(SHRI THE VICE-CHAIRMAN BHASKAR ANNAJI MASODKAR): So, you are pressing the Bill?

DR. NAGEN SAIKIA: Yes, Sir.

VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): The hon. Minister has explained the position. I thought you are withdrawing the Bill.

DR. NAGEN SAIKIA: If an assurance is given by the Government thai it would repeal the Act, then I am ready to withdraw the Bill.

SHRI M. M. JACOB: It is not possible for me to give an assurance to repeal the Act. But what I can say is... (.Interruptions).,.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Jagesh Desaiji, the Minister is explaining. (Interrupions)...

SHRI M. M. JACOB:...that we will periodically monitor it, we will assess it and if we find any part is detrimental to the interest of the people then that will be thought of. I wouldn't agree to repeal the Act at this stage because I consider this IMDTA quite useful and the effective implementation of the Act with the good co-operation of the Assam Government is going to be a very good solution and we are taking every step to see that other people are not migrating to Assam from the other side of the State.

VICE-CHAIRMAN BHASKAR ANNAJI MASODKAR): The hon. Minister, in short, has said: he will review the position. There is no question of repeal. He says, he will review the position and find out how to make it effective. Now it is on you, Mr. Saikia.

SAIKIA: DR. NAGEN Ι want to register my protest. It should be re gistered through the process of vot ing.

VICE-CHAIRMAN THE (SHRI BHASKAR ANNAJI MASODKAR): I shall now put the motion for consideration of the Bill to vote. The question is:

"That the Bill to repeal the Illegal Migrants (Determination by Tribunals) Act, 1983, be taken into consideration."

The motion was negatived.

CONSTITUTION (AMEND-MENT) BILL, 1891 (INSERTION OF **NEW ARTICLE 117A)**

SHRI RAJNI RANJAN (Bihar): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Sir, this Constitution Amendment Bill. 1991 is for insertion of a new article in our Constitution viz. 117A ' by giving special Financial Powers to the Council of States i.e. Rajya Sabha in certain cases.

The Vice-Chairman (Dr. Nagen Saikia) in the Chair]

Mr. Vice-Chairman, Articles 112 and 17 of the Constitution lay down the procedure in financial matters in Parliament. The Lok Sabha has been given the dominant role to play in financial matters. The budget is re uired to be presented only to the Lok Sabha The demands for grants are also required to be made to the Lok Sabha only. After the Lok Sabha votes on the; demands and passes the Appropriation Bills the Rajya Sabha comes into picture. Recent happenings have, however, shown that these financial provisions are for normal times only. There is no doubt that the strings of the purse must be with the House elected directly by the people. But at the same time some contingencies may arise when the House of the People is dissolved or it is not possible for a regular Govmentioned above.

ernment to be formed which may present a regular budget in accordance with the articles

The Raiva Sabha is a continuous body and not subject to dissolution Just as under Articles 352 and 306 Rajya Sabha can extend the life of proclamations issued under these Articles when the dissolution of the Lok Sabha takes place, it is felt thar similar powers should be conferred on the Rajya Sabha with a view to overcoming temporary financial difficulties which may occur as a result of the dissolution of the Lok Sabha or non-functioning of a Government. This Bill, therefore, seeks •to insert a provision in the Constitution to that effect. The reason being simple, I need not remind the House and our learned colleagues that the political scenario and circumstances have changed in our country. The efarmers of our Constitution never envisaged or thought of the change that has taken place in the political history of the country. Before I proceed I would like to explain Article 112. Sir, I would like to quote Article 112 which lays down the procedure In financial matters:

"The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, In this Part referred to as the "annual financial statement".

- 2. The estimates of expenditure embodied in the annual financial statement shall show separately—
- (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and
- (b) the sums required to meet other expenditure proposed to be

made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

Article 117A)

(Insertion of New

- (3) The following expenditurt shall be expenditure charged on the Consolidated Fund of India-
- (a) the emoluments and allowances of the President and other expenditure relating to his office;
- (b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the Pee ple;
- (c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (d) (i) the salaries. allowances and pensions payable to or in res pect of Judges of the Supreme Court;
- (ii) the pensions payable to or in respect of Judges of the Federal Court;
- (iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of this Constitution exercised jurisdiction in relation to any area included in a Governor's province in the Dominion of India.
- (e) the salary, allowances and pension payable to or in respect of the Comptroller and Auditor-General in India;
- (f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

[Shri Rajni Ranjan Sahu]

(g) any other expenditure declared by this Constitution or by Parlaiment by law to be so charged."

We have adopted the broader principles of financial legislation from England. The financial procedure in England as summed up by Sir Ers-kine May is as follows:

"the Crown demands money, the Commons grant it and the Elders assent in the grant".

