लॉ पास किया था। आज उसके तत्वाधान से उसके अधीन जो अधिकार हमने लोगों को दिये थे उसका दुरुपयोग हो और यह सदन या केन्द्र सरकार या वहां बैठा राज्यपाल इस पर कोई कार्यवाही नहीं कर सके, यह कैसी बात है? उपसभापित महोदया, जब और कोई रास्ता नजर नहीं आता तो चार मंत्रियों को बगल में बैठाकर यह एक फैसला ले लेते हैं कि असेंबली डिजोल्य कर दें।

अभी कुछ देर पहले हमारे मांजपुर के माननीय सदस्य बतला रहे थे कि किस-किस दल के सदस्यों ने कितनी-कितनी बार पार्टियां बदली हैं। जब ऐसा माहौल हो, जब ऐसी परिस्थिति हो तो वहां किस चीज की जरूरत है। यह मैं माथुर साहब से गुजारिश करूंगा और माथुर साहब यह सोच लें....(व्यवद्यान) श्री संघ प्रिय गौतमः (उत्तर प्रदेश) दल बदलने की आदत किसने डाली? आपने और आज भी शिव सेना वाले अपने तरफ बिठा रखे हैं। दल तोड़ने की, दल बदलने की आदत आपकी पार्टी ने डाली है।

श्री सुरेन्द्रजीत सिंह अहलुवालिया: महोदया, इसका फैसला आज करने की जरूरत है कि आखिरकार ऐसे माहील में, ऐसी व्यवस्था में सदन क्या व्यवस्था करेगा। उपस्मापित महोदया, मैं स्वराष्ट्र मंत्री के इस परिनियत संकल्प का पूर्ण समर्थन करता हूं और साथ ही साथ सरकार से गुजारिश करता हूं कि वहां की असेंबली कि डिस्सॉल्च करने की जरूरत नहीं है बल्कि वहां की असेंबली के लोगों से चर्चा करने की जरूरत है कि आखिर वे क्या चाहते हैं। रेड्डी साहब अभी कह रहे थे कि उनके सदस्यों ने पहले नहीं बाद में पलटी खाई है क्योंकि इनके अध्यक्ष तो पलटी खाकर ही उधर गए है।

खैर, राज्य के अधिकारों का, राज्य के लोगों के गणतांत्रिक अधिकारों का दुरुपयोग करने की अनुमति किसी को भी नहीं मिलनी चाहिए और खासकर एक झगड़ा जो चलना शुरू हो गया है-''स्पीकर वर्सेज जुडिशियरी'' का, इस पर रोक लगाने की जरूरत है।

मैं इस बहस के माध्यम से आपके द्वारा सरकार का ध्यान आकर्षित करना चाहुंगा कि इस चीज पर भी वह गौर फरमाए कि उच्चतम न्यायालय का फैसला क्यों नहीं दसरे दिन ही उनको पहंचता। हिंदस्तान के किसी कोने में भी उच्चतम न्यायालय का फैसला हो, किसी भी कोने में हो, वह दूसरे दिन वहां पहुंच जाना चाहिए। इसका दुरुपयोग न हो क्योंकि बहुत सारे लोग इस तरह से न्याय की मांग करते हुए दूर-दूराज से आते हैं और उनका फैसला वहां समय पर नहीं पहुंचता और स्पीकर के आदेश के माध्यम से यह उद्धृत हुआ है कि इन चीजों का भी दुरुपयोग किया जा संकता है। तो यह कम्युनिकेशन की जो कमी है, इसको दूर करने का रास्ता ढूंढना चाहिए। जब वे राज्य की सरकार बदल सकते हैं, राज्य के एम॰एल॰एज॰ को निलंबित कर सकते हैं यह कहकर कि सुप्रीम कोर्ट से जो जजमेंट हुआ है वह मुझे मिला नहीं। महोदया, संत्रीम कोर्ट के जजमेंट का पालन तुरंत होना चाहिए और इसका पालन वहां क्यों नहीं हुआ, कौन इसके लिए जिम्मेदार है, इसकी इंक्वायरी करने की जरूरत है। राज्य सरकार उसके लिए जिम्मेदार है या सुत्रीम कोर्ट के रजिस्ट्रार का डिपार्टमेंट जिम्मेदार है या जो जजमेंट को ट्रांसमिट करने का रास्ता है, उसका कोई अफसर जिम्मेदार है। जो भी जिम्मेदार हो, उसके विरुद्ध कार्यवाही करने की जरूरत है क्योंकि सारे झगड़े की जड़ इस फैसले का कम्युनिकेट न होना है।