What was the background for that? Sir May says the Crown cannot raise money by taxation, borrowing or otherwise. It can neither spend money without the authority of the Parliament. The power to grant money includes the raising of money by tax or loan as well as authorising expenditure. This principle has been embodied in articles 265 and 266 of our Constitution. The Crown acts through Ministers and the Ministers can make the demands for grants that is, to raise money or to authorise its expenditure. Under what circumstances, this was envisaged or enacted, we will have to examine that. Under what circumstances the financial power of the House of Lords in England and in our country, that is, in Rajya Sabha has been made limited? So far as I understand from Sir May's Parliamentary Practice, the powers have been made limited by the terms of the Parliament Act, 1911. The passing of this Parliament Act, 1911 where provision for money power has been made was the result of rejection of the Finance Bill of 1909 by the Lords of England. Thereafter, it became the practice for the House of Lords only to give assent. But now in our country the situation has changed. In our country, the Parliament constitutes the Lok Sabha, the Raiva Sabha and the President of India. Whenever there is a crisis for demand, money grant and assent, there is an ordinance which is promulgated by the' President' That' is why,

to avoid ordinance, I am moving this Bill and placing this amendment before this House for its consideration which I have mentioned in the Bill. I quote article 117:

"(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

- (2) A Bill or amendment shall not be deemed to make provision for any of the matters saforesaid by reason only that it provides for the imposition of fines over other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered. or by reason that it provides for the imposition, abolition, remisssion, alteration or regulation of any tax' by any local authority or body for local purposes.
- (3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill."

I propose to move Article 117 for consideration of the House to amend it as I have mentioned in the Bill which I read:

"Notwithstanding anything in this Part, if at any time when the House of the people is dissolved or the dissolution of the House of the people takes place or in any other contingency when the financial business required to be com 149

pieced under this Constitution cannot be timely completed by the House of the People, the Council of States shall have all the powers in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of India hereinbefore conferred on the House of the and the provisions of this Part shall with such apply variations and modifications as the Chairman of Council of States may direct."

principle enshrined Article 117 of our Constitution clearly indicates that the proposal for levy of tax or new tax or for the increase of the existing tax must come from the Government and similarly the matter of expenditure through the Government. The Government is accountable to Parliament and Parliament is accountable to the people. In our country the people are supreme.

The concept of financial procedure has been derived from the procedure followed in England where, they say, "The Commons grant it and the Elders give assent to the grant." It is clear that the House of Elders in England has a mere' subsidiary function in the matter of financial legislation. Not only this. The Elders can at the delay of one month in most cause a the passing of a Money Bill. This superiority in the matter of financial legislation has given to the House of a position of absolute Commons in the English political supremacy system. Although our political, system has to some extent conformed to the political system, at times and at places our political' system is different from the one in England. This political system can be . followed if everything is within normal temperature. But we all know normal temperature is never achieved. As a result, there might be a political instablity.

There have been stages where financial legislation in our country has differed from that in England. In

England the estimates and the annual financial statements, i.e. the Budget, are presented only to the House of Commons. They are not submitted to the House of Lords and the Kiders have no concern with them. But in our Constitution under 112(1) as also under the Article Government of India Act, 1935, the annual financial statement shall be laid before both Houses of Parliament and the estimates shall be open to discussion in either House but the demands for grants shall be submitted only to the House of the People. The other salient difference is that in England presentation of the estimates precedes introduction of the Budget or the Budget Speech by the Chancellor of the Exchequer whereas in India the procedure of financial legislation is to start with the presentation of the annual financial statement and then consideration of the estimates takes place. Another most striking feature of the English procedure is the complicated system of work in the House of Commons and the Committees of the whole House in the matter of financial legi- slation. The House of Commons does not consider a financial proposal until it has been considered in one of the two committees of the whole House-the Committee of Supply and Committee of Ways and Means. As soon the debate on the Budget Speech is concluded, the House of Commons in the United Kingdom sets up committees—the Committee of Supply which considers the grant of money that will be required and the Committee of Ways and Means which authorises iss,ue of all the sums required to meet the grants voted by the Com-mitee of Supply.

Thus, we find that in England the English system unnecessarily wastes time whereby transaction of business is done once in the Committee of the House and again in the whole House. The financial proposals practically come before the Members five times! in each case. There is no scope for

debate. The situation in our country-is different. But we had adopted the British system. That is why I plead for this amendment. The system prevailing in England is complicated and many of the demands cannot be discussed at all and have to be passed en bloc on the last day without any discussion. But the Government of India Act of 1935 departed from the English system for discussing financial proposals in the Committees of the Whole House. Under this Act, all the financial proposals contained in the Budget are discussed in both the Houses. We have a different system. We have the Ordinances in the States and Parliament has to pass the State Budgets also. We have departed from the British political system in many respects. Therefore, while framing the Constitution, I am at a loss to understand, why the framers did not envisage at that time that the Rajya Sabha should also have financial powers.

Sir, the framers of our Constitution, in their wisdom, had adopted the British system and made the Rajya Sabha a continuous body and not subject to dissolution. Under articles 352 and 356 of the Constitution, the Rajya Sabha can extend the life of the Proclamation issued under these articles when the dissolution of the Lok Sabha takes places. So, why should not similar powers be conferred on the Rajya Sabha also with a view to overcoming the temporary financial difficulties which may occur as a result of the dissolution of the Lok Sabha or the nonfunctioning of the Government?

I move the Bill for the consideration of the House with the request that the Bill may be passed. Thank you, Sir.

The question was proposed.

भी इंश दल यादव (बिहार) ः माननीय उपसभाध्यक्ष महोदय, श्री रजनी रंजन साहू जी ने जिस विधेयक को

प्रस्तुत किया है मैं इसका समधन करता । मान्यवर, मैं धन्यवाद भी देश चाहुआ हूं साहू जी को कि उन्होंने इस विधेयक को प्रस्तुत करते समय बहुत विद्ववतापूर्ण भाषण दिया और यह सही है, मान्यवर, कि जब पालियामेंट का, संसद का अर्थ लोकसभा और राज्य सभा दोनों से है तो फिर दोनों में विभिन्नता **५हीं रहती चाहिये। लोक सभा में जां** प्रितिधि आते हैं वे जनता के द्वारा निर्वाचित किये जाते हैं लेकिन राज्य सभा में भी जो प्रतिनिधि हम सब लोग चुनकर माते हैं, हम भी चुनाव के जरिये भाते हैं । हमको कौन भूनता जो रिप्रजेंदेटिव होता हैं?, एक लाख, 'डेढ़ ल**ःख या दो लःख म_ाद**ातः**मों** का हमको पुनता है। एक प्रकार से हमारा क्षेत्र पूरे प्रदेश का होता है, पूरा विस्तृत क्षत्र हमारा होता है। हम भी जनता की समस्या में से प्रवगत होते हैं और जनता के बीच में काम करते जो जन प्रतिनिधि यहां चनवार आते हैं राज्य सभा में । फिर बोहरा मापदंड नहीं होना चाहिये कि जो विसीय विधेयक है या धन संबंधी मामल हैं उनको केवल लोक सभा सं ही पारित कराया जाय। डिमांडर जो होती हैं गांटस को उनको दोनों सदनों में पारित होना चाहिये। लोक सभा में तो विचार होता ही है बहां उसका पारण किया ही जाता है। यह सही है कि राज्य सभा में वै विलीय श्रधिकार नहीं है जो लोक सभा को दिये गये हैं। ये श्रक्षिकार राज्य सभा को भी मिलने चाहिए क्योंकि ये वित्तीय मामले होते हैं जिनका संबंध देश की ग्रर्थव्यवस्था से है जिनका संबंध राजस्व प्राप्तियों हैं जिनका संबंध देश के खर्च व्यय से हैं। इसलिये जो ग्रांटस की जाती हैं लोक सभा के अन्दर उनको यहां भी उसी तरह से पारित होना चःहिये जैसे दूसरे विधेय∓ या दूसरे बिल लोक सभा भौर राज्य सभा दोनों से पारित किये जाते हैं। मान्यवर, यह जरूर है कि हमारे देश का संविधान बहुत कुछ ग्रंशों में ग्रेट ब्रिटेन के संविधान के अनुकरण पर बनाया गया है लेकिन इमारे देश की परिस्थितियों और उन

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परिस्थितियों में अन्तर हमारे संविधान निर्माताओं ने जो देश के बहुत बड़े राजनीतिज्ञ थे, जो कर्णधार थे इस देश के, जिन्होंने भाजादी की लड़ाई में बहुत बड़ा योगदान दिया था भौर जिन्होंने संसद के सेंट्रल में बैठ कर के इस देश के संविधान का निर्माण किया था, वह इस देश के शुभ-चिंतक लोग थे, वह इस देश का भला चाहते थे। वह इस देश के जनतंत्र को मजबूत देखना चाहते थे, देश की एकता और प्रखंडता को चाहते थे।

लेकिन मान्यवर, उन दिबंगत आत्माओं के प्रति श्रौर उन महान विधिन्वेताओं के प्रति हार्दिक सम्मान रखते हुए मैं यह कहना चाहता हूं कि देश की परिस्थितियों भव बदली है। ग्राज से चालीस साल पहले संविधान बन था और जब बना, तो इन चालीस सालों में देश की परिस्थितियों में अन्तर श्राया है, देश की समस्याओं में फर्क पड़ा है और जनता की श्रावश्यकताओं में भी अन्तर श्राया है।

इसलिए, मान्यवर, मैं इस विषय पर कोई सम्बा भाषण न देकर, श्री रजनी रंजन साहू जी के इस विश्रेयक का जोरदार स्थागत कर रहा हूं श्रीर श्राप के माध्यम से मांग कर रहा हूं—माननीय गृह मंत्री जी यहां बैठे हुये हैं— कि सरकार इस पर गंभीरता से विचार करे। यह प्राइवेट मेंबर्ज बिल है श्रीर वह भी सत्ता पक्ष के माननीय सदस्य की श्रोर से भाया है । यह तो इसे वापिस ले ही लेंगे, लेकिन उन्होंने...(ध्यक्षमान)

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : क्या पता, सरकार इनकी बात मान ले!