महोदया, अगर उसी दिन यह फैसला कम्युनिस्टकेट हो गया होता तो शायद जिस दिन वोट ऑफ कान्फिडेंस हो रहा था, उस दिन अगर इन लोगों को विधानसभा कक्ष में प्रवेश करने की अनुमति मिलती, अपने मताधिकार का प्रयोग करने की अनुमति मिलती तो आज मणिपुर का रूख दूसरा होता, मणिपुर का माहौल दूसरा होता, वहां पर एक सरकार होती और हम इस सदन में इस चर्चा के लिए उपस्थित नहीं होते। इन चीजों को आपके सामने रखते हुए मैं स्वराष्ट्र मंत्री द्वारा परिनयत संकल्प का समर्थन करता हूं और माथुर साहब के द्वारा प्रस्तुत प्रस्ताव का विरोध करता हूं। धन्यवाद।

THE DEPUTY CHAIRMAN: About less than two minutes are left. I think we adjourn for lunch now. We will continue the discussion on the Resolution.

The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at twenty-nine minutes past one of the clock.

The House reassembled after lunch at thirtytwo minutes past two of the clock,

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA) in the Chair.

#### THE BUDGET (RADLWAYS), 1992-93

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): Sir, I lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of India for the year 1992-93, in respect of Railways.

SHRI DIPEN GHOSH: (West Bengal) Last time it was promised that the Government will take a decision on the reinstatement of the Railway employees. May I know from the Railway Minister what steps they have taken to implement their assurance given on the floor of the Parliament?

SHRI JAGDISH PRASAD MATHUR: (Uttar Pradesh) Is it a correct time to make the statement? What is the position? The Minister should clarify the position. It affects the interests of so many workers.

SHRI DIPEN GHOSH: It was decision by the previous Government and on a number of occasions in the past and during the last year even when the last Railway Budget was placed, the Government had promised that they would take it up and the Government will make an announcement, but the whole year has elapsed.

SHRI JAGDISH PRASAD MATHUR: I support him on this.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The Minister is here. I think he is taking note of it. If he wants to react now or later on, he can do that.

SHRI JAGDISH PRASAD MATHUR: He should promise as to when he is going to make a statement on this. Is he making the statement tomorrow or when? It is essential.

श्री चतुरानन मिश्र (श्विहार): महोदय, बिहार के कुछ गांवों मीनवर सींधा-आरा, में मास किलिंग हुई। इसके अलावा भी एक गांव में हरिजनों की किलिंग हुई। मैं चाहता हूं कि हमारी सरकार की ओर से, गृह मंत्री की ओर से स्टेटमेंट इस सदन में आए जिस पर पूरा सदन विचार करे। इसलिए मैं आप के ज़रिए यह अनुरोध करना चाहता हूं गृह मंत्री से कि वे कोई मोशन लानें तो अच्छा है। चूंकि वे यहां पर बैठे हुए हैं, स्टेट होम मिनिस्टर वहां पर गए थे तो लोगों ने बहां पर उन्हें जाने नहीं दिया।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Mishra, I think the Minister has already told the morning session that he would make a statement on this issue. In time he will make his statement.

Now, we take up the Statutory Resolution on Manipur.

STATUTORY RESOLUTION
APPROVING PRESIDENT'S
PROCLAMATION UNDER ARTICLE
356 IN RELATION TO MAMPUR AND
MOTION SEEKING REVOCATION OF
PRESIDENT'S PROCLAMATION—
Contd.

SHRI RAMACHANDRAN PILLAI (Kerala): I oppose the Resolution as it does not demand the dissolution of the Assembly and holding of fresh elections.

The Union Government is misusing the provisions of the Constitution to suit its narrow and partisan interests. Whatever be the limitations of the Constitution, it embodies the Democratic aspirations of the people. It carries forward the great traditions and heritage of our country. Instead of strengthening it, the Congress (I), the Union