श्री ईस दस यादद : लेकिन साहू जी ने एक बहस का बहुत ग्रच्छा मुद्दा संसद में उठा दिया है । मैं इसका समर्थन करता हूं ग्रीर प्रापके माध्यम से मांग करता हूं कि सरकार इस पर गंभीरता से विचार करे । जैसे ग्रीर संशोधन होते चले जा रहे हैं, ग्रभी कस ही हमने 74वां संविधान संशोधन पारित किया है।

मैं आपके माध्यम से माननीय गृह मंत्री जी से और भारत सरकार से चाहूंगा कि यह बहुत महत्वपूर्ण संसोधन प्रपने संविधान में होगा । इसलिये इस को जल्दी ही 75वें संशोधन के रूप में इस सदन में प्रस्तुत करके पारित कराने की कृपा करें।

श्रापने मुझे बोलने का समय **दिया,** इसके लिये में श्रापका रृदय से शाकार प्रकट करता हूं। धन्यवाद।

श्री सरेड जीत सिंह श्रहलुवालिया (बिहार) : उपसभाध्यक्ष जी, संविधान संशोधन विधेयक, जो इन्होंने राज्य सभा को फाइनेंस जिल को भी पास करने के लिये और डिसकस करने के प्रधिकार की मांग की है, मैं इसके समर्थन में खड़ा हुआ है और यह शायद हमारे पूर्व पूरुष, जिन्होंने हमारा संविधान बनाया था, उनके दिल में ऐसी बात नहीं साई थी कि ऐसी भी जरूरत पड़ेगी, क्योंकि हमारा संविधान, करीव-करीब लोक सभा ग्रौर राज्य सभा के काम जो है, **वह** ब्रिटिश हाउस आफ कामंस भीर हाउन्स श्राफ लाईज के बराबर ही है और उसी हिसाब से रखा गया था। पर पिछले कुछ वर्षों में भारत वर्ष में जो राज⊷ नैतिक उथल-पुथल हुई भौर उस उथल-पुथल में कुछ ऐसी राजनैतिक परिस्थितियां बनी भौर ऐसी राजनीतिक पार्टिया इस देश में राज करने के लिये सामने आई, जिनके राजनैतिक कार्यकलापों के कारण बीच में ही सरकार टूट गई और ऐसा देखने में ब्राया कि एक संवैधानिक संकट के देश को एक श्रार्थिक साथ-साथ संकट का भी सामना करना पड़ रहा है, कि हमारे पास जो राज्य सभा है, जो सदन कभी भी विलय नहीं होता, जो सदन चलता रहता है, उस सदन के रहते हुये भी उनके पास कोई आधार नहीं है। इसलिये उस ग्रायिक संकट भौर उस राजनैतिक संवैधानिक संकट का सामना करने का तरीका सिर्फ एक ही रहता है-च्नाव ।

श्री सुरेन्द्र सिंह जहलुवाजिया]

हम लोगों के पास दो बार ऐसे
माहौल ग्राये कि चुनाव कराने का माहौल
नहीं था, चुनाव नहीं किया जा सकताथा,
बड़ा ही तनावपूर्ण वातावरण था,
5,00 P.M. देश में कपर्यू लगा हुग्रा था देश में
कपर्यू लगे हुये थे, देश में कौमी देंगे
हो रहे, थे किन्तु साथ-साथ ग्राधिक संकट भी
खड़ा था। हमारे पास मजबूरी थी ग्रौर
मजबूरन हम लोगों को ।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); Your speech remains inconclusive. Now, we shall take up Special Mentions.

श्री लाक्षाराम श्रावाल (मध्य प्रदेश): उपसभायक्ष महोदय, सबेरे सदन में मध्य प्रदेश के कुकड़ेश्वर गांव में जो मुख्य मंत्री सुन्दर लाल पटवा जी का निवास है गैगांव है उसके संबंध में मस्जिद तोड़ने की बात कही गई है।

श्री सुरे द्वजीत सिंह ग्रहलुवालिया : महोदय, यह बात सुबह उठाई गई थी ग्रीर...(व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Let me listen.

भी भुरे द्रजीत तिह ऋहतुवालिया । मध्य प्रदेश के एम०एल०ए० . . (व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); Don't create noise in the House.

श्रो सुरेन्द्रजीत किंह श्रहलुकालिया: महोदय, इस बात को मुबह 11.00 बजे उठाया गया था और अब हमें इनका स्पष्टीकरण नहीं चाहिये।
... (श्रवधान))

THE' VICE-CHAIRMAN (DR. NAGEN SAIKIA). Kindly sit down.
केंद्र जाउँचे Let me hear what he is saying. (Interruptions) Mr. Ahluwalia, Mr. Narayanasamy, kindly sit flown, मायर जी, बंदिये।

श्री लक्खीराम श्राप्तदाल : महोदय । सच्ची बात सुनने का साहस नहीं है। ...(व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA). Kindly sit down.

श्री सुरे द्रजो / सिंह अहलुवालिया : हमें स्पष्टीकरण नहीं चाहिये । . . (व्यवधान)

श्री लेखीराम श्रव्याल : उपसभाध्यक्ष महोदय, सबेरे बहुत गंभीर बात कही गई है। मध्य प्रदेश सरकार. · · (व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA). When several Members start speaking, it cannot be recorded, and nothing will go record. Kindly sit down. (Interrup tions)

श्रोमती सुषमा स्वराज (हरियाणा) : सुबह यह कह रहेथे...(व्यवधान)

भीलक्ष्मीरामध्रावालः मैं अःपका समर्थनचाहतः हूं...(व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I think, the Leader of the House is on his legs. (*Interruptions*) Mr. Ahluwalia, kindly sit down.

THE LEADER OF THE HOUSE (SHRI S. B. CHAVAN): Sir, when the points are raised in the House... (*Interruptions*)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The Leader of the

House is on his legs. When the Leader of the House wants to say something, the other Members generally listen to him. So, kindly listen to him.

श्री सुरे द्वजी ं सिंह अहल बालिया : मुन्दर लाल पटवा ने जवाब दिया है यो नहीं दिया है ?

श्री लखीराम ग्र**ग्रदां**ल : उनसे बात हइ है...(व्यवधान)

VICE-CHAIRMAN THE (DR. NA-SAIKIA): **GEN** Kindly sit down. Ahluwalia, Narayanasamy, Mr. Mr. kindly sit down. The Leader of the House is on his legs. Mrs. Satya Bahin, kindly sit down. (Interruptions) The Leader of the House is on his legs. Let us hear him. (Interruptions) Mrs. Satya Bahin, personal argument is no going on record.

SHRI S. B. CHAVAN: Vice-Mr. Chairman, Sir, I would like to submit for your consideration... (Interruptions)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Mathurji, let us hear him.

SHRI S.B. CHAVAN: Sir, I would like to submit that if any point is raised by any of the hon. Members it is only from the Government that the explanation or clarification can be given. No other Member can possibly ... (Interruptions) Just a mm.!te. Wait for some time. If it is a personal' allegation, certainly you have every right to give a pergonal explanation, if any allegation is made But if every Party would have to take upon itself that if any allegation is made against the Party, every Party Member can stand up and as if they are part and parcel of the Government, that will not be the correct procedure. I have promisee. in the morning that I will get the report from the Madhya Pradesh Government. And on that basis, I will be able to clarify the positior. (Interruptions)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): The Home Minister and the Leader of the House has given you a word that he will bring all the facts to the House. So, there is... (Interruptions) So, there is no scope.to make any statement now.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): मंत्री महोदय, यह (व्यवधान) . . . नहीं . . . **(व्यवधार)**

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): There is no scope for argument on this.

श्री जगदीश प्रसाद माणुर : यह गृह संती की एक राजनैतिक चाल है। .. . अपि (ब्यवधान).... वह हमारा स्टेटभेंट नहीं सुनानः चाहते.... (व्यवधान)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): At this moment, there is no scope to permit you to speak in this way... (Interruptions)

श्री जगदीश प्रसाद साथुर: आद हमारा मुह बंद भत करिए :... (व्यवधान)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly do not re cord. (Interruptions) Nothing is going on record. If you want to shout, you can shout. Nothing is going on record.

श्री जनदोश प्रसाद साथ्र : ** भी भुग्रेन्द्रजीत सिंह ग्रहलुवालिया ः

THE VICE-CHAIRMAN (DR. NA GEN SAIKIA): Nothing is going, on record... (Inerruptions)

श्री जगदीश प्रसाद माथुर :

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly sit down. Please don't enter into arguments. I have already said that Members should not enter into any personal arguments. Nothing is going on record

श्री लग्दीश प्रसद साधर: **

श्री लक्खीराम प्रग्रवाल :

भी मुरेन्द्रजीतींतह ग्रहतुवालिया :*

श्री त्रगबीस प्रसाद माथुर: *

श्रील ≀दीराम श्र∉वाल : * श्री श्रनन्तराय देवशंकर ६वे : '

श्री तिकृष्दर बस्तत (मध्य प्रदेश) :
माथुर साहब एक मिनिट स्किए...
चलते हैं । मैं खाली यह कहने जा रहा
हूं, सदर साहब मैं यह कहना चाहता हूं,
मैं सिफ यह अर्ज करना चाहता हूं, मैं
होम मिनिस्टर साहब के नोटिस में यह
ले आया हूं कि चीफ मिनिस्टर साहब
मध्यप्रदेश से बातचीत हो चुकी है और
प्रांज जी इतने क्यामत के शोर के साथ
ये इल्जाम लगाया गया मध्य प्रदेश की
गवनमैंट पर, यह बिल्कुल... (व्यवधान)

श्री जगवीस प्रताद माधुर : *

श्री विठ्ठलराव माधवराव जाधव : *

श्री सिकन्दर बक्त : मुझे अर्ज करना है कि वह बिल्कुल बेबुनियाद है । मारेजद सौ फीसदी महफूब है । मैं यह बाहता हूं कि मिर कद सौ फींसदी महफूज है मस्जिद की एक ईट को भी नुकसान नहीं हुआ है ।

श्रीलुरेस्ट सिंह ठाकुर (मध्य प्रदेश): य गलत कह रहे है।

श्री तिक दर बस्त : अब ये शब्द का मैं इस्तेमाल नहीं कर सकता हूं, लेकिन मैं कहना चाहता हूं कि जितना शोर आज सुबह बताया गया था, वह सौ फीसदी मलत-बयानी पर मबनी है और इस किस्म का उधम मचाकर पालिटिकल मायलेज निकालने की कीशिश करना गलत है। अगर होम मिनिस्टर साहब ने यह करा है कि हमें यह बोजने का हक नहीं है तो हमारे साथ सखतरीन नाइंसाफी की है।

SHRI S. B. CHAVAN: I have already submitted to the Vice-Chairman saying that if any personal allegation is made against any hon. Member, he has got every right to give

his personal explanation... (*Interruptions*)...

श्री सिकन्दर बस्तः भाषका फरमाना क्या है ?

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly sit down. Home Minister has already made a statement. He is going to make some other piints also. Let us hear him... (Interruptions)

SHRI S. B. CHAVAN: I am repeating; please try to understand... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, Mr. Mathur is making a serious allegation against the Home Minister, the Leader of the House. How dare he say that there is a conspiracy with the Members? Sir, it is an allegation against the Home Minister... (Interruptions).

SHRI S. S. AHLUWALIA: Kindly tell him to withdraw his words. What is he saying? (Interruptions).

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Everybody, please listen to me. (Interruptions) When something, Mr. Mathur said you stood up and started... (Interruptions)Kumari Sayeed a Khatun, please sit down. Nothing is record. (Interruptions) going on (Interruptions) ease listen to me. Mrs. Jayanthi Natarajan, kindly list en to me. (Interruptions)

SHRI V. NARAYANASAMY (Pondicherry): Sir, a highly deplorable remark has been made. He has used that word. (*Interruptions*) How can he make a false allegation against the Home Minister? (*Interruptions*)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): No personal argument if going on record.

SHRIMATI JAYANTHI NATARAJAN: Mr. Vice-Chairman, Sir, I am on a point of order. (Interruptions)

^{*}Not recorded.

from the record. It is not

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THE VICE-CHAIRMAN (DR. NA-GBN SAIKIA): Mrs. Jayanthi Natarajan, kindly listen to me. I will permit you. I will give you time. (Interruptions) When Mr. Mathur said something, immediately, 10—12 Members stood up and began shouting. How could I make out what he was speaking? I shall have to go through the record. If I find that there is something wrong, it will be expunged from the record. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Sir, let me make my point of order. It is not a question of expunging. It is a question of the dignity of the House. We are talking about the Leader of the House. He is also the Home Minister. He is the Leader of the entire House. Therefore, merely expunging the remark will not serve the purpose. The hon. Member must apologise. Mr. Mathur is a senior Member. (Interruptions)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Mrs. Jayanthi Natarajan, I have followed.

SHRIMATI JAYANTHI NATARAJAN: He must apologise.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): When he said something, tentwelve Members stood up from this side. I could not make out what you were speaking.

SHRI V. NARAYANASAMY: He must repent for this.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): I shall have to go through the record. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Sir, I have not completed my point of order. I say with all the responsibility. I heard Mr. Mathur say this. In fact, when we brought it up, he did not deny it. He reiterated it. He said 'I say it again'. Mr. Mathur must apologise. (Interruptions) It is not a question of your

expunging it from the record. It is not enough.

AN HON. MEMBER: What did he say?

SHRIMATI JAYANTHI NATARAJAN: He said that the Leader of the House is in conspiracy with some Members. This is objectionable. It is on record. It is not enough that you expunge it from the record. He must come and apologise to the House (Interruptions)

SHRI MOHAMMED AFZAL alias MEEM AFZAL (Uttar Pradesh): Sir, I fully support Mrs. Jayanthi Natarajan. It is a very relevant point. He must apologise. (Interruptions) The Home Minister is the Leader of the House. (Interruptions)

SHRI SURENDRA SINGH THAKUR: Sir, Mr. Mathur should come and apologise. (Interruptions)

SHRI V. NARAYANASAMY: Kindly take the sense of the House. The hon. Member must repent for what he has said. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Sir, give your ruling on my point of order.

PROF. CHANDRESH P. THAKUR (Bihar): Mr. Vice-Chairman, Sir, may I say something? He is the Leader of the House. Regardless... (Interruptions)

श्री सुरेश प्वौरी (मध्य प्रदेश) : महोदय, इस विषय में ग्राप रूलिंग दें (व्यवधान)

मोलाना श्रीबंदुत्ला खान ग्राजमी (उत्तर प्रदेश): सर, हाऊस के लीडर के खिलाफ जो बात भी कही गई हैं, उसकी रिकार्ड से भी निकाला जाम और उसकी गरिमा बनाई जाय । साथ ही साथ मैं यह ग्रज करना चाहता हूं कि हाऊस की तमाम पार्टी से एक-एक मेम्बर लेकर

Article 117A)

[श्री मौलाना अध्वैदल्ला खान आजमी] इस मसले की छानबीन के लिए उस मुकाम पर भेज दिया जाए ताक सही रिगोर्ट यहां ग्रा जाय कि मामला क्या है। ...(व्यवधान)...

†[مولانا عهيدالله خان أعظمى (اتر پردیش): سر هاؤس کے خلاف جو بات کہی گئی ہے اسکو ریکارڈ سے بهی نکاۂ جائے اور اسکی گریما بنائی جائے - ساتھ ھی سانہ میں یہ عرض کوڑا چاھتا ھوں کہ ھاؤ*س* کی تمام یارٹی سے ایک ایک اس مسئلہ کی چہاں بین صحيتم رپورٿ يهان آ معامله دیا هے ... (مداخات) ...

SHRIMATI JAYANTHI NATARAJAN: Instead of apologising, he ran away. (.Interruptions)

DR. Z. A. AHMAD (Uttar Pradesh): Mr. Vice-Chairman, Sir, he should apologise (Interruptions)

VITHALRAO **MADHAVRAO** SHRI JADHAV (Maharashtra): Sir, the hon. Member has made a false allegation. (Interruptions) The hon Home Minister has clearly said that if any personal allegation is there, he will investigate the matter. This is nothing objectionable.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): It is on record. You need not repeat it. (Interruptions)

PROF. CHANDRESH P. THAKUR: Sir, may I say something? (Interruptions)

SHRI VITHALRAO MADHAVRAO JADHAV: The hon. Member must come and apologise to the House. (Interruptions)

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): He should apologise. Or, he should substantiate it. (Interruptions)

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PROF. CHANDRESH P.THAKUR: Mr. Vice-Chairman, Sir, it is not a question of who said what. I am on a limited question. How do we protect the prestige and Stature of the Leader of the House? How do we protect him against the unwholesome charge that the Leader of the House is in conspiracy with a set of Members of the House? Both these things are reprehensible. One is, any derogatory remark made against the Leader of the House, as an institution. And an insinuation that an institution of the Leader of the House could stoop so low to indulge into a conspiracy with a set of Member is reprehensible. It is beyond the dignity of the House and on this you should give a ruling so that no such incident is allowed to get repeated and whatever has happened should be condemned.

SHRI V. NARAYANASAMY: He should apologise.

DR. Z. A. AHMAD: The manner in which he has denounced the Leader of the House, I think, very serious note should be taken of

SHRI DIPEN GHOSH (West Bengal): Mrs. Javanthi Natarajan is an hon. Member of this House. She is also one of the panel Members of the House and she has raised this point that Mr. Mathur has indulged in making such a remark which should not have been made because it is reprehensible inasmuch as he has stated that the Leader of the House is in conspiracy with a section of Members.

DR. Z. A. AHMAD: He has said many other things.

SHRI DIPEN GHOSH: He is not a leader of the party, he is Leader of all of us- So, obviously, a Member indulging and making such a remark

^{† []} Transliteration in Arabic script.

should be either made to apologise or punished by the House if he refuses to apologise. Now, what is happening? They have walked out. The House is in session. It will be in session for some hours more. I hope they will be coming back. In the meantime, you check up the record. If the point made by Mrs. Natarajan is found to be correct, it should be brought to his notice and he should be asked to apologise. Otherwise, he should be called to withdraw from the House with the consensus of the House.

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SHRI SHANKAR DAYAL SINGH: (Bihar): We should also be allowed to make one point.

उपसभाध्यक्ष जी, जैसः कि ग्रभी श्रीमती जयन्ती नटराजन ने, प्रोफंसर ठाकर ने धरीर शीपेन घोष जी ने कहा है, हम लोग भी इस बात को बहुत आवश्यक समझते हैं कि सदन की मर्यादः के लिए नेतः की गरिम के लिए ग्रीर सदन यह ग्रावण्यक है कि इस तरह की बत अगर कोई भी सदस्य और किसी भी दल का सदस्य शगर इस तरह की बात कहता हो तो इसे हम सदन की अवसःननः और जनतंत्र पर धब्बः मानते हैं। इसलिए अध्यक्ते मध्यम से हम जो कुछ भी कहा गया हो, उसके लिए यह ग्रा**व**ण्यक समझते हैं कि एक तो उसे सदन की कार्रवाई से निकला जाए... (श्यवधान) · · ·

श्री सुरेद्रजीत तिह ग्रहलुवालिया : नहीं । . . (स्वथधान) \cdots

श्री शंकर दयाल सिंह : मेरी बात तो सून लीजिए ।...(व्यवधान) • • • झौर ेजन्होंने इस बःत को कहा है, मैं यह जरूरी समझतः हं कि उनको इस बात के लिए माफी मांगनी चाहिए तभी सदम की गरिमा बचेगी । हम लोग जितने यहां पर उपस्थित हैं, हम इसके हैं। केवल सदन के नेता का ही सब ल नहीं है बस्कि वैंसे भी चव्हाण सहब की हम प्रतिष्ठा करते हैं भीर हम जानते हैं कि चव्हाण सहब जो भी बातें कहते हैं, बड़ी गंभीरता के साथ धौर बड़े उत्तरद।यित्व के साथ कहते हैं ।

श्री मोहम्मद प्रकल्ल उर्फ अरफजल : सर, एक बात...

†[شری محمد افضل عرف م- افضل :

THE VICE CHAIRMAN (DR. NA-GEN SAIKIA): What new points art you going to make?

श्री मोहम्मद ग्रफजल उर्फ **ग्रफकल**ं: सर, एक बल्त मैं कहना च।हता है कि हमारे लीडर ने कहा कि इसको एक्सपंज किया जाए, मैं इत्तेफाक नहीं करता धौर इसकी देतः हं कि पहले भी भारतीय पार्टी के मैम्बर्स की तरफ से इस के रिमःक्सं हुए हैं ब्रौर उन्हें एक्सपंज करने के लिए कहा गया। मैं यह कहता हं कि जो वे लोग यहां कहते हैं उसको रिकार्ड में जाना चाहिए और ब्राटाम को पता लगना चाहिए कि प्राप हजरात का एटीट्युड इस धानरेवल हाऊस के ब्रोधर लीडर ग्र**ंफ दि हाऊस के तई** जब यह हो सकता है तो मुल्की ग्रावाम के शई क्या रहता होगा ? श्रावसे कहंगा धौर शकर दयाल सिंह जी से माजरत के साथ कहंगा कि इसको व कई रिकार्ड से एक्सपंज नहीं किया जाना चाहिए और उनको धहा बुलवाकर भाफी मगवानी चाहिए और अगर वे मःफी नहीं मांगते तो श्राप छोड़ते हैं कि ऐसे किसी **मेम्बर को**, लीडर की नहीं एक मैम्बर की से भी उनको यह हक नहीं पहुंचता कि वें किसी के खिलाफ ऐसी बात कहें। ्र (ब्यवघान) · · ·

^{† []} Transliteration in Arabic Script.

भी मोहन्मक सलीलुए रहनान (झान्झ प्रदेश : दाइस चेवरमैन साहब, मैं एक मिनट ल्पा।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): You need not make a speech. (Interruptions). All the points have been covered. What points are you going to add?

श्री मोहस्मद खलीलुर रहमान : मैं एक ही मिनट में खत्म करता हू, महोदय। लीडर ग्राफ दी हाऊस के ताल्लुक मि० जगदीश प्रसाद माध्र का जो रिमार्क रहा है वह इंतहाई बदबस्ताना रिमार्क है भौर मैं समझता हूं कि जहां तक हमारे इस ग्रांगस्ट हाऊस के प्रेस्टेज का जो सवाल है, यानी मि० माथुर को उनके रिमार्क पर पूरी-पूरी सजा मिलनी चाहिए । अब सवाल यह पैदा होता है, या तो उनको बलाकर चाहे माफी मंगवायें, अगर वह भाफी चाहने के लिये तैयार नहीं हैं तो उनको कोई पनिशमेंट देनी चाहिये।

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एक सम्मानित सदस्य : पनिश्रमेंट जरूर देनी चाहिए।

THE VICE-CHAIRMAN NAGEN SAIKIA): Honourable Mem bers, I have already stated that I immediately check up the re cord and And out the words he has used.

SHRIMATI JAYANTHI NATARAJAN: During the day.

THE VICE-CHAIRMAN NAGEN SAIKIA): It is very unfortunate that one Member made such comments against the Leader of the House. He is not the Home Minister only but he is the Leader of the House also. The Member is not present here. Let him come back. So, we will take up the matter later on.

We shall now take up the The Government of National Capital Territory of Delhi Bill, 1991. The motion for consideration has already been moved. Shri Mohammed Afzal.

THE GOVERNMENT OF NATIONAL TERRITORY OF DELHI BILL, Mil — Contd.

थी मोहम्मर प्रकाल उर्फ मीम प्रकाल (उत्तर प्रदेश): मोहतरम, बाईस चेयरमैन साहब, दिल्ली असेंबली लाने के सिससिले में जो बिल यहां पेश किया गया है, मैं उसे खुतामवीद केंद्र्ता हूं। दो मायरों ने इस सिलसिले में दो मिसरे कहे हैं, जो कि चव्हाण साहब की नजर करना चाहता है:

"बद्धत देर की मेहरवां झाते-झाले. . . . (स्यवधान) . . .

تشري محد افشنل عرصنم رافعنل الحترم

सम्भागित सबस्य : आ गये-आ गर्वे, बी. जे. पी. कें सदस्य । . . . (व्यवधान)

भी लश्बरिशम प्रयोगाल (मध्य प्रदेश) हाउक्त भाषकी जरमीर है क्यों, ची नहीं ब्रार्थिने ? ... (ज्यक्षधान)

भीमती सुक्या स्वराज (हरियाणा). भाग लोग भी व्यक्तमानद करते हैं। स्व आप आते हों या नहीं भाते हो; ती फिर कोई नवीं बात है क्या ? . . . (ब्बब्धीय)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Mohammed Afzal, carry on... (Interruptions)...

भी मोहन्तर शफनन उर्फ मीम घन्हेवल : सर, एक्सचेंजेज बंद हो जाये तो मैं शुरू कर्क ।

VICE-CHAIRMAN (DR. NAGEN SAJKIA): Yes, please goon.

भी मेश्रहमाद अपन्यात उर्फ मीन शहरात : सर, मैं यह बहुना चातुंगा कि विल्ली के बारे में एक कहावस है कि वह तात बार उज़ड़ी भौर सात बास बसी। अफ़सोस की बात यह

^{†[]} Transliteration in Arabic Script